CITY OF WILDER MUNICIPAL CODE
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Title 1, Chapter 1
OFFICIAL CITY CODE

1-1-1: TITLE:
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1-1-1: TITLE:

Upon adoption by the city council, this code is hereby declared to be and shall hereafter constitute the official city code of Wilder. This code of ordinances shall be known and cited as the WILDER CITY CODE, and it is hereby published by authority of the city council and shall be kept up to date as provided in section 1-1-3 of this chapter under the direction of the city clerk, acting for said city council. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal document. (1986 Code)

1-1-2: ACCEPTANCE:

This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (1986 Code)

1-1-3: AMENDMENTS:

Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code. (1986 Code)

1-1-4: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the city council. The clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk. Any person having in his custody an official copy of this code shall make every effort to maintain this code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the city clerk. Said code books, while in actual

possession of officials and other interested persons, shall be and remain the property of the city and shall be returned to the office of the clerk when directed so to do by order of the city council. (1986 Code)

Title 1, Chapter 2
SAVING CLAUSE

1-2-1: REPEAL OF GENERAL ORDINANCES:
1-2-2: PUBLIC UTILITY ORDINANCES:
1-2-3: COURT PROCEEDINGS:
1-2-4: SEVERABILITY CLAUSE:

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the city passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city; and all special ordinances. (1986 Code)

1-2-2: PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be replaced by virtue of the preceding section, excepting as this code may contain provisions for such matters, in which case this code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1986 Code)

1-2-3: COURT PROCEEDINGS:

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this code. (1986 Code)

1-2-4: SEVERABILITY CLAUSE:
If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1986 Code)

Title 1, Chapter 3
DEFINITIONS

1-3-1: CONSTRUCTION OF WORDS:
1-3-2: DEFINITIONS:
1-3-3: CATCHLINES:

1-3-1: CONSTRUCTION OF WORDS:

Whenever any word in any section of this code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

The word "ordinance" contained in the ordinances of the city has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the city's ordinances is not meant to amend the passage and effective dates of such original ordinances. (1986 Code)

1-3-2: DEFINITIONS:

Whenever the following words or terms are used in this code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another.

CODE: The city code of Wilder, Idaho, and amendments thereto.

COUNCIL: Unless otherwise indicated, the city council of the city of Wilder, Idaho.

COUNTY: The county of Canyon, state of Idaho.

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

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

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

MISDEMEANOR: Any offense not defined as a felony or infraction under state law.

NUISANCE: Anything offensive or obnoxious to the health and welfare of the inhabitants of the city; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

OCCUPANT: As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

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

OPERATOR: The person who is in charge of any occupation, business or profession.

OWNER: As applied to a building or land, this term shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right of interest therein.

RETAILER: Unless otherwise specifically defined, this term shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

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

STATE: The state of Idaho.

STREET: This term shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

TENANT: As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

VOTING PRECINCT: The area within the boundary of the city of Wilder shall be one voting precinct with all councilmen being elected at large.

WHOLESALER AND WHOLESALE DEALER: Unless otherwise specifically defined, such terms shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: These terms may include 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 case he is unable to write, by his proper mark. (Ord. 181, 9-12-1967, amended; 1986 Code)

1-3-3: CATCHLINES:
The catchlines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1986 Code)

Title 1, Chapter 4
GENERAL PENALTY

1-4-1: MISDEMEANOR PENALTY
1-4-2: INFRACTION PENALTY
1-4-3: FAILURE TO OBEY CITATION FOR MISDEMEANOR OR INFRACTION

1-4-1: MISDEMEANOR PENALTY

A. Violations Declared Misdemeanor: The violation of any ordinance of the City, or any section of this Code, is hereby declared to constitute a misdemeanor and punishable as such, unless otherwise provided.

B. Penalty For Misdemeanor Violation: Except in cases where a different punishment is prescribed by ordinance, every public offense and every unlawful act declared by ordinance to be a misdemeanor is punishable by a fine not exceeding one thousand dollars ($1,000.00) or imprisonment in the County Jail not exceeding six (6) months, or by both such fine and imprisonment.

1-4-2: INFRACTION PENALTY

A. Fine Specified: Except in cases where a different punishment is prescribed by ordinance, every public offense and every unlawful act declared by ordinance to be an infraction is punishable by a fine not exceeding one hundred dollars ($100.00), plus court costs and fees.

B. Failure to Appear on Citation or Summons: If the defendant fails to appear before the Clerk at or before the time stated in an infraction citation or summons, the court shall enter default judgment against the defendant for the infraction as provided by law without giving further notice to the defendant.

C. Failure to Appear after First Appearance: If a defendant fails to appear at the time fixed by a trial date notice or continuance notice served on the defendant as provided by law, the court shall enter default judgment against the defendant for the infraction without giving further notice to the defendant.

D. Notice of Default Judgment: If a default judgment is entered against a defendant for an infraction pursuant to law, the Clerk shall mail a notice of judgment to the defendant at the address stated in the citation advising the defendant that the defendant must pay the judgment by a date certain which shall not be less than fourteen (14) days after the date of the notice. For a traffic infraction, notice shall state that failure to pay the judgment will result in suspension of his driver's license, in accordance with Idaho Code section 49-1505.

1-4-3: FAILURE TO OBEY CITATION FOR MISDEMEANOR OR INFRACTION

A. Unlawful: It shall be unlawful for any person to fail to appear in court at the time promised on a misdemeanor or infraction citation, or to fail to appear at the time indicated on a misdemeanor or infraction citation served upon the defendant or to fail to appear at the time indicated on a misdemeanor or infraction summons served upon the defendant, regardless of the disposition of the charge upon which such citation or summons was originally issued.

B. Appearance by Counsel: The duty to appear in court at the time indicated in a misdemeanor or infraction citation or a summons may be complied with by an appearance by counsel in the manner prescribed by rule of the Supreme Court.

C. Misdemeanor: Violation of the provisions of this section shall be a misdemeanor.

(Ord. 623, 9-10-2019, amended; Ord. 201, 12-8-1980, amended; Ord. 201, 12-5-1970, amended; 1986 Code)

Title 1, Chapter 5
MAYOR AND CITY COUNCIL

1-5-1: CITY COUNCIL MEETINGS:

1-5-1: CITY COUNCIL MEETINGS:

A. Regular Meetings: Regular meetings of the city council shall be held on the second Tuesday of each month in the council room of the city hall at Wilder, Idaho, at six o'clock (6:00) P.M.

B. Special Meetings: One-half (1/2) 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 city clerk.

C. Quorum: At all meetings of the city council, a majority of the full council shall constitute a quorum for the transaction of business and, unless otherwise provided by law, a question before the council shall be decided by a majority of the members present.

D. Compel Attendance: For the purpose of holding regular or special meetings, a number less than a majority of the city council may compel the attendance of absent members in such a manner and under such penalties as the city council may, by ordinance, have previously prescribed.

E. Meeting Location Limitation: 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.

1-5-2: CONVENING MEETINGS OF THE MAYOR AND CITY COUNCIL:

A. Definitions

AUTHORIZED STAFF:	means and refers to the Mayor, Mayor's designees, Council member, Clerk, Treasurer, Public Works Director, Chief of Police, City Engineer, City Attorney and Auditor
STAFFING MEETING INFORMATION:	means and refers to written communication, documents, photographs, drawings or any similar communication or materials provided by Authorized Staff to the City Council containing information relevant to meetings of the Council.

B. Findings/Purpose

1. The City Council by the authority of Idaho Code § 50-301 may exercise all powers and perform all functions of local self-government in city affairs as are not specifically prohibited by or in conflict with the general laws or the constitution of the state of Idaho;

2. The Council seeks to establish a policy which defines the convening of a meeting of the Mayor and Council;

3. Staff Meeting Information is provided in the ordinary and special course of business of the Mayor and Council;

4. It is necessary that Staff Meeting Information be provided to the Mayor and Council by Authorized Staff in advance of regular and special meetings to enable the Mayor and Council to prepare for the same;

5. Technology enables the transmittal of Staffing Meeting Information electronically; and

6. The Mayor and Council seek to formalize the process by which it is provided with and responds to Staffing Meeting Information.

C. City Council meetings are convened in accordance with the following:

1. Regular Council meetings as established by the City Council by ordinance;

2. Special meetings as called by previous action of the Council in an open meeting or by the call of the Mayor or the President of the Council in the absence of the Mayor in accordance with the provisions of Idaho Code Section 50-604 or ½ plus one of the full council;

3. An agenda has been prepared, timely posted, and all members of the Council have been provided with notice not less than 24 hours in advance of a special meeting and 48 hours in advance of a regular meeting, unless it is an emergency meeting under the Open Meeting Law;

4. There is a quorum [a majority of the full council shall constitutes a quorum] of the Council present at the scheduled time for the commencement of the meeting; and

5. The meeting is called to order by the Mayor or the President of the Council in the absence of the Mayor, and there is a clerk of the meeting taking minutes of the meeting.

D. Authorized Staffing Meeting Information

1. Authorized Staff may provide Staffing Meeting Information relevant to Council meeting agenda items and for other relevant purposes of ongoing City business and planning.

2. Staffing Meeting Information provided may be in hard copy or in electronic format.

3. It is the responsibility of the Authorized Staff providing Staffing Meeting Information to maintain the record of the date, time and method of providing the same to the Mayor and Council.

4. Electronic replies to Authorized Staff by each individual Council person and the Mayor shall be directly to the staff member providing the Staffing Meeting Information and to any other staff member as may be needed.

5. The Clerk is responsible for the assembly of and the service of Council Packet Staffing Meeting Information, which may be provided electronically in one e-mail to the Mayor and Council when authorized by the Mayor and the Council. The Mayor and the Council responses shall be directly only to the Clerk.

(Ord. 594, Amended, 4-9-2013; Ord. 558, Amended, 6-9-2009; Ord. 515, Amended, 6-12-2007; 1986 Code)

Title 1, Chapter 6
OFFICERS AND EMPLOYEES

1-6-1: CITY CLERK:
1-6-1-1: POWERS AND DUTIES:
1-6-1-2: SERVE AS GENERAL ACCOUNTANT:
1-6-1-3: ACCOUNTS AND RECORDS:
1-6-1-4: PURCHASES BY:
1-6-1-5: COPIES OF CITY RECORDS:
1-6-2: CITY TREASURER:
1-6-3: CITY ATTORNEY:
1-6-4: SALARIES:
1-6-5: BOND, CITY CLERK-TREASURER:
1-6-6: CITY ENGINEER:
1-6-7: APPOINTED OFFICER CONFIRMATION OR REMOVAL

1-6-1: CITY CLERK:

A. Appointment: The mayor, with the consent of the city council, shall appoint a city.

1-6-1-01: POWERS AND DUTIES:

In addition to the powers and duties provided by the statutes of the state1, the city clerk shall have the following additional powers and duties:

A. To keep the corporate seal and affix it to all instruments and papers which by law or by ordinance are required to be attested by the city clerk.

B. To have the custody and safely keep all public papers, records, documents, ordinances and orders of the council and such other papers and documents in which the city is interested as may be delivered to the clerk's custody for safekeeping.

C. To attend the meetings of the city council, keep the minutes of all its proceedings and record the same in a book to be provided by the council and keep the same in the clerk's possession.

D. At the close of each fiscal year, and as often as required by the council, the clerk shall prepare and submit to the council a complete statement of all receipts and expenditures and all the financial affairs of the city during such year, and cause the same to be published in the official newspaper of the city.

E. When any monies are to be paid to the city, the clerk shall certify such to the city treasurer and the treasurer shall receive no monies except on

certificate of the clerk. The certificate shall state the source from which said monies are received and shall apportion said monies received to the proper funds.

F. To perform such other duties as may from time to time be assigned, either by ordinance or resolution of the city council.

1-6-1-02: SERVE AS GENERAL ACCOUNTANT:
The city clerk shall be the general accountant of the city and shall be constantly acquainted with the city treasury and each demand thereon, and shall furnish to the city council any desired information as to the condition of the treasury or any fund thereof, whenever requested so to do by such city council, or any committee or member thereof.

1-6-1-03: ACCOUNTS AND RECORDS:
The city clerk shall keep, according to the established system of bookkeeping, all accounts between the city and its officers and other persons. The city clerk shall keep an official record of all demands on the treasury, audited and allowed, showing the number, date, amount, name of original holder, on what account allowed and out of what fund payable.

1-6-1-04: PURCHASES BY:
The city clerk shall buy all on account, stationery, receipts, books, etc., that shall be necessary for the city council or its officers whenever so ordered to do so by the council.

1-6-1-05: COPIES OF CITY RECORDS:
Upon such demands and payment of such fees as the county recorder might receive for similar services, the clerk shall furnish to any person applying therefore a copy of any record, paper or document of any kind in the clerk's possession, which copies shall be certified under the clerk's hand and seal of office. All such fees shall be accounted for and paid to the treasurer in the same manner as other receipts of the clerk are paid and accounted for.

1-6-2: CITY TREASURER:

A. Appointment: The mayor, with the consent of the city council, shall appoint a city treasurer.

B. City Funds: The city treasurer shall be the custodian of all the money belonging to the city, unless otherwise provided by ordinance. The treasurer shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. The treasurer shall give to every person paying money into the treasury a receipt therefore specifying the date of payment and on what account paid and file copies of such receipts with his monthly reports. The treasurer shall, at the end of each month and as often as may be required, render an account to the city council, under oath, showing the state of the treasury at the date of such account, and the

balance of money in the treasury. The treasurer shall also accompany all such accounts with a statement of receipts and disbursements, together with all warrants redeemed and paid by the treasurer. Such warrants, with any and all vouchers held by the treasurer, shall be filed with the treasurer's said account in the clerk's office, and if such treasurer neglects or fails, for ten (10) days from the end of each and every month, to render the treasurer's account, the office shall be declared vacant, and the city council shall fill the vacancy by appointment until the next election for city officers.

C. Record of Bonds: The treasurer shall keep a record of all outstanding bonds against the city showing the number, amount of each and to whom said bonds were issued; and when any bonds are purchased, paid or canceled, said record shall show the fact. In the treasurer's annual report, the treasurer shall describe particularly the bonds issued and sold during the year, and the terms of the sale with each and every item of expense thereon.

1-6-3: CITY ATTORNEY:

A. Appointment: The mayor, with the consent of the city council, shall appoint a city attorney at the first city council meeting in January for a term to end on the first city council meeting in January the year following the appointment, unless a shorter term is otherwise provided for in the order of appointment.

B. Duties: The city attorney shall be the legal advisor of the mayor and city council on all civil matters involving municipal interests and shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the city, or that may be ordered by the city council, and shall prosecute those violations of city ordinances, state traffic infractions, and state misdemeanors committed within the Wilder city limits. When requested, the city attorney shall attend the meetings of the city council and give his opinion on any matter submitted to him, either orally or in writing, as may be required.

1-6-4: SALARIES:

The following salaries are hereby established:

Officer or Employee	Salary	From What Fund Paid
City Council person	$1,500 .00 per year	General fund
President of the Council	$1,800 .00 per year	General fund
Mayor	$3,000 .00 per year	General fund

The salaries of all other city officers and/or employees shall be set from time to time by the city council in amounts as included in the annual appropriation ordinance.

1-6-5: BOND, CITY CLERK-TREASURER:
The city clerk-treasurer shall, before entering upon the duties of the office, execute a bond to the city in the amount of thirty five thousand dollars ($35,000.00) conditioned upon the faithful performance of the offices in the form and manner as is set forth in Idaho Code title 50, chapter 8.

1-6-6: CITY ENGINEER:

A. Appointment: The mayor, with the consent of the city council, shall appoint a city engineer at the first city council meeting in January for a term to end on the first city council meeting in January the year following the appointment, unless a shorter term is otherwise provided for in the order of appointment.

B. Duties: The city engineer, in addition to the duties otherwise prescribed in this code, specifically shall be the engineering advisor of the mayor and city council and shall provide engineering advice to the city on any matter submitted either orally or in writing, as may be required.

1-6-7: APPOINTED OFFICER CONFIRMATION OR REMOVAL:

A. If the Council shall refuse to confirm any nomination, the Mayor shall then within ten (10) days thereafter nominate another person to fill the office and he or she may continue to so nominate until his or her nominee is confirmed. If the Mayor fails to make another nomination for the same office within ten (10) days after the rejection of a nominee, the Council shall appoint a suitable person to fill the office. The affirmative vote of one-half (1/2) plus one of the full Council shall be required to confirm any nomination made by the Mayor.

B. Whenever a vacancy shall occur in an appointive office, the vacancy shall be filled by appointment in the same manner as the original appointment.

C. Any Appointive Officer may be removed by the Mayor for any cause deemed sufficient, but such removal shall be by and with the affirmative vote of one-half (1/2) plus one of the members of the full Council; provided that the Council, by the unanimous vote of all of its members, may upon their own initiative remove any appointive officer.

(Ord. 599, Amended, 2-11-2014; Ord. 562, Amended, 7-14-2009; Ord. 452, Amended, 11-14-2000; Ord. 451, Amended, 11-14-2000; Ord. 450, Amended, 11-14-2000; Ord. 363, Amended, 11-12-1991; Ord. 29, Amended, 6-6-1924; Ord. 5, Amended, 6-17-1919; 1986 Code)

Title 1, Chapter 7
CORPORATE SEAL, OFFICIAL NEWSPAPER AND CITY FLAG

1-7-1: CORPORATE SEAL:
1-7-2: OFFICIAL NEWSPAPER:
1-7-3: CITY FLAG

1-7-1: CORPORATE SEAL:
The corporate seal of the city shall be circular in form with inner and outer circles. The outer circle shall be one and seven-eighths inches (1 7/8") in diameter and the inner circle to be one and three-sixteenths inches (1 3/16") in diameter. It shall bear upon the space between the two (2) circles "City of Wilder, Canyon County, Idaho" and upon the space within the inner circle the words "Incorporated May 15, 1919".

1-7-2: OFFICIAL NEWSPAPER:
The city council does hereby designate, pursuant to Idaho Code section 50-213, the "Idaho Press Tribune", a newspaper published in Nampa, Idaho, whose address is 1618 N. Midland Blvd, Nampa, Idaho 83651, as the official newspaper of the city.

1-7-3: CITY FLAG:
A city flag for the City of Wilder is hereby adopted and shall be as follows:

(Amended, Ord. 620, 5/14/2019; Amended, Ord 618, 2/12/2019; Amended, Ord. 565, 10/12/2009; Enacted, Ord. 132, 11/13/1956)

Title 1, Chapter 8
ADMINISTRATIVE PROCEDURES

1-8-1: TITLE:
1-8-2: DEFINITIONS:
1-8-3: APPLICABILITY:
1-8-4: LICENSE PROCEDURE:
1-8-5: CONTESTED CASES; NOTICE, HEARING, RECORDS:
1-8-6: RULES OF EVIDENCE, OFFICIAL NOTICE:
1-8-7: EXAMINATION OF EVIDENCE BY AGENCY:
1-8-8: DECISIONS AND ORDERS:
1-8-9: EX PARTE CONSULTATIONS:
1-8-10: RETENTION OF RECORD:

1-8-1: TITLE:
This chapter shall be referred to and known as THE CITY OF WILDER ADMINISTRATIVE PROCEDURES ACT1. (Ord. 304, Amended, 9-11-1984)

1-8-2: DEFINITIONS:
As used in this chapter:

AGENCY: Each city board, commission, department or officer, including the council, authorized by law to make rules or to determine contested cases and quasi-judicial matters, except legislative matters.

CONTESTED CASE: A proceeding, including but not restricted to, licensing, in which the legal rights, duties or privileges of a party are required by law to be determined.

LICENSE: The whole or part of any permit, certificate, approval, registration, charter or similar form of permission required by law, but does not include a license required solely for revenue purposes.

LICENSING: The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

PARTY: Each person or agency named or admitted as a party, or properly seeking and entitled of right to be admitted as a party.

PERSON: Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

QUASI-JUDICIAL: The action of any agency in applying general laws, ordinances, rules or policies to specific persons and/or parties, interests or situations. (Ord. 304, 9-11-1984)

1-8-3: APPLICABILITY:
A. The provisions of this chapter shall apply to the procedures employed by an agency or the city council when that agency and/or the city council are acting in a quasi-judicial capacity.

B. When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing by ordinance or state statute, the provisions of this chapter apply, unless specifically in contravention to state statute; then the provisions of this chapter are specifically excepted by city ordinance. (Ord. 304, 9-11-1984)

1-8-4: LICENSE PROCEDURE:
A. No license shall be granted until there has been an investigation by the appropriate agency upon the application submitted. After the investigation, the application shall be forwarded to the appropriate board or city council with the recommendation from the agency. If the agency recommends that the application be denied, the agency shall state, in writing:

1. The statutes, ordinances and standards used in evaluating the application;
2. The reasons for the denial; and
3. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

B. When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

C. No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined. (Ord. 304, Amended, 9-11-1984)

1-8-5: CONTESTED CASES; NOTICE, HEARING, RECORDS:
A. In a contested case or in the case of a denial of an application, all parties shall be afforded an opportunity for a hearing after reasonable notice.

B. Notice:

1. The notice shall include:
    a. A statement of time, place and nature of hearing.

b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
c. A reference to the particular sections of the statutes and rules involved.
d. A short and plain statement of the matters asserted.

2. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

C. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

D. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent, order or default.

E. The record in a contested case shall include:

1. All pleadings, motions, intermediate rulings.
2. Evidence received or considered.
3. A statement of matters officially noticed.
4. Questions and offers of proof, objections, rulings thereon.
5. Proposed findings and exceptions.
6. Any decision, opinion or report by the officer presiding at the hearing.
7. All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

F. Any party may request, in writing, five (5) days before any hearing, in a contested case, that the oral proceedings thereof be taken in the form of stenographic notes at their own expense.

G. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. (Ord. 304, Amended, 9-11-1984)

1-8-6: RULES OF EVIDENCE, OFFICIAL NOTICE:

In contested cases:

A. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district court of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these

requirements, when a hearing will be expedited, and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

B. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

C. A party may conduct cross examinations required for a full and true disclosure of the facts.

D. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical and scientific facts within the agency's special knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. (Ord. 304, Amended, 9-11-1984)

1-8-7: EXAMINATION OF EVIDENCE BY AGENCY:
When in a contested case, a majority of the officials of the agency who are to render the final decision have not heard the case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral arguments to the officials who are to render the decision. The proposal for decision shall contain a statement of the reason therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties, by written stipulation, may waive compliance with this section. (Ord. 304, 9-11-1984)

1-8-8: DECISIONS AND ORDERS:
A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified, either personally or by mail, of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. (Ord. 304, Amended, 9-11-1984)

1-8-9: EX PARTE CONSULTATIONS:
Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor in connection with any issue of law, with any party or his representative, except upon notice and opportunity for

all parties to participate. An agency member may communicate with other members of the agency and may have the aid and advice of one or more personal assistants. (Ord. 304, Amended, 9-11-1984)

1-8-10: RETENTION OF RECORD:
In all contested cases where there has been a hearing, a transcribable, verbatim record of the proceedings shall be made and shall be kept for a period of not less than six (6) months after a final decision on the matter. Upon written request, and within the time period provided for retention of the record, any person and/or party may have the record transcribed at his or their expense. The city council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely, or as provided otherwise by law. (Ord. 304, Added, 9-11-1984)

Title 1, Chapter 9
ORDINANCES

1-9-1: FORM; PRESENTATION TO COUNCIL:
1-9-2: READING; VOTES:
1-9-3: PASSAGE:
1-9-4: EFFECTIVE DATE; PUBLICATION:
1-9-5: CLERK'S DUTIES:

1-9-1: FORM; PRESENTATION TO COUNCIL:
All ordinances of a general or permanent nature shall be written or printed and presented to the city council by a member at a regular or special meeting.

1-9-2: READING; VOTES:
Every such ordinance shall be read in meetings of the council on three (3) different days. At each reading of an ordinance, it shall be open to discussion and amendment, may be referred to a committee and shall be passed to the next reading unless, by a vote of the meeting, some other disposition is made. After the second reading, the ordinance shall be engrossed by the city clerk as amended. On final passage, the yeas and nays shall be called and recorded, and a concurrence of a majority of the whole number elected to the council shall be required; provided, that three-fourths (3/4) of the whole number of the council by yea and nay vote, recorded in the minutes, may dispense with the three (3) readings of the ordinance and pass the same at any meeting.

1-9-3: PASSAGE:
When any such ordinance is passed, it shall be signed by the city clerk and the date of its passage by the city council shall be added thereto. An ordinance shall be considered passed on the date that it is signed by the city clerk and approved by the council.

1-9-4: EFFECTIVE DATE; PUBLICATION:
All ordinances shall take effect and be enforced from and after their passage, approval and publication. Publication shall be made by the said ordinance being published in at least one issue of the official newspaper of the city; provided, that in cases of riot, infectious or contagious disease, or other impending danger, requiring immediate operation, such ordinance shall take effect upon the proclamation of the mayor, posted in at least five (5) public places in the city. (Ord.311, Amended, 10-8-1985)

1-9-5: CLERK'S DUTIES:
It shall be the duty of the clerk to safely keep the original ordinances as engrossed and to copy the same in a book provided for that purpose, and attach to each a certificate over the seal of the city, that the same is a true and correct copy of the original ordinance as passed. (Ord. 1, Added, 6-17-1919)

Title 1, Chapter 10
CLAIMS AGAINST CITY

1-10-1: PRESENTATION OF BILL OF PARTICULARS:
1-10-2: PAYMENT UPON ALLOWANCE OF CLAIMS:
1-10-3: CLERK'S DUTIES, RECORDS:
1-10-4: TREASURER'S DUTIES:

1-10-1: PRESENTATION OF BILL OF PARTICULARS:

Any person or persons who have claims or accounts against the city shall file the same with the city clerk at least one day prior to a regular meeting of the council. The claim or account shall be in the form of a bill of particulars stating each item in detail and for what and when the same accrued. When an account or claim on any item thereof has once been disallowed, in whole or in part, by the council, the same shall not be again presented to the council for allowance except by a unanimous vote of all the members. Every claim and account, when presented, shall contain all items of account and demands which the party claims against the city up to the time of filing the same. (Ord. 4, Amended, 6-17-1919;. 1986 Code)

1-10-2: PAYMENT UPON ALLOWANCE OF CLAIMS:

Upon allowance of claims by the council, payment may be ordered by warrant, signed by the mayor and clerk, or by check signed by the mayor and treasurer. The order for their payment shall specify the particular fund or appropriation out of which they are payable, as specified in the annual appropriation bill. In the absence of sufficient funds, the council may, by resolution, order payment of claims by money borrowed by either: a) registered warrants as provided in Idaho Code section 31-2125, or b) by issuing its tax anticipation notes as provided in Idaho Code section 63-3102, or c) short term borrowing not involved with tax effort in anticipation of approved federal or state grants. (Ord. 4, Amended, 6-17-1919; 1986 Code)

1-10-3: CLERK'S DUTIES, RECORDS:

The city clerk shall keep a register of all checks and/or warrants drawn upon the city treasury showing the number, date and amount of the warrant, the name of the payee and for what drawn, and upon the return of the cancelled check and/or warrant by the treasurer and their destruction by the clerk, it shall be noted in the register of the checks and/or warrants the date of their destruction. (Ord. 4, Added, 6-17-1919)

1-10-4: TREASURER'S DUTIES:

The treasurer shall keep a register of all warrants showing the number, date, and amount of the warrant, the name of the payee and for what drawn, the funds on which drawn, the date of presentation, the date of payment and the amount paid thereon. Should any warrant be presented to the treasurer for the payment of which there are not sufficient funds, he shall endorse on said warrant the words, "presented and not paid for want of funds", giving the date of presentation and sign such endorsement. All warrants shall be paid out of the appropriate fund in order of their presentation and registration by the

treasurer. All warrants shall be cancelled by the treasurer when paid by the treasurer and returned to the city council. (Ord. 4, Amended, 6-17-1919; 1986 Code)

Title 1, Chapter 11
AREA OF CITY IMPACT

1-11-1: TITLE:
1-11-2: REPEALER:
1-11-3: PURPOSE:
1-11-4: AREA OF CITY IMPACT MAP ADOPTED:
1-11-5: ANNEXATION, AREA OF IMPACT:

1-11-1: TITLE:
This chapter shall be known as the *WILDER AREA OF CITY IMPACT ORDINANCE*.

1-11-2: REPEALER:
All other ordinances or parts of ordinances, or parts of ordinances and resolutions in conflict herewith, are repealed upon the effective date of this chapter.

1-11-3: PURPOSE:

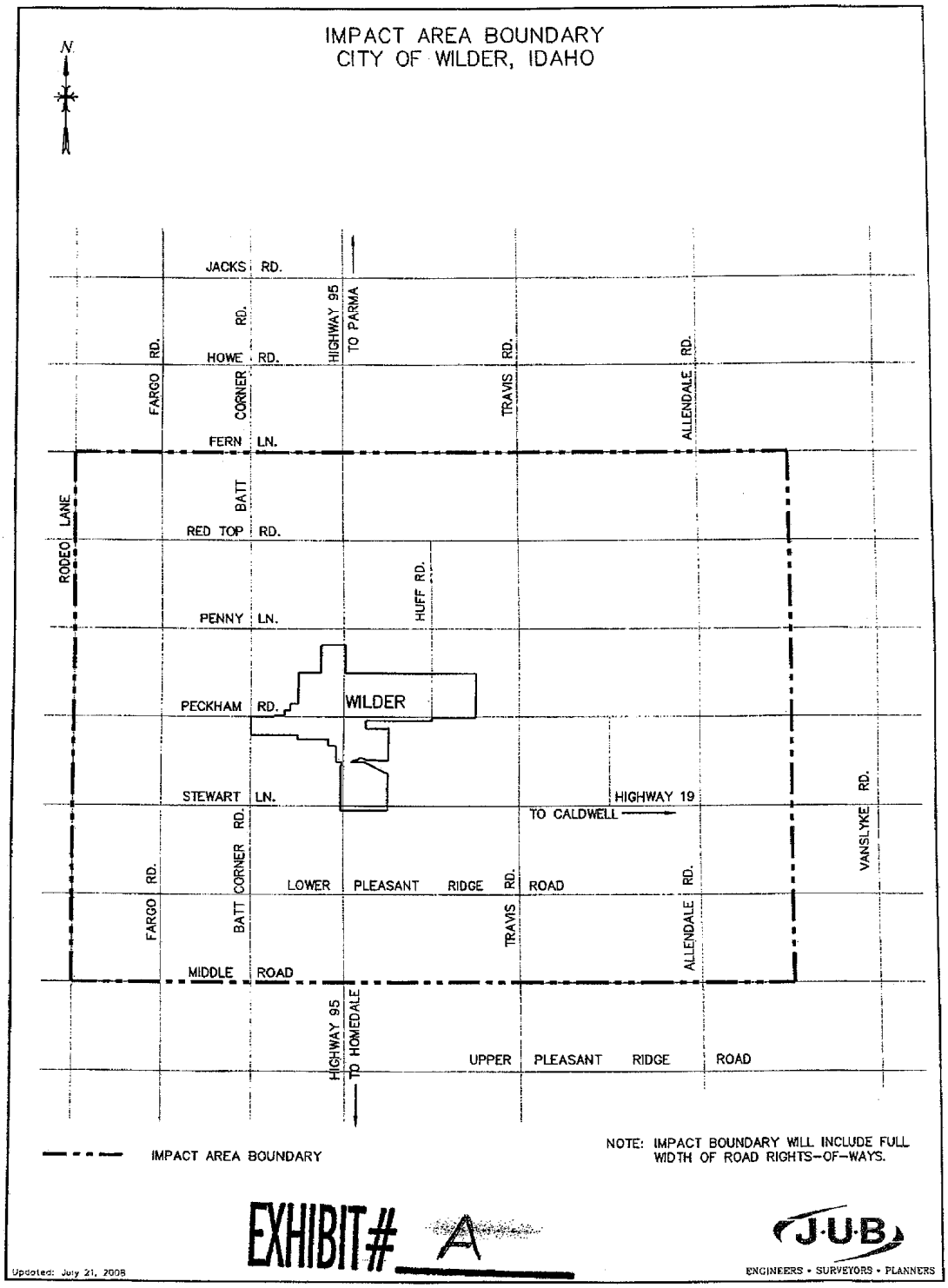
A. The Idaho legislature duly enacted Idaho Code subsection 67-6526(a) which provides that, by separate ordinance, Canyon County and city of Wilder shall provide for application of plans and ordinances for the area of city impact; and

B. The city of Wilder and Canyon County have adopted a map identifying the city of Wilder impact area within the unincorporated area of Canyon County by the adoption of ordinance 390 duly passed by the city of Wilder on October 11, 1994, and by ordinance 08-005, duly passed by Canyon County on April 16, 2008; and

C. Idaho Code subsection 67-6526(a) requires that the city of Wilder and Canyon County provide, by ordinance, for the application of plans and ordinances of the area of city impact of the city of Wilder within the unincorporated area of Canyon County; and

D. Canyon County, after negotiation with the city of Wilder, has enacted the Wilder area of city impact (plans and ordinances) ordinance codified at chapter 17 of title 9 of the Canyon County code which establishes the regulations for the Wilder area of city impact within the boundaries of Canyon County.

1-11-4: AREA OF CITY IMPACT MAP ADOPTED:
There is hereby adopted by the city council the following impact area boundary map of the city of Wilder, Idaho.



1-11-5: ANNEXATION, AREA OF IMPACT:

A. Annexation by the city of Wilder shall be limited to lands lying within the area of impact, unless the owner of the land requests the tract of land to be annexed by the city, and the land is contiguous to the boundaries of the city of Wilder.

B. Upon annexation, the provisions of this chapter shall no longer apply to the annexed area.

(Ord. 540, Added, 9-9-2008)

Title 1, Chapter 12
PUBLIC WORKS DEPARTMENT

1-12-1: TITLE:
1-12-2: DEPARTMENT CREATED:
1-12-3: PUBLIC WORKS DIRECTOR:
1-12-4: PUBLICLY OWNED TREATMENT WORKS (POTW):
1-12-5: WATER SYSTEM:
1-12-6: HIGHWAYS:
1-12-7: MUNICIPAL IRRIGATION SYSTEM:
1-12-8: DRAINAGE SYSTEM:
1-12-9: PARKS AND RECREATION:
1-12-10: CITY BUILDINGS AND GROUNDS:

1-12-1: TITLE:
This chapter shall be known as the PUBLIC WORKS DEPARTMENT ORDINANCE.

1-12-2: DEPARTMENT CREATED:
There is hereby created a public works department.

1-12-3: PUBLIC WORKS DIRECTOR:

A. Position Established: There shall be a public works director who may be either an employee of the city or hired as an independent contractor, as determined by the mayor and the city council.

B. Duties: The public works director shall supervise the public works department. In the carrying out of the powers, duties and responsibilities of the public works department, the director shall report to and coordinate with the public works commission.

1-12-4: PUBLICLY OWNED TREATMENT WORKS (POTW):

A. Enumerated: The public works department shall have the following powers, duties and responsibilities regarding the publicly owned treatment works, hereinafter referred to as POTW:

1. To recommend and carry out, as directed by the mayor and council, the city's construction, reconstruction, improving, bettering, extending, repair, rebuilding, connection to, and acceptance of its POTW, which includes all aspects of a "sewerage system" as defined by Idaho Code section 50-1029; and
2. To manage the POTW in the most efficient manner, consisting of sound economy and public advantage to the end that the service or that the POTW and the service for which it provides shall be at the lowest possible cost in conformance with state and federal law and requirements all in the promotion of the welfare and improvement

of the health, safety, comfort and convenience of the inhabitants of the city; and

3. To exercise the authority of the city to operate and maintain the POTW within and without the boundaries of the city or partially within or without the boundaries of the city or within any part of the city as especially authorized; and

4. To prescribe and collect rates, fees, tolls or charges, including levy of assessment for such rates, fees, tolls or charges as established by the city council against all users including governmental units, departments or agencies, including the state and its subdivisions, for the services and facilities furnished by such works or by the rehabilitation thereof and to provide methods for collection and penalties, including the denial of service for nonpayment of such rates, fees, tolls or charges, to the end that the same may be and always remain self-supporting.

B. Additional Powers:

1. Powers And Authority Of City Authorized Representatives: The department, through its authorized representatives, shall be permitted, at proper and reasonable hours of the day, to enter all properties, premises or buildings which are connected to the POTW for testing or for any other purpose necessary for the proper administration of the POTW in accordance with the provisions of title 7, chapter 1, article B of this code. Also, the city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, repair, maintenance and replacement of any appurtenances of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in a workmanlike manner.

2. Rules and Regulations: The public works director may make or prescribe such rules and regulations deemed advisable to implement this section. Such rules are to be in force after approval of the mayor and city council, by resolution. Said rules and regulations may cover all aspects of construction standards, sewer service charge adjustments, charges for sewer connection, classification of service, exemption from payment for sewer service, payment for service where building is not connected to the POTW.

1-12-5: WATER SYSTEM:

A. Enumerated: The public works department shall have the following powers, duties and responsibilities:

1. To carry out the city's responsibility for the repair, rebuilding, connection to and acceptance of the municipal "water system" as defined by Idaho Code section 50-1029 including the acquiring, constructing, reconstructing, improving, bettering or extending the said works, its management of such works in the most efficient manner, consisting of sound economy and public advantage to the end that the service or that the system and the service for which it provides shall be at the lowest possible cost in conformance with state and federal law and requirements all in the promotion of the welfare and improvement of the health, safety, comfort and convenience of the inhabitants of the city; and
2. To exercise the authority of the city to operate and maintain such works within and without the boundaries of the city or partially within or without the boundaries of the city or within any part of the city as especially authorized; and
3. To prescribe and collect rates, fees, tolls or charges, including levy of assessment for such rates, fees, tolls or charges as established by the city council against all users including governmental units, departments or agencies, including the state and its subdivisions, for the services and facilities furnished by such works or by the rehabilitation thereof and to provide methods for collection and penalties including the denial of service for nonpayment of such rates, fees, tolls or charges, to the end that the same may be and always remain self-supporting.

B. Additional Powers:
1. Powers And Authority of City Authorized Representatives: The department, through its authorized representatives, shall be permitted, at proper and reasonable hours of the day, to enter all properties, premises or buildings which are connected to the municipal water system for testing or for any other purpose necessary for the proper administration of the water system in accordance with the provisions of title 7, chapter 1, article A of this code. Also, the city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, repair, maintenance and replacement of any appurtenances of the water system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in a workmanlike manner.
2. Rules and Regulations: The public works director may make or prescribe, subject to approval by the city council, such rules and regulations deemed advisable to implement this section. Such rules are to be in force after approval of the mayor and city council, by resolution. Said rules and regulations may cover all aspects of construction standards, municipal water service charge

adjustments, charges for municipal water service connection, classification of service, exemption from payment for water service, payment for service where building is not connected to the water system.

1-12-6: HIGHWAYS:
The public works department shall have the following powers, duties and responsibilities:

A. To exercise the authority of the city to operate as a highway district under the provisions of Idaho Code section 40-1334 and any amendments and/or recodifications thereof and shall exercise the powers conferred and perform the duties imposed subject to the direction of the mayor and city council.

B. The public works director shall serve as the director of highways and shall have the same powers and perform the same duties imposed upon a county director of highways.

C. The public works department shall, through its director, recommend for passage proposed regulations to the city council for development standards relating to the length, grade and size of bridges, causeways and culverts; for the construction and maintenance of sewers, sidewalks, and crossings and grade construction and maintenance of highways, to provide and recommend for adoption by resolution standards for the construction of curbs on each side of the city highways and any connecting highways for which curbs and sidewalks have been prescribed by appropriate governing body and to prescribe such standards for curb cuts and ramps so that the same are constructed to allow reasonable access to crosswalks for physically handicapped persons; and

D. To exercise, subject to the direction of the mayor and city council the city's responsibility for the construction/reconstruction and maintenance of highways within the city's respective city system and to recommend to the city council any appropriate agreement with the Golden Gate highway district or the state for highway work or a portion of it for which the city must compensate the district or state fairly for any work performed upon the city's highway system; and

E. To perform any other responsibilities and powers given to the city as set forth in Idaho Code section 50-311 as it relates to the city's authority to create, open, widen or extend any street, avenue, alley or lane, subject to approval by the city council and to make written recommendations to the city council, upon request or upon appropriate petition, to annul, vacate or discontinue any street, avenue, alley or lane whenever it is deemed expedient for public good and to make recommendations to the city

council with regard to matters regarding the exercise of taking of private property for public purposes for streets and/or other rights of way;

F. To make recommendations to the city council for the regulation and prohibition of the loading, storage or transportation of any materials deemed hazardous;

G. To make recommendations to the city council with regard to any requests for the levy and collection of a special tax pursuant to Idaho Code section 50-312, or any amendments or recodifications thereof, for the purpose of laying out or to alter, open any street or alley, and improve, repair, light, grade, sprinkle, flush, gravel, oil, or drain the same and remove any and all obstructions there from;

H. The department shall have the responsibility to promulgate rules and regulations upon recommendation to and acceptance by resolution by the city council; and

I. To exercise the city's authority under Idaho Code section 50-312 and, subject to the direction of the mayor and city council and the ordinances of the city, carry out the authority of the city for the care, supervision and control of all of its public highways and bridges which have been accepted for maintenance and are under its supervision and control and shall cause them to be kept open and in repair and free from nuisance with the exception of those designated as part of the state highway system;

J. To further exercise the city's control and limits of traffic on streets, avenues and public places and regulate and control all encroachments upon all sidewalks, streets, avenues and alleys in said city highway system and remove obstructions from sidewalks, curbs, gutters and crosswalks at the expense of the persons placing them in the city's exercise of its authority thereunder and as allowed by Idaho law;

K. The department shall, together with the city clerk, ensure that the city keeps a book in which should be recorded separately all proceedings of the council relating to each highway in the city system, including orders of laying out, altering or opening highways and all matters appertaining to city highway systems;

L. The public works director shall, on or before November 1 of each year, make a report of the condition of the work, construction and maintenance of all highways within the city accompanied by a map or maps of them, together with any other effects necessary to establish generally the situation and condition of the highways within the city. This report shall be made in duplicate with one copy filed in the office of the board of transportation and one with the clerk of the city; and

M. The public works director shall, on or before November 1 of each year, cause to be prepared and filed in the office of the city, a true and correct statement of the financial condition of the city in respect to highways as it exists on the preceding October 1 and the city's expenditures and appropriations for highway purposes during the preceding year. A copy of said statement is to be published in at least one issue of the official newspaper of the city; and prepare and submit each year for approval, a tentative highway budget covering all proposed expenditures for the ensuing year. The director of highways may employ assistants and employees as necessary for highway purposes subject to approval of the council;

N. The public works director shall cause to be erected and maintained, whenever necessary for public safety and convenience, suitable signs, markers, signals and other devices to control, guide and warn pedestrians and vehicular traffic;

O. The director of highways shall have the power, subject to the approval of the city council, to cause survey maps, plans, specifications and estimates to be made for construction, reconstruction and maintenance to the city highways; and

P. The public works department may forbid, restrict and limit the erection of unauthorized signs, billboards and structures on rights of way of the city and remove and destroy any unauthorized signs; and

Q. The public works department shall perform acts as authorized by the council for the improvement and maintenance of city highways;

R. The public works director shall cause to be prepared a map showing each highway and public right of way in the city's jurisdiction and cause notice to be given of the intention to adopt the map as its official map of that system;

S. The public works director shall make recommendations to the city council when appropriate for the adoption of a resolution for the initiation of highway validation proceedings.

1-12-7: MUNICIPAL IRRIGATION SYSTEM:
The public works department shall have the following powers, duties and responsibilities:

A. To recommend and carry out the city's responsibilities relating to the municipal irrigation system in accordance with title 7, chapter 2 of this code, and to carry out the duties and responsibilities of the city subject to the directions of the city council and subject to the specific responsibilities

of the city clerk and treasurer as set forth in Idaho Code, title 50, chapter 18, and subject to the specific responsibilities therein directed of the city treasurer, clerk and city council.

1-12-8: DRAINAGE SYSTEM:
The public works department shall have the following powers, duties and responsibilities:

A. To recommend and carry out the city's responsibility relating to its drainage system and to perform the duties and responsibilities appertaining thereto in accordance with title 7, chapter 3 of this code.

1-12-9: PARKS AND RECREATION:
The public works department shall have the following powers, duties and responsibilities:

A. Promulgation of rules and regulations subject to approval of the city council as may be necessary for the proper use and protection of park and recreation areas subject to the jurisdiction of or owned by the city; and

B. Make expenditures for the acquisition, care, control, supervision, improvement, development, extension and maintenance of all lands under the control of the city to be used and/or dedicated for recreational use, subject to the approval of the city council through the budgeting process, and to make arrangements, agreements, contracts or commitments, subject to the approval of the city council, necessary to carry out these duties and responsibilities; and

C. Prepare, maintain and keep up to date a comprehensive plan for the development of recreational property and to coordinate said planning with the planning and zoning commission and the comprehensive land use plan of the city.

1-12-10: CITY BUILDINGS AND GROUNDS:
The public works department shall have the following powers, duties and responsibilities regarding city buildings and grounds that are not governed under other sections of this chapter and are subject to the jurisdiction of or owned by the city:

A. To promulgate rules and regulations, subject to approval of the city council, as may be necessary for their proper use, management and protection; and

B. To propose and make expenditures, subject to the approval of the city council through the budgeting process, for the management, acquisition, care, control, supervision, improvement, development, planning, extension and maintenance of buildings and grounds; and

C. To prepare, maintain and keep up to date a comprehensive plan for the need and development of buildings and grounds for city purposes and to coordinate said planning with the planning and zoning commission and the comprehensive land use plan of the city.

(Ord. 500, Amending, 3-8-2005; Ord. 426, Amending, 4-8-1997; Ord. 410, Amending, 5-14-1996; Ord. 399, Amending, 10-10-1995; Ord. 398, Enacted, 7-11-1995)

Title 1, Chapter 13
POLICE DEPARTMENT

1-13-1: TITLE:
1-13-2: DEPARTMENT CREATED:
1-13-3: CHIEF OF POLICE:
1-13-4: DUTIES AND RESPONSIBILITIES:
1-13-5: RULES AND REGULATIONS:

1-13-1: TITLE:
This chapter shall be known as the POLICE DEPARTMENT ORDINANCE.

1-13-2: DEPARTMENT CREATED:
There is hereby created a police department. The executive and administrative power of the police department shall vest in the chief of police.

1-13-3: CHIEF OF POLICE:

A. Position Established: There shall be a chief of police who may be either an employee of the city or hired as an independent contractor, as determined by the mayor and the city council.

B. Duties: In the carrying out of the powers, duties and responsibilities of chief of the police department as hereinafter set out in this chapter, the chief of the police department shall report to and coordinate with the law enforcement commission.

1-13-4: DUTIES AND RESPONSIBILITIES:

A. The chief of police shall exercise all of the powers and duties necessary to carry out the proper administration of the police department and may delegate duties to employees and officers of the police department.

B. The police department shall have the power to enforce all penal and regulatory laws of the state and the city and to preserve order and exercise any and all powers, duties and authority of any sheriff or other peace officer anywhere in the state within the limits of the boundaries of the city, in the same manner and with like authority as the sheriff of any county of the state; said police department may employ, from time to time as authorized by the mayor and city council, such officers as may be deemed necessary to carry out these duties and powers, which officers shall be under the direction of the chief of police as the head of the department, in accordance with the established policy of the city as duly authorized by the city council.

1-13-5: RULES AND REGULATIONS:
The chief of the police department may propose such rules and regulations as he may deem advisable subject to approval by the mayor and council. Such rules and regulations may cover conduct of the members of the police department, uniforms and equipment to be worn or carried, hours of service, vacations, employee conduct, grievance procedures and all other matters necessary or desirable for the better efficiency of the department.

(Ord. 599, Amending, 2-1-2014; Ord. 501, Amending, 6-14-2006; Ord. 395, Enacted, 5-9-1995)

Title 1, Chapter 14
WILDER ECONOMIC DEVELOPMENT COMMISSION

1-14-1: COMMISSION FORMATION:
1-14-2: ORGANIZATION, OFFICERS, RULES, MEETINGS:
1-14-3: COMPENSATION:
1-14-4: POWERS, DUTIES AND RESPONSIBILITIES:

1-14-1: COMMISSION FORMATION:

There is hereby created the Wilder Economic Development Commission for the purpose of advising on the economic and community development affairs of the city. The commission consists of a board of four (4) commissioners, exclusive of the mayor, who is an ex officio member.

The initial commission members shall be appointed immediately and serve until the next annual time for appointments. Thereafter, commission members will be appointed in January for one year terms. Appointments are made by the mayor with the confirmation of the council. The mayor will annually appoint and the council confirms a commission chairperson. When a vacancy occurs for any reason other than an expired term, a member shall be appointed to complete the remainder of that term. (Ord. 571, 4-13-2010)

1-14-2: ORGANIZATION, OFFICERS, RULES, MEETINGS:

The commission will annually elect such other officers as it may determine it requires. During the absence of the chairperson, the vice chairperson will assume the duties of the chairperson. The secretary will be required to keep an accurate record of all proceedings of the commission, and the commission shall file quarterly or more often, if necessary, a report of all its proceedings, transactions and recommendations to the council. The commission has the power to recommend the adoption of rules and regulations for its own deliberations. The commission shall meet as often as it deems necessary. (Ord. 571, 4-13-2010)

1-14-3: COMPENSATION:

The commissioners serve without compensation of any kind. (Ord. 571, 4-13-2010)

1-14-4: POWERS, DUTIES AND RESPONSIBILITIES:

It is the duty of the commission, and it has the power, except as otherwise provided by law, to monitor, report, recommend and work on economic and community development matters concerning the following:

A. Improvement of community infrastructure including transportation, schools, utilities, public services, healthcare and recreation.

B. Retention and expansion of local businesses including projects concerning the health of local businesses, and the use of local natural resources for economic enterprise.

C. Diversification of the local economy including the recruitment and creation of new businesses, the attraction of new investments and residents, and the expansion of the tourism trade. (Ord. 571, 4-13-2010)

Title 1, Chapter 15
CARRYOVER FUND BALANCES

1-15-1: SEWER FUND ESTABLISHED:
1-15-2: WATER FUND ESTABLISHED:
1-15-3: IRRIGATION FUND ESTABLISHED:
1-15-4: ROADS AND STREETS FUND ESTABLISHED:
1-15-5: PARKS AND RECREATION FUND ESTABLISHED:
1-15-6: UNIFORM CONTROLLED SUBSTANCES FORFEITURE FUND ESTABLISHED:

1-15-1: SEWER FUND ESTABLISHED:
There is hereby established and continued by this Ordinance the "City of Wilder Sewer Fund" and which fund shall be included in each fiscal year's budget and appropriation ordinance inclusive of appropriation, fund balance from the previous fiscal year and which fund balance thereafter shall be carried over into the ensuing fiscal year.

1-15-2: WATER FUND ESTABLISHED:
There is hereby established and continued by this Ordinance the " City of Wilder Water Fund" and which fund shall be included in each fiscal year's budget and appropriation ordinance inclusive of appropriation, fund balance from the previous fiscal year and any fund balance thereafter shall be carried over into the ensuing fiscal year.

1-15-3: IRRIGATION FUND ESTABLISHED:
There is hereby established and continued by this Ordinance the " City of Wilder Irrigation Fund" and which fund shall be included in each fiscal year's budget and appropriation ordinance inclusive of appropriation, fund balance from the previous fiscal year and any fund balance thereafter shall be carried over into the ensuing fiscal year.

1-15-4: ROADS AND STREETS FUND ESTABLISHED:
There is hereby established and continued by this Ordinance the " City of Wilder Roads and Streets Fund" and which fund shall be included in each fiscal year's budget and appropriation ordinance inclusive of appropriation, fund balance from the previous fiscal year and any fund balance thereafter shall be carried over into the ensuing fiscal year.

1-15-5: PARKS AND RECREATION FUND ESTABLISHED:
There is hereby established and continued by this Ordinance the " City of Wilder Parks and Recreation Fund " and which fund shall be included in each fiscal year's budget and appropriation ordinance inclusive of appropriation, fund balance from the previous fiscal year and any fund balance thereafter shall be carried over into the ensuing fiscal year.

1-15-6: UNIFORM CONTROLLED SUBSTANCES FORFEITURE FUND ESTABLISHED:

There is hereby established and continued by this Ordinance the " City of Wilder Uniform Controlled Substances Forfeiture Fund" and which consist of controlled substances forfeitures funds received by the City pursuant to pursuant to Idaho Code Section 37-2744 [or any subsequent amendment or re-codification thereof] which fund shall be included in each fiscal year's budget and appropriation ordinance and inclusive of appropriation fund balance from the previous fiscal year and any fund balance thereafter shall be carried over into the ensuing fiscal year.

(Ord. 605, Amended, 10/14/2014; Ord. 603, Enacted, 7/8/2014)

TITLE 2, CHAPTER 1

BUSINESSES AND OCCUPATIONS

2-1-1: LICENSE REQUIRED:
2-1-2: APPLICATION; ISSUANCE; RECORDS:
2-1-3: NONTRANSFERABLE:
2-1-4: CLASSIFICATIONS; FEES:
2-1-5: VIOLATION, PENALTY:
2-1-6: SALES ALONG U.S. HIGHWAY 95:

2-1-1: LICENSE REQUIRED:

No person shall engage in, prosecute or carry on any business or vocation within the city for which a license is required by this chapter until such license shall have been obtained.

2-1-2: APPLICATION; ISSUANCE; RECORDS:

All applications for licenses shall be made to the city clerk. All licenses issued shall be signed by the mayor and attested by the city clerk under the corporate seal. All licenses shall be numbered consecutively beginning with each fiscal year. Every license shall specify the name of the person to whom it is issued and the amount paid for the same. The clerk shall keep a list of the licenses issued, stating the number, name, kind of business and the amount paid with such other remarks as the clerk may consider necessary.

2-1-3: NONTRANSFERABLE:

No license issued or granted under the provisions of this chapter shall, in any manner, be assignable or transferable or authorize any person other than the one therein mentioned to do business thereunder unless specifically authorized by ordinance.

2-1-4: CLASSIFICATIONS; FEES:

For the purpose of providing for the regulation and licensing of various kinds of amusements, businesses, vocations and occupations, subject to the provisions of this chapter, the following classifications shall require a Special Event Permit and/or Vendors Permit as defined in Wilder City Code Title 7, Chapter 9 and Wilder City Code Title 2, Chapter 3:

Class 1: Every circus, caravan, menagerie, dog and pony show, wild west shows and all shows of a similar nature.
Class 2: All traveling or itinerant carnivals or street shows.
Class 3: All shooting galleries.
Class 4: Merry-go-rounds.
Class 5: All wrestling and boxing exhibitions for which an admission is charged.
Class 6: Clairvoyants, palmists, astrologers, seers or fortune tellers.
Class 7: Every person operating or conducting a ring game for which a charge is made.

2-1-5: VIOLATION, PENALTY:

A. A violation of any of the provisions of this chapter shall be an infraction, the penalty for which shall be fifty dollars ($50.00), excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars ($100.00) and for which no period of incarceration may be imposed. There is no right to trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

B. Any person violating any of the provisions of this Chapter for a third or subsequent time within two (2) years shall be deemed guilty of a misdemeanor punishable by a fine not to exceed three hundred dollars ($300.00) for any one offense and/or confinement in the Canyon County jail for a period not to exceed ten (10) days for any one offense, or both fine and imprisonment.

C. Each day any person commits or permits a violation of this Chapter to continue, the same shall constitute a separate offense and shall be punishable as such hereunder.

2-1-6: SALES ALONG U.S. HIGHWAY 95:

A. It shall be unlawful for any person to use any part of the U.S. Highway 95 right of way within the city for the purpose of displaying, selling or dispensing any merchandise or goods.

(Ord. 599, Amending, 2-11-2014; Ord. 294, Amended, 5-11-1985; Ord. 166, Amended, 2-9-1965; Ord. 69, Amended, 3-14-1941; 1986 Code)

Title 2, Chapter 2
LIQUOR CONTROL

SECTION:

2-2-1 PUBLIC POSSESSION; PERMITS AND FEES
2-2A ARTICLE A. BEER SALES
2-2B ARTICLE B. BARTENDERS
2-2C ARTICLE C. RETAIL SALE OF WINE
2-2D ARTICLE D. RETAIL SALE OF LIQUOR BY THE DRINK

2-2-1: PUBLIC POSSESSION; PERMITS AND FEES:

2-2-1: PUBLIC POSSESSION; PERMITS AND FEES:

A. No person shall consume any beer, wine or liquor or have in his possession any open containers or receptacles containing any beer, wine or liquor on any public park grounds or thoroughfares within the City, or at any other place therein, other than a private residence or upon premises licensed for the sale and consumption of beer, wine or liquor, as authorized by law, except upon application to the Chief of Police of the City, upon a form provided by the Chief of Police.

B. Such form shall be approved by the City Council, accompanied by an application fee as follows: for an individual or group of five (5) or less, two dollars fifty cents ($2.50); for a group of five (5) to ten (10), five dollars ($5.00); for a group of ten (10) or more, ten dollars ($10.00). The application permit shall be issued to an individual or a group of individuals and shall reasonably describe or name the group or individual seeking the permit. The applicant shall certify that all the persons for whom such permit is sought are of lawful age for the consumption of beer and/or wine. Such application shall further specify and require that the applicant agrees to clean up all debris, litter, trash and/or other waste for which the individual or group is responsible. Applicant shall further agree to the additional assessment of ten dollars ($10.00) should said debris, litter, trash and/or other waste fail to be removed from the park.

C. Upon the receipt by the Chief of Police of an application properly completed and signed by an applicant and accompanied by the appropriate fee, the Chief of Police or his duly authorized agent shall issue a permit which shall be on a form approved by the City Council.

D. Such permit shall be limited to one calendar day, shall be limited to the hours of twelve o'clock (12:00) noon to ten o'clock (10:00) P.M., and shall authorize the consumption of beer and/or wine by the permittees in the public parks.

E. The permit may be revoked by the Chief of Police upon the disturbance of the peace by the permittees.

2-2A ARTICLE A. BEER SALES

2-2A-1: LICENSE REQUIRED TERM:

It shall be unlawful for any person to sell beer at retail within the City without first obtaining a license therefor as provided herein. All licenses shall be granted by the Mayor and Council for a period of one year beginning on the date established and applicable to the City of Wilder by the director of the Idaho State Police for such licensure by administrative rule. A full year's license fee shall be collected for each license issued. All license fees shall be paid in advance provided, however, that should a City beer license be issued for less than a full year, such license fee shall be prorated in accordance with the actual months of issuance.

2-2A-2: APPLICATION FORM:

All applications for a license must be in writing, filed with the Clerk and accompanied by the affidavit of the applicant showing such applicant to be qualified by the provisions of this article and laws of the state (I.C. Sections 23-1005, 23-1010). Said application must:

A. State the place of business with respect to which the license is to be issued;

B. Contain a floor plan of the building for which the permit is requested; and

C. Shall be accompanied by a copy of the lease of said building, and said lease shall show the consent of the owner of the building. The application must be accompanied by a receipt from the Clerk for the amount of the license fee; provided, however, that before a license shall be issued, the licensee must have procured the required license from the proper officials of Canyon County.

2-2A-3: LICENSE FEE:

The fee for any license provided for in the sections shall be established by resolution of the City Council pursuant to the authority of this section:

A. For the retailing of draught beer, bottled or canned beer, or draught beer only.

B. For the retailing of bottled beer or canned beer, none of which is to be consumed on the premises where sold.

C. For the transfer of a beer license, an amount equal to the amount of the license being transferred prorated from the date of the issuance of the license being transferred.

2-2A-4: CONDITIONS OF LICENSE:

A. Place of Business: The license fee shall permit the sale of such beer in but one place of business. Such place of business to be designated in the license issued.

B. Application for Transfer: All licenses issued under this article shall be issued in the name of the owner of the business retailing said beer, whether the owner be an individual, partnership or corporation, and said licenses shall not be transferable to any other owner without an application for transfer of license having been made and approved, as provided by the terms of the article.

C. Issuance: All licenses or transfers of licenses shall be issued by the Clerk.

D. Obtaining another license: The City Clerk may grant to any person theretofore procuring a license to sell beer as herein provided, a license provided for the class next above the license of said licensee upon his paying to the Clerk the difference between the license for which he has already paid and the license which he seeks.

E. License Posted: It shall be the duty of the licensee to keep posted in a conspicuous place, in the place of business for which the license is granted, such license.

F. Ineligible Persons and Places:

1. No license shall be granted to a person:

   a. Who has been convicted of a felony or any misdemeanor involving the sale of consumption of alcoholic beverages.

   b. Who has been convicted of a misdemeanor violation of Idaho Code Title 23, Chapter 10.

   c. Who is under the age of nineteen (19) years.

   d. To a person to sell or dispose of beer by peddling.

2. No license shall be issued without approval of the City Council for any place where beer is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, that is with in three hundred feet (300') of any public school, church, or other place of worship, measured in a straight line from said building to the nearest entrance of the licensed premises. The City Council may require a license applicant for premises within three hundred fee (300') of any public school, church, or other place of worship, measured in a straight line from said building to the nearest entrance of the licensed premises to seek to obtain written consent of all such public schools, churches or other places of worship within three hundred fee (300'). The City Council may also require that the license applicant agree to a condition of the beer license that the sale of dispensing of beer is limited to such times other than the regular operational hours (at the time of license issuance) of public schools, churches or other places of worship within three hundred feet (300') and

that the premises where the beer will be sold or dispensed holds, at all times, a valid food establishment permit as being a medium to high risk food service establishment.

3. The subsection F shall in no way alter, amend or repeal any of the provisions of the zoning regulations, and this subsection F shall in no way affect premises licensed as of the date of the passage of this article.

2-2A-5: GRANT OR DENIAL:

A. Investigation: No license shall be granted hereunder until there has been an investigation by the police department of all applicants hereunder. After investigation, the application will be forwarded to the City Clerk with the recommendations from the Chief of Police. If the Chief of Police recommends that an application be denied, he shall state, in writing:

1. The statutes, ordinances and standards used in evaluating the application.

2. The reason for the denial.

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

B. Process: The City Clerk shall process all applications hereunder and grant or deny the applications pursuant to the terms and conditions of this article. The City Clerk must grant or deny the application within ten (10) days of the time it is filed with the City Clerk. In the event the City Clerk should deny, revoke and/or suspend an application and/or license, the Clerk shall specify, in writing:

1. The statutes, ordinances and standards used in evaluating the application.

2. The reason for the denial.

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

C. Notification: The City Clerk shall, upon denying an application or upon revocation and/or suspension of a license, immediately notify the applicant or licensee, as the case may be, of said action by certified mail.

D. Request for Hearing: The applicant for a license transfer or renewal thereof whose application has been denied by the City Clerk or a license holder in the event of a recommended license revocation or suspension by the City Clerk, may petition the City Council for a hearing pursuant to the Wilder administrative procedures act with in ten (10) days of the date of the written notice by the City Clerk upon the applicant or the person affected by the action of the City Clerk

and, upon so filing, the matter shall be considered a "contested case" under the definitions of section 1-8-2 of this code, and a hearing to determine the validity of the action of the City Clerk shall be held in accordance with the Wilder administrative procedures act. From the date a petition is filed with the City Council until the date of decision is made by the City Council, in the event of a revocation or suspension of a license, the same shall not be suspended and/or revoked if the action of the City Clerk is timely appealed until final action of the City Council on the appeal.

E. Record of Proceedings: In all cases where the City Council is considering appeals of actions by the City Clerk on application for transfers and/or renewal for licenses or is considering the proposed revocation and/or suspension of licenses, a transcribable, verbatim record of the proceedings shall be made. If the applicant for a license, transfer or renewal is denied, or if there is a suspension or revocation of a license, a transcribable, verbatim record of the proceedings shall be kept for a period not less than six (6) months after a final decision on the matter. Upon written request and within the time periods provided for retention of the record, any person may have the record transcribed his expense. The City Council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provide by law.

2-2A-6: RENEWAL OR TRANSFER OF LICENSE:

A. All beer licenses as herein provided shall be renewed or transferred by the Clerk after written application for renewal or transfer, as the case may be, which said written application shall be filed with the Clerk accompanied by and affidavit of the applicant showing such applicant to be qualified by the provisions of this article and the laws of the state.

B. Said application for renewal or transfer of a beer license must state:

1. The place of business with respect to which the license is to be renewed or transferred.

2. Must contain a floor plan for the building for which the permit or license is requested.

3. Shall be accompanied by a copy of the lease of said building and said lease shall show the consent of the owner of the building.

C. The application must be accompanied by a receipt from the Clerk for the amount of the license fee; provided, however, that before a license shall be renewed or transferred, the licensee must have procured the required license from the proper officials of Canyon County.

2-2A-7: CONDUCT OF BUSINESS:

All places of business where a license is granted under this article shall be conducted so as not to be a menace to the health, peace, safety or general welfare of the City, or permit persons to become loud, tumultuous, disorderly or create a disturbance of any kind. The Chief of Police, or any authorized officer, shall, at all times during business hours, have the right and privilege of going upon the premises and taking samples of beer and other beverages sold under the provisions of this chapter.

2-2A-8: VISIBILITY INTO PREMISES:
It shall be unlawful for any person owning or in charge of a place of business in which beer is sold to permit curtains, blinds signs or other obstructions to be so placed as to prevent a clear view of the interior of such place from the street or sidewalk upon which said place abuts.

2-2A-9: SALES REGULATIONS:

A. Sale to Club Members: No club or lodge shall sell or serve beer save to members of such club or lodge and to such guests as may be under the rules or bylaws of the club or order entitled to its accommodations, except that, in no event, will beer be served or sold to any person under the age of twenty-one (21) years.

B. Hours of Sale: No person licensed by the City shall sell or serve in the place of business for which he has taken out a license, any beer between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M.

C. Sale to Intoxicated Persons: It shall be unlawful for any person to sell beer to any intoxicated person.

D. Purchase, Consume or Possess: It shall be unlawful for any person under the age of twenty-one (21) years to purchase, consume or possess beer.

E. Give, Sell or Deliver: It shall be unlawful for any person to give, sell or deliver beer to any person under the age of twenty-one (21) years.

F. Age Misrepresentation of Self: It shall be unlawful for any person under the age of twenty-one (21) years to, by any means, represent to any retailer or to any agent or employee of such retailer that he or she is twenty-one (21) years or more of age for the purpose of inducing such retailer, or his agent or employee, to sell, serve or dispense beer to such person.

G. Age Misrepresentation of Others: No person shall, by any means, represent to any retailer, or any agent or employee of such retailer, that any other person is of lawful age when in fact such other person is under the age of twenty-one (21) years for the purpose of inducing such retailer, or agent or employee of such retailer, to sell, serve or dispense beer to such other person.

2-2A-10: REVOCATION OF LICENSE:

The right is hereby vested in the City Council to revoke or cancel any beer license at any time for violation of the provisions of Idaho Code Title 23, Chapter 10, or the provisions of this article by the licensee or licensee's employees, pursuant to the procedures set out herein for such revocation.

2-2B ARTICLE B. BARTENDERS

2-2B-1: LICENSE REQUIRED:

It shall be unlawful for any person to tend bar or act as a bartender with or without remuneration in any premises license under the provisions of article A of this chapter for the sale of beer, unless such person has first obtained a license therefor as herein provided. All licenses shall be granted by the Mayor and City Council for a period of one year, beginning on the date established and applicable to the City of Wilder by the Director of the Idaho State Police for such licensure by administrative rule. A full year's license fee shall be collected for each license issued; and all license fees shall be paid in advance provided, however, that should a City bartender's license be issued for less than a full year, such license fee shall be prorated in accordance with the actual months of issuance.

2-2B-2: EMPLOYMENT OF BARTENDER WITHOUT A LICENSE:

No licensee of any premises licensed under article A of this chapter shall employ or permit any person to tend bar or act as a bartender on such licensed premises unless such person, at all times, holds a valid bartender's permit as herein provided.

2-2B-3: APPLICATION FORM:

All applications for a license must be in writing, filed with the City Clerk and accompanied by an affidavit of the applicant showing such applicant to be qualified for the provisions of this article and laws of the state. Said application must state the place of business with respect to which the licensee is to be employed. The application must be accompanied by a receipt from the Clerk for the amount of the license fees.

2-2B-4: LICENSE FEE

The fee for any license granted pursuant to this article shall be established by resolution of the City Council pursuant to the authority of this section.

2-2B-5: CONDITIONS OF LICENSE:

A. The licensee must be a citizen of the United States or an alien duly qualified or authorized under the laws of the United States to be employed and reside within the United States.

B. All licenses issued under this article shall be issued in the name of the licensee and shall not be transferable to any other person.

C. It shall be the duty of the licensee to keep, on his person, the license issued pursuant to this article at any time of his employment as a bartender, and when requested by a police officer, to display the same for inspection.

D. No license shall be granted to a person:

1. Who has been convicted of a felony or any misdemeanor involving the sale or consumption of alcoholic beverages.

2. Who has been convicted of a misdemeanor violation of Idaho Code Title 23, Chapter 10.

3. Who is under the age of nineteen (19) years.

4. Who shall have been convicted of a violation of this article within two (2) years preceding the date of application.

2-2B-6: GRANT OR DENY APPLICATION:

A. No license shall be granted hereunder until there has been an investigation by the Police Department of all applicants hereunder. After investigation, the applications will be forwarded to the City Council with the recommendations of the Chief of Police. If the Chief of Police recommends that an application be denied, he shall state, in writing:

1. The statues, ordinances and standards used in evaluating the application.

2. The reason for the denial.

3. The actions, if any, that the applicant could take to obtain the license or renewal thereof.

B. The City Council shall grant or deny the application within thirty (30) days of the time it is filed with the City Clerk. Prior to any denial, revocation or suspension, the licensee shall be afforded a hearing. Whenever the Mayor and City Council deny, revoke and/or suspend an application/license, they shall specify, in writing:

1. The statues, ordinances and standards used in evaluating the application.

2. The reason for the denial.

3. The actions, if any, that the applicant could take to obtain the license or renewal thereof.

C. In all cases where the City Council is considering applications and/or renewals for license, or is considering the proposed revocation and/or suspension of license, a

transcribable, verbatim record of the proceedings shall be made. If the applicant for a license or renewal is denied, or if there is a suspension or revocation of a license, a transcribable, verbatim record of the proceedings shall be kept for a period not less than six (6) 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 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.

2-2B-7: RENEWAL OF LICENSE:
All bartenders' licenses, as herein provided, shall be renewed by the City Clerk after written application for renewal, which said written application shall be filed with the Clerk, accompanied by an affidavit of the applicant, showing such applicant to be qualified by the provisions of this article and laws of the state. Said application for renewal of bartenders; licenses must state the place of business in which the applicant is to be employed.

2-2B-8: FALSE APPLICATION:
It shall be unlawful for any person to file or cause to be filed any application for a license under the provisions of this article, which application contains false and/or fraudulent information.

2-2B-9: REVOCATION OF LICENSE:
The right is hereby vested in the City Council to revoke or cancel any license herein granted at any time for violation of the provision of this article by the licensee, pursuant to the procedures set out herein for such revocation.

2-2B-10: PENALTY FOR VIOLATION:
Any violation of the provision of this article is a misdemeanor, punishable by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00), or by imprisonment in the county jail for not more than three (3) months, or by both such fine and/or imprisonment.

2-2C: ARTICLE C. RETAIL SALE OF WINE

2-2C-1: DEFINITIONS:
The following terms as used in this article are hereby defined as follows:

CITY RETAIL WINE LICENSE: A license issued under the provision of this article authorizing a person to sell wine at retail within the City of Wilder.

DIRECTOR: The Director of the Idaho State Police.

PERSON: An individual, firm, copartnership, association, corporation or any group of combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

RETAILER: A person to whom a City retail wine license has be issued.

STATE RETAIL WINE LICENSE: A license issued by the director authorizing a person to sell wine at retail within the State of Idaho.

WINE: Any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar.

WINE BY THE DRINK LICENSE: A license to sell wine by individual glass or opened bottle at retail, for consumption on the licensed premises only.

2-2C-2: LICENSE REQUIRED:
It shall be unlawful for any person to sell wine at retail or wine by the drink within the City limits before having first secured a license therefore.

2-2C-3: APPLICATION; QUALIFICATIONS:

A. Application for a City retail wine license or wine by the drink license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the City Clerk. Such application shall be filed with the City Clerk and presented to the Mayor and Council at the next meeting of the Council for their approval, rejection or further consideration.

B. The applicant for a City wine license shall possess all of the qualifications necessary to obtain a state wine license from the director as prescribed by law, and shall maintain such qualifications throughout the period for which such City wine license is issued. The possession of a state wine license and a wine license issued by Canyon County, if any, or a beer license issued by the City shall be prima facie evidence of the applicant's qualification to receive a City wine license hereunder.

2-2C-4: LICENSE FEE:
The license fee for a City wine license and the license fee for City wine by the drink license shall be established by resolution of the City Council pursuant to the authority of this section, which sums shall be paid to the City Clerk when the application for license is filed with the City Clerk. Such City wine license year commences at one o'clock (1:00) A.M. beginning on the date established and applicable to the City of Wilder by the Director of the Idaho State Police for such licensure by administrative rule; provided, however, that should a City wine license be issued for less than a full year, such license fee shall be prorated in accordance with the actual months of issuance.

2-2C-5: LICENSE ISSUANCE; NONTRANSFERABLE:

A. Upon filing the application for a City wine license, production of evidence as required by subsection 2-2C-3B of this article as to the qualification of the applicant and by the payment of the required license fee, the City Clerk shall upon approval of the Council issue to the applicant a City wine license to sell wine within The City for such year for the remainder thereof.

B. A City wine license is not transferable.

2-2C-6: CONSUMPTION ON PREMISE:
A retailer who does not possess a valid license for the retail sale of wine by the drink shall not permit consumption of wine on the licensed premise and may sell wine only in its original unbroken, sealed container. Wine sold for consumption of the retailers premises may be sold only during the hours that liquor by the drink may be sold pursuant to the laws of the state. Wine sold by a retailer for consumption off the premises of the retailer may be sold only during the hours that beer may be sold pursuant to the laws of the State.

2-2C-7: POSSESSION IN VEHICLES:
No person may, while operating or riding in or upon a motor vehicle upon a public highway within the City, have in his possession any wine in an open or unsealed container of any kind.

2-2C-8: MISREPRESENTATION OF AGE:

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

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

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

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

2-2C-9: 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 City retail wine license for fraud or misrepresentation in its procurement or for a violation of any of the provision of this article, or for any conduct or act of the licensee or his employees or an conduct or act permitted by him or them on the premises where such business s 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 a menace to the health, peace safety or general welfare of the City; provided, that revocation or suspension of the state retail wine license by the Director of the Department of Law Enforcement shall be deemed prima facie evidence for revocation or suspension of the City retail wine license issued hereunder.

2-2C-10: PENALTY:
Any person who violates any of the provision of this article or fails to comply with any of the term and conditions of this article shall be guilty of a misdemeanor.

2-2D ARTICLE D. RETAIL SALE OF LIQUOR BY THE DRINK

2-2D-1: DEFINITIONS:

The following terms as used in this article are hereby defined as follows:

CITY RETAIL LIQUOR BY THE DRINK LICENSE: A license issued under the provision of this article authorizing a person to sell liquor by the drink at retail within the City of Wilder.

DIRECTOR: The Director of the Department of Law Enforcement of the State of Idaho.

LICENSEE: The person to whom a license to sell and dispense liquor by the drink is issued under the provisions of this Chapter.

LIQUOR: Any kind of liquor which may be sold by a State of Idaho liquor store.

PERSON: An individual, firm, copartnership, association, corporation or any group of combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

PREMISES: The place of building in which the sale of beer at retail, sale of liquor by the drink at retail, and/or wine by the drink at retail for consumption on the premises as is authorized under the provisions of this article.

RETAILER: A person to whom a City retail liquor by the drink license has be issued.

LIQUOR BY THE DRINK LICENSE: A license to sell liquor by individual glass or opened bottle at retail, for consumption on the licensed premises only.

2-2D-2: LICENSE REQUIRED:

It shall be unlawful for any person to sell liquor by the drink at retail within the City limits before having first secured a license therefore.

2-2D-3: APPLICATION; QUALIFICATIONS:

A. Application for a City retail liquor by the drink license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the City Clerk. Such application shall be filed with the City Clerk and presented to the Mayor and Council at the next meeting of the Council for their approval, rejection or further consideration.

B. The applicant for a City retail liquor by the drink license shall possess all of the qualifications necessary to obtain a state liquor license from the director as prescribed by law, and shall maintain such qualifications throughout the period for which such City retail liquor by the drink license is issued. The possession of a state retail liquor by the drink license and a liquor by the drink license issued by Canyon County, if any, or a beer license issued by the City shall be prima facie evidence of the applicant's qualification to receive a City retail liquor by the drink license hereunder.

2-2D-4: PERSONS NOT QUALIFIED TO BE LICENSED:

No license shall be issued or transferred to:

A. Any person, or any one (1) of its members, officers, or governing board of any partnership, corporation, trust, association or other legal entity, who has within three years prior to the date of making application, has been convicted of any violation of the laws of the United States, the state of Idaho or any other state of the United States relating to the importation, transportation, manufacture or sale of liquor; or who has been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, or completed any sentence of confinement for, any felony within five (5) years prior to the date of making application for a license.

B. A person who is engaged in the operation, or interested therein, of any house or place for the purpose of prostitution or who has been convicted of any crime or misdemeanor opposed to decency and morality.

C. A person whose license issued under this Chapter has been revoked; an individual who was a member of a partnership or association which was a licensee under this Chapter and whose license has been revoked.

D. Any officer or employee of the State of Idaho or of any of its counties or municipalities.

E. Any officer, agent or employee of any distillery, winery, brewery, or any wholesaler or jobber of liquor or malt beverages, except as provided by Section 23-912, Idaho Code.

F. A person who does not hold a retail beer license issued by the State. Any license, held by any person who later becomes disqualified under the provisions of this Section, shall be promptly revoked by the Clerk.

2-2D-5: LICENSE FEE:

The license fee for a City liquor by the drink license shall be established by resolution of the City Council pursuant to the authority of this section, which sums shall be paid to the City Clerk when the application for license is filed with the City Clerk. Such City liquor license year commences at one o'clock (1:00) A.M. beginning on the date established and applicable to the City of Wilder by the Director of the Idaho State Police for such licensure by administrative rule; provided, however, that should a City retail liquor by the drink license be issued for less than a full year, such license fee shall be prorated in accordance with the actual months of issuance.

2-2D-6: LICENSE ISSUANCE; NONTRANSFERABLE:

A. Upon filing the application for a City retail liquor by the drink license, production of evidence as required by subsection 2-2D-3B of this article as to the qualification of the applicant and by the payment of the required license fee, the City Clerk shall upon approval of the Council issue to the applicant a City liquor license to sell liquor within the City for such year for the remainder thereof.

B. A City liquor license is not transferable.

2-2D-7: FORM OF LICENSE; DISPLAY:

Every license issued under this Chapter shall state the name of the person or business entity to whom issued and the location by street and number or other definite designation of the premises. If issued to a partnership, the names of the persons constituting the partnership shall be stated. If issued to a corporation or association, the names of the principal officers and the members of the governing board shall be stated. The license shall be signed by the licensee and shall be posted on the licensed premises in a place conspicuous to the public. No person except the named licensee shall exercise any of the privileges granted under the license. A License issued under this Chapter apply only to premises for which it has been issued.

2-2D-8: LOCATION RESTRICTIONS:

A. No license shall be issued for any premises in any residential zone or within three hundred (300) feet of any public school, church or any other place of worship measured in a straight line between the nearest property line of such public building or place of worship and the nearest entrance to the licensed premises. This limitation shall not apply to any duly licensed premises that at the time of first licensing did not come within the restricted area but subsequent to first licensing came therein.

B. No license shall be issued to any person for the operation of a licensed business upon any premises which were used by any occupant whose license under this Chapter was revoked within one (1) year prior to the date of the new application for issuance or transfer of a license.

C. The Council may for good cause shown grant a variance to the provisions of Section (A) or (B). Prior to granting such variance, the Council shall hold a public hearing after giving written notice to the owners or occupants of all properties located within three hundred (300) feet of the exterior boundaries of the proposed licensed premises, measured in the manner set forth above. Such notice shall be given at least fifteen (15) days prior to the date of the hearing. Notice shall be deemed to have been given upon its personal delivery to such owner or occupant or upon its deposit in the United States mail, addressed to the owner at the address last shown on the Canyon County property tax rolls.

2-2D-9: RENEWAL OF LICENSE:

Request for license renewal shall be submitted to the city clerk on a renewal application form provided by that office. The renewal application shall be filed with the city clerk by April 1 of each and every year. The renewal application shall include any changes, modifications or alterations to the nature or operational characteristics of the business. Failure to provide a complete and accurate application in advance of the April 1 deadline shall cause delay in processing the application and shall result in a fine of fifty dollars ($50.00) for each day after April 1 the request for license renewal is filed. The city clerk will not issue a license until all fines and fees are paid in full.

2-2D-10: RIGHT OF ENTRY:

Any duly authorized police officer shall have the right at any time to enter and examine the premises of any licensee to ascertain compliance with the laws of the State and the City. It shall be unlawful to refuse any police officer admittance to the premises for such purpose.

2-2D-11: CONSUMPTION ON PREMISE:

A retailer who does not possess a valid license for the retail sale of liquor by the drink shall not permit consumption of wine on the licensed premise and may sell liquor only in its original unbroken, sealed container. Liquor sold for consumption of the retailers premises may be sold only during the hours that liquor by the drink may be sold pursuant to the laws of the state. Liquor sold by a retailer for consumption off the premises of the retailer may be sold only during the hours that beer may be sold pursuant to the laws of the State.

2-2D-12: POSSESSION IN VEHICLES:

No person may, while operating or riding in or upon a motor vehicle upon a public highway within the City, have in his possession any liquor in an open or unsealed container of any kind.

2-2D-13: MISREPRESENTATION OF AGE:

A. No person under the age of twenty-one (21) years may purchase, consume or possess liquor.

B. No person shall give, sell or deliver liquor to any person under the age of twenty-one (21) years.

C. No person under the age of twenty-one (21) years shall, by any means, represent to any retailer or to any agent or employee of such retailer or to any agent or employee of such retailer that he or she is twenty-one (21) years or more of age for the purpose in inducing such retailer, or his agent or employee, to sell, serve or dispense liquor to such person.

D. No person shall, by any means, represent to a retailer, or any agent or employee of such retailer, that any other person is of lawful age when in fact such other person is under the age of twenty-one (21) years for the purpose in inducing such retailer, or agent or employee of such retailer, to sell serve or dispense liquor to such other person.

2-2D-14: RESTRICTION ON SALES BY LICENSEE:

No licensee or its employed agents, servants or bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any liquor to:

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

B. Any person actually or obviously intoxicated.

C. A habitual drunkard.

D. An interdicted person.

2-2D-15: LIQUOR CATERING PERMIT:

Any person holding a retail liquor license may serve and sell liquor, retail by the drink at a party or convention at a location other than at the licensed premises for a period not to exceed five (5) consecutive days, with an option to request one (1) permit extension on the same terms and conditions as the original permit, which extension may be issued or denied at the sole and absolute discretion of the original issuing entity, or at a party for a time period not to exceed two (2) consecutive days. Applications for such permit shall be made to the Clerk on such form as prescribed by the Clerk, which form shall contain the following information:

A. The name and address of the applicant and the number of his state liquor license.

B. The dates and hours during which the original permit is to be effective, not to exceed five (5) consecutive days.

C. The names and addresses of the organizations, groups, or persons sponsoring the event.

D. The address at which the liquor is to be served, and if a public building, the rooms in which the liquor is to be served. The application shall be verified by the applicant and filed with the Clerk. A filing fee in an amount set from time to time by Resolution of the Council for each day the permit is to be effective shall be paid to the Clerk. Such fee shall be nonrefundable irrespective of whether the party or convention is held.

E. No alcohol beverage catering permit issued pursuant to this section shall be used on a licensed premise. An alcohol beverage catering permit issued pursuant to this section shall only be exercised by the licensee on record.

2-2D-16: APPROVAL OF LIQUOR CATERING PERMIT:

Upon the filing of an application for a liquor catering permit, the Council shall upon the advice and recommendation of the Chief of Police approve or disapprove the application and indicate the determination on the face of the application by endorsement signed by the Clerk. Copies of the application with signed endorsements thereon shall be mailed or delivered immediately to the Chief of Police, the Director of the Idaho Department of Law Enforcement and the applicant, and a signed copy shall be retained by the Clerk. An application approved in this manner shall constitute a permit, unless disapproved by the Director by notice served upon the applicant for the retail sale of liquor by the drink, beer and wine for the period authorized by the permit.

2-2D-17: 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 City retail liquor by the drink license for fraud or misrepresentation in its procurement or for a violation of any of the provision of this article, or for any conduct or act of the licensee or his employees or an conduct or act permitted by him or them 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 a menace to the health, peace safety or general welfare of the City; provided, that revocation or suspension of the state retail liquor license by the Director of the Department of Law Enforcement shall be deemed prima facie evidence for revocation or suspension of the City retail wine license issued hereunder.

A. In the event the City Clerk or the Police Chief has determined there is probable cause to revoke a License issued pursuant to this Article, the same shall be reported to the Mayor and City Council who upon finding probable cause shall set a date and time issue and serve upon the licensee an order to show cause for the licensee to appear and show cause before the Mayor and City Council why their license should not be revoked.

2-2D-18: PENALTY:

Any person who violates any of the provision of this article or fails to comply with any of the term and conditions of this article shall be guilty of a misdemeanor.

(Ord. 627, Amended, 8/11/2020; Ord. 625, Amended, 7/14/2020; Ord. 568, Amended, 2/8/2010; Ord. 530, Amended, 12/11/2007; Ord. 529, Amended, 12/11/2007; Ord. 519, Amended, 7/10/2007; Ord. 364, Amended, 1/14/1991; Ord. 331, Amended, 11/10/1987; Ord. 305, 9-11-1984; Ord. 301, Amended, 4/10/1984; Ord. 300, Amended, 2/14/1984; Ord. 292, Enacted, 10/14/1982; Amended 1986 Code)

Title 2, Chapter 3
PEDDLERS, SOLICITORS, VENDORS, EVENT VENDORS AND TRANSIENT MERCHANTS

2-3-1: PURPOSE:
2-3-2: DEFINITIONS:
2-3-3: LICENSE REQUIRED:
2-3-4: APPLICATION FOR LICENSE:
2-3-5: LICENSE FEES:
2-3-6: BOND REQUIREMENTS:
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2-3-11: LOCATION RESTRICTIONS:
2-3-12: UNLAWFUL CONDUCT:
2-3-13: ENFORCEMENT:
2-3-14: APPEAL FROM DENIAL OF LICENSE:
2-3-15: REVOCATION OF LICENSE:
2-3-16: PENALTY:

2-3-1: PURPOSE:
The purpose of this chapter shall be to protect the health, safety and welfare of residents of the city and to protect its citizens from undue annoyance by means of regulation of peddlers, solicitors, canvassers, vendors or transient merchants.

2-3-2: DEFINITIONS: For purposes of this chapter the following terms shall have the meaning herein provided:

EVENT VENDOR: Any person, who sells or offers for sale, goods, wares, merchandise, beverages or food-stuffs of any kind or nature whatsoever at a special event.

PEDDLER: Any person, whether a resident of the city or not, traveling by foot, motor vehicle or any other type of conveyance from place to place, from house to house or from street to street; carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers.

PERSON: An individual or a legal entity under law.

SOLICITOR, VENDOR OR CANVASSER: Any person, whether a resident of the city or not, traveling either by foot, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street; taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for

future delivery, or for services to be furnished or performed in the future, whether he is collecting advance payments on such sales or not. Such definitions shall include any persons who, for themselves or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, public room in a hotel, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

SPECIAL EVENT: Any organized activity which occurs upon public or private property which activities include, but are not limited to, fairs, festivals, carnivals, sporting events, foot runs, bike-athons, markets, parades, exhibitions, auctions, dances, motion picture filming, concerts, trade shows, craft shows, reunions and various performances.

TEMPORARY: Thirty (30) days or less.

TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR: Any person, whether owner or otherwise, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in a hotel, lodging house, apartment, shop or any parking lot or other place within the city for the exhibition and sale of such goods, wares and merchandise.

2-3-3: LICENSE REQUIRED:
It shall be unlawful for any "peddler", "vendor", "solicitor", “event vendor” or "canvasser", "transient merchant" or "itinerant merchant" or "vendor", as the same are herein defined, to engage in such business within the corporate limits of the city without first obtaining a license therefor in compliance with the provisions of this chapter.

2-3-4: APPLICATION FOR LICENSE:
Applicants for a license under this chapter must file with the city clerk an application furnished by said city clerk, which shall contain, but not necessarily be limited to, the following information or any information needed as reasonably determined relevant to the purpose of this chapter by the City Clerk:

A. Name and description of the applicant; if the applicant is an association, company or corporation, limited liability company, partnership or other legal entity under law then it shall state its name along with the names of the persons who will be soliciting in the city and proof of its legal status and its then current ability to do business in the State of Idaho.

B. Address, both legal and local.

C. A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.

D. If the application is made by an agent or employee, the name and address of the principal or employer applicant.

E. The length of time for which the right to do business is desired.

F. If a vehicle is to be used, a description of the same, together with the license number or other means of identification.

G. Whether or not a permit or license to the applicant has been revoked during the past five (5) years, and if so, where and when.

H. Proposed method of operation.

I. Social security or tax identification number and/or driver's license number of applicant.

J. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal laws, the nature of the offense and the date, and the punishment or penalty assessed therefor.

K. The place where the goods or property are proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.

L. A two inch by two inch (2" x 2") photograph of the applicant or applicant's sales agent showing the head and shoulders in a clear and distinguishable manner.

M. When the applicant proposes to peddle or offer for sale any food or product for human consumption, a certification by the Southwest health district shall be required prior to issuance of a license, or the issuance of a provisional license which will require an inspection by the Southwest Health District prior to the sale of any food or product.

2-3-5: LICENSE FEES:

The license fees for any license or permit issued pursuant to this chapter will be listed in the most current City Clerk Fee Schedule as shall be set by resolution of the City Council for both "daily" sales or "annual/seasonal" sales per applicant. "Annual/seasonal" licenses shall expire December 31 of each year. All fees shall be paid in advance.

2-3-6: BOND REQUIREMENTS:

A. Bonds in amounts contained herein and under the following conditions shall be required for those engaging in a business as a "peddler", "solicitor" or "canvasser", "vendor" or "transient merchant", as defined in

this chapter, where the business transaction involves collecting monies, including deposits, for future delivery of goods, products or services.

B. Before any license as provided for herein shall be issued for engaging in the business of "peddler", "solicitor" or "canvasser", or "transient merchant" as defined in this chapter, and the aforesaid applicant's business involves collecting monies for future delivery of any goods or products, every applicant desiring to ply his trade as an individual shall file with the city clerk a surety bond running to the city or a cashier's check in the amount of five hundred dollars ($500.00). Every business, firm, company or corporation which has one or more employees or agents acting in the capacity of peddler, solicitor, canvasser or transient merchant, who collects any monies for future delivery of goods or products, shall file with the city clerk a surety bond covering all such employees or agents and running to the city, or a cashier's check in the amount of five hundred dollars ($500.00) for each employee and/or agent.

C. Every bond for those engaging in a business as a "peddler", "solicitor" or "canvasser" or "transient merchant", as defined in this chapter, shall be executed by the applicant as principal and at least one surety upon which service of process may be made in the state of Idaho, said bond to be approved by the city attorney, conditioned that the said applicant and all of the applicant's agents and employees shall comply fully with all of the provisions of this chapter.

D. Based upon written justification and letters of reference from local citizens, local business firms, local companies or local corporations, or being licensed during the previous or current calendar year, the above bonding requirements may be waived when specifically approved by the city council.

E. Action on the surety bond or cashier's check may be brought directly by any person damaged by a licensee's violation of any provision of this chapter.

F. After expiration of a license, the city clerk shall, upon application of the licensee, return the bond or cashier's check six (6) months after receipt of application for return, unless the clerk has been notified of the pendency of any claim or cause of action by any person upon the bond or cashier's check.

2-3-7: INVESTIGATION OF APPLICANT; ISSUANCE OF LICENSE; LICENSE NONTRANSFERABLE:

A. Upon receipt of the application or application for renewal of a license under this chapter, the city clerk shall refer the application to the chief of police, who shall cause an investigation to determine the validity and

completeness of information presented on the application. The chief of police shall endorse, upon the application, the findings of the investigation and return it to the city clerk within ten (10) working days. Provided, where application for renewal of a license is involved, and the city clerk has received no complaint or allegation of any violation of this chapter or other laws by the applicant, the city clerk may issue the renewal license, upon payment of the license fee, without referral of the application to the chief of police.

B. If the applicant or his employer has been convicted of any crimes involving moral turpitude within the past five (5) years or if the applicant has made a false statement on the application, then it shall be disapproved.

C. The city clerk shall notify the applicant whether the license request is approved and, upon payment of the prescribed license fee, shall issue a license. Such license shall show the name, address, photograph of said licensee or the licensee's agents who will engage in the licensed activites, the type of license issued and the kinds of goods to be sold or type of sales to be solicited thereunder, the amount of fee paid, the date of issuance and the date of expiration.

D. The city clerk shall notify the applicant if their application for license is disapproved, the reasons therefor, and advise the applicant of the appeal procedure.

E. No license issued hereunder shall be transferable.

2-3-8: EXCEPTIONS:
The provisions of this chapter shall not apply to:

A. Any sales under court order.

B. A bona fide auction sale.

C. Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to or solicit orders for future delivery from local retailers, local businesses, local governments, local schools or local wholesale firms.

D. Independent contractors of the sponsor of a Special Event.

E. The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper.

F. Contribution solicitation where the person being solicited to contribute personally knows the identity of the person soliciting the contribution, the

name of the group or organization he represents and the nature of the services performed or offered by the group or organization.

G. The occasional sale of admission by local school students to a function of their school; or fundraising or community events sponsored by local service clubs.

H. Any political group seeking funds or membership.

I. Any solicitation of information for a telephone book or a city directory by a company representative.

J. A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

K. A sale of goods, wares, merchandise and personal property of any nature whatsoever for resale to or by a business establishment at a fixed location where goods or services are offered or exhibited for sale.

L. A sale of services to be furnished or performed in the future to or by a business establishment at a fixed location.

M. A business granted a franchise by this city, pursuant to the terms of Idaho Code sections 50-329 and 50-330.

2-3-9: EXHIBITION OF LICENSE:
The license issued to the licensee hereunder by the city clerk shall be exhibited in a conspicuous place. If the licensee is using a vehicle or a building in his business and otherwise, the license must be kept by the person and exhibited at any time upon request.

2-3-10: RENEWALS:
Licenses which are not renewed for a minimum of any six (6) quarters within the two (2) year period from the date of the original issue shall be, upon application for renewal, treated as an original application.

2-3-11: LOCATION RESTRICTIONS:
No licensee hereunder shall have any exclusive right to any location in a public street or right of way, nor shall he be permitted to conduct his business or trade in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. No business activity shall be carried on in any area of the city by any licensee who is licensed pursuant to this chapter, where such business activity is prohibited by the city zoning code. No licensee shall be permitted to conduct his business or trade in or on any

city park, city building or grounds adjacent thereto, unless specifically granted by the city.

2-3-12: UNLAWFUL CONDUCT:
No licensee hereunder shall:

A. Misrepresent the purpose of the solicitation.

B. Misrepresent the affiliation of those engaged in the solicitation.

C. Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor.

D. Represent the issuance of any license under this chapter as an endorsement or recommendation of the solicitation.

E. Enter upon any premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect.

F. Knowingly make any false statement on an application for a license hereunder

2-3-13: ENFORCEMENT:
It shall be the duty of any police officer of the city to enforce this chapter. The chief of police shall report to the city clerk all violations of this chapter.

2-3-14: APPEAL FROM DENIAL OF LICENSE:

A. Within five (5) days, excluding weekends and legal holidays, from the refusal of the city clerk to issue a license under this chapter, the applicant for a license may appeal to the city council for the purpose of having the city council review the action of the city clerk.

B. The appeal by the licensee or the applicant whose license has been refused must be in writing and set forth in concise language the reasons such license should not have been refused.

C. After the filing thereof, the city council shall hear the appeal at the following regular council meeting. All procedures governing the conduct of said meeting shall be pursuant to the city of Wilder administrative procedures act.

2-3-15: REVOCATION OF LICENSE:

A. The City Council shall have the power to revoke any license granted in accordance with this chapter for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license.
2. Fraud, misrepresentation or false statement made in the course of conducting the business or trade.
3. Conviction of any crime, felony and/or misdemeanor involving moral turpitude.
4. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
5. Any other violation of this chapter.

B. Prior to any revocation, the licensee shall be granted the opportunity for a public hearing before the city council, the conduct of which hearing shall be governed by the city of Wilder administrative procedures act, and which hearing shall be held no later than twenty one (21) days after written notice of intent to revoke, which notice shall specify the date, time and place of hearing, and which shall be delivered to the licensee personally or mailed to licensee at the address set forth in the license application. If, after such public hearing, the city council determines that one or more of the grounds for revocation exists, it shall revoke the license.

2-3-16: PENALTY:

A. A violation of any of the provisions of this chapter shall be an infraction, the penalty for which shall be one hundred dollars ($100.00), excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars ($100.00) and for which no period of incarceration may be imposed. There is no right to trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

B. Any person violating any of the provisions of this chapter for a third or subsequent time within two (2) shall be punishable as a misdemeanor.

C. Each day any person commits or permits a violation of this chapter to continue, the same shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 595, Amended, 6/11/2013; Ord. 567, Amended, 2-8-2010, Ord. 294, 5-17-1983; Amended. 1986 Code)

Title 2, Chapter 6
YARD SALES

2-6-1: TITLE:
2-6-2: DEFINITION:
2-6-3: APPLICATION FOR YARD SALE PERMIT:
2-6-4: ISSUANCE AND TERM OF PERMIT:
2-6-5: PERMIT FEE:
2-6-6: DENIAL OF PERMIT:
2-6-7: UNLAWFUL CONDUCT:
2-6-8: PENALTY:

2-6-1: TITLE:
This chapter shall be referred to and known as the YARD SALE REGULATION ORDINANCE. (Ord. 326, 12-9-1986)

2-6-2: DEFINITION:
As used in this chapter, "yard sales" shall mean and include all activities regarding the merchandising of personal property of whatever kind which shall include the holding out or offering for sale or the selling of any personal property consisting of three (3) items or more at any one time when that property is visible from neighboring properties and/or from public ways or easements and shall also include those merchandising activities commonly known as garage sales, moving sales, yard sales, block sales, patio sales, and flea markets.

Exceptions: "Yard sales" shall not be deemed to include or defined as any and all retail business establishments being conducted upon real property which is not being used as a residence or for residential purposes. (Ord. 326, 12-9-1986)

2-6-3: APPLICATION FOR YARD SALE PERMIT:
An application for a permit for a yard sale shall be in writing and signed and sworn to by the applicant upon an application form furnished by the city clerk. Such applications shall be filed with the city clerk three (3) working days prior to the first day of the proposed yard sale and shall have the following information:

A. All applications must be signed by the owner or the person entitled to possession of the real property upon which the yard sale is to be conducted and by any and all other persons and/or organizations who are responsible for or are conducting the yard sale. In the event the applicant is a corporation, a duly certified copy of the resolution authorizing the yard sale by the corporation shall be included with the application.

B. All applications shall specify the location of the yard sale and the date and hours upon which said yard sale is to be conducted.

C. In the event an applicant is a corporation, that corporation must be in good standing with the secretary of state as a foreign and/or domestic corporation.

D. In the event the applicant is doing business under an assumed business name, the name of the assumed business name together with the name of the owners of the business and their address shall be included in the application, and it shall be verified by the city clerk that a certificate of assumed business name has been filed with the recorder of Canyon County, Idaho, for said business. (Ord. 326, 12-9-1986)

2-6-4: ISSUANCE AND TERM OF PERMIT:
There shall not be more than three (3) yard sale permits issued by the city clerk and/or city council for the conduct of a yard sale on any piece of real property within the city in any one calendar year. No yard sale permit shall be valid for more than three (3) calendar days.

In the event the application is found by the city clerk to be in compliance with sections 2-6-3, 2-6-4 and 2-6-5 and not in violation of section 2-6-6, and upon the payment of the required permit fee, the city clerk shall issue the applicant a city yard sale permit, which permit is nontransferable. (Ord. 326, 12-9-1986)

2-6-5: PERMIT FEE:
There shall be a permit fee for a yard sale permit in the sum of five dollars ($5.00) per application, which sum shall be paid by the applicant to the city clerk at the time the application for a permit is filed with the city clerk. In the event that a permit is not granted, the permit fee shall be promptly refunded to the applicant by the city clerk. (Ord. 326, 12-9-1986)

2-6-6: DENIAL OF PERMIT:
A. Causes for Denial: The city clerk and/or the city council, as the case may be, shall have the power to deny an application for permit for a yard sale in accordance with this chapter for any of the following causes:

1. The real property owner or person entitled to possession has not joined in the application for the yard sale permit as an applicant or coapplicant.
2. Three (3) permits for yard sales have been granted for the same piece of real property within one calendar year preceding the application for yard sale.
3. In the case of a corporate application, the corporation is not in good standing with the secretary of state of the state of Idaho and/or a certified copy of the resolution authorizing the yard sale is not accompanying the application.
4. In the case of an assumed business name, a certificate of assumed business name has not been filed with the recorder of Canyon County and/or the owners of the business have not signed the application for permit.
5. If fraud, misrepresentation or false statements have been contained in the application for permit.

B. Notice To Applicant: In the event the city clerk should deny an application for a yard sale permit, the reasons for the denial shall be specified, in writing, and the clerk shall also notify the applicant of their right to a public hearing and to appeal the decision to the city council, which hearing and appeal shall be governed by the city of Wilder administrative procedures act contained in title 1, chapter 8 of this code. (Ord. 326, 12-9-1986)

2-6-7: UNLAWFUL CONDUCT:
It shall be unlawful for any person to:

A. Conduct a yard sale or to allow a yard sale to be conducted upon real property in which said person is entitled to possession, and/or to advertise any yard sale, either in writing or otherwise, without first having obtained a permit from the city clerk pursuant to the terms and provisions of this chapter.

B. Conduct a yard sale without displaying a permit for the conduct of the yard sale, which permit shall be prominently displayed at the site of the yard sale.

C. Advertise on publicly owned property, including utility poles or trees, or in any public right of way any yard sale. (Ord. 326, 12-9-1986)

2-6-8: PENALTY:
Any person violating any of the provisions of section 2-6-7 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed three hundred dollars ($300.00) and/or given a jail term not to exceed thirty (30) days for any one offense, or both. (Ord. 326, 12-9-1986)

Title 2, Chapter 7
PAWNBROKERS

2-7-1: TITLE:
2-7-2: PAWNBROKER DEFINED:
2-7-3: APPLICATION OF PROVISIONS:
2-7-4: LICENSE REQUIRED; APPLICATION; AND PROCEDURE:
2-7-5: LICENSE FEE:
2-7-6: RECORDS:
2-7-7: MINORS AND INTOXICATED PERSONS:
2-7-8: SALES:
2-7-9: FORFEITURES:
2-7-10: HOURS OF OPERATION:
2-7-11: REPORTS TO THE CHIEF OF POLICE:
2-7-12: NOTICE FROM POLICE DEPARTMENT:
2-7-13: STOLEN PROPERTY; RETURN TO THE TRUE OWNER:
2-7-14: REVOCATION OR SUSPENSION OF LICENSE:
2-7-15: VIOLATIONS:
2-7-16: PENALTIES:

2-7-1: TITLE:

This chapter shall be known as the PAWNBROKER LICENSE ORDINANCE. (Ord. 394, 5-9-1995)

2-7-2: PAWNBROKER DEFINED:

Every person who makes it a business or conducts or operates a business to take or receive, by way of pledge, pawn, exchange or hypothecation, any goods, wares or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon, including the payment of interest on the money lent, or who makes it a business of receiving or purchasing personal property or other valuables for the purpose of selling the same back again at a stipulated price; or makes it a business of lending money secured by a chattel mortgage, UCC financing statement or personal property, while keeping possession of the item of property placed as security; for all intents and purposes under this chapter, is hereby defined as a "pawnbroker" and shall be governed by the terms of this chapter. (Ord. 394, 5-9-1995)

2-7-3: APPLICATION OF PROVISIONS:

This chapter shall be applicable to the principals of any entity performing any activity regulated by this chapter and to their agents and employees. Every pawnbroker regulated hereunder shall be liable for all the penalties provided herein for violation of any provision of this chapter, whether such violation be committed by himself or his agent, clerk or employee. (Ord. 394, 5-9-1995)

2-7-4: LICENSE REQUIRED; APPLICATION; AND PROCEDURE:

A. It shall be unlawful for any person to engage in the business of a pawnbroker unless a valid license therefor has been issued as herein provided and said license is in full force and effect.

B. An application for such license shall be made to the city clerk in such form and manner as the city clerk may prescribe. Such application shall include, but not necessarily be limited to, the following information:

1. The name and address of the applicant; and, if a partnership, the names and addresses of each partner; and, if a corporation or association, the names and addresses of the principal stockholders and the name and residence of the operating manager of the business.
2. Whether the applicant had a similar license revoked by the city or any other city in this state or of the United States or any state of the United States within the past five (5) years.
3. Whether the applicant or any principal or partner has been convicted of any felony or misdemeanor, other than minor traffic violations, the nature of the offense, the date, and the punishment or penalty assessed therefor.
4. The name and address of each employee of the business and whether that employee has been convicted of any felony or misdemeanor, other than minor traffic violation, the nature of the offense, and the date, and the punishment or penalty assessed therefor; that, upon change of employees, the above information shall be forwarded to the city clerk ten (10) days after the hiring of a new employee.

C. Upon receipt of any application for a license or an application for license renewal, the city clerk shall cause an investigation to be made of the applicant or applicants. Also, upon receipt of the name of a new employee, the city clerk shall cause an investigation to be made of the employee. Such investigation shall include the office of the city clerk and the police department who shall investigate the statements and representations contained in the application, shall inspect the premises where the applicant proposes to do business and make such other and further investigation as is deemed proper to ascertain whether the applicant conforms to all of the requirements of this chapter. All of such reports and findings shall be submitted to the city clerk who shall then decide whether to grant or deny the request for a license. Such investigation shall be completed within thirty (30) days.

D. No person or entity shall be issued a license to engage in the business of a pawnbroker when that person:

1. Is under the age of eighteen (18) years;
2. Is not a bona fide owner of such business;
3. Has had a similar license revoked by this city or any other city of this state or of the United States within five (5) years immediately preceding the date of the filing of the application;
4. Has been convicted of any felony, or has been convicted of any other crime, whether felony or misdemeanor, involving moral turpitude within

the five (5) years immediately preceding the date of the filing of the application;

5. Has misrepresented or made a false or fraudulent statement of material or relevant facts contained in the application; or
6. Has engaged in a fraudulent transaction or enterprise.

E. An affirmative showing with respect to the qualifications herein specified shall be required to be made with respect to each application, and to each partner of a partnership applicant and to each officer, director or member of the governing board of a corporation or association and with regard to each employee.

F. Upon completion of the investigation, the city clerk shall issue, subject to the city council approval and approval of the chief of police, and upon payment of the prescribed license fee, a license which shall expire at the end of the calendar year, unless sooner revoked or surrendered.

G. In the event the city clerk shall deny an application, the clerk must specify the following, in writing:

1. The statute, ordinance and/or standards used to evaluate.
2. Specify the reasons for the denial.
3. The action, if any, the applicant could take to obtain the license, transfer or renewal.
4. Decisions of the city clerk may be appealed to the city council pursuant to the city's administrative procedures act, title 1, chapter 8 of this code, which appeal must be filed within fifteen (15) days of the date of mailing which shall be made by return receipt requested and/or by registered mail and/or by delivery of the decision of the city clerk to the applicant.
5. The city council shall, within thirty (30) days of the final decision of the city clerk, make a decision on the appeal. In the event the council should deny any application, the council shall specify, in writing, those matters set forth in subsections G1 through G3 of this section.

H. If, during the period of any license issued under this chapter, any change takes place in licensee's circumstances relating to the licensee's qualifications to hold a license, the licensee shall forthwith make a verified report of such change in circumstances.

I. Request for license renewal shall be submitted to the city clerk on a renewal application form provided by that office. The renewal application shall be filed with the city clerk by November 1 of each and every year. The renewal application shall include any changes, modifications or alterations to the nature or operational characteristics of the business. Failure to provide a complete and accurate application in advance of the November 1 deadline shall cause delay in processing the application and shall result in a suspension of the license for a period of one day for each day after November 1, the request for license renewal is filed.

J. All licenses issued under the provisions of this chapter shall run from January 1 through December 31. All such licenses shall expire at twelve o'clock (12:00) midnight, December 31 of the year in which they shall be issued, notwithstanding the fact that such license may have been issued after January 1.

K. An applicant shall be charged, by the city clerk, the following application and license fees to be payable at the time the license is issued. All license fees shall be paid to the general fund of the city:

Pawnbroker's License: The sum of zero dollars ($0.00) per annum for the license; provided, however, that if the license be issued for less than a full calendar year, the license fee shall be prorated as of the actual months of issuance.

L. When the city clerk suspends, revokes or refuses to renew a license issued pursuant to the provisions of this chapter for a violation or failure to comply with the provisions of this chapter, the clerk shall notify the licensee of the clerk's intent to suspend, revoke or refuse to renew, which notice shall be, in writing, and shall contain the reasons for such action in conformance with the city's administrative procedures act.

M. Licenses shall not be transferable either as to person or place. The license issued hereunder shall be posted conspicuously in each place of business named therein. (Ord. 394, 5-9-1995)

2-7-5: LICENSE FEE:
The city clerk shall collect, before the issuance of any license or renewal thereof, an annual license fee of zero dollars ($0.00). (Ord. 394, 5-9-1995)

2-7-6: RECORDS:
A. Every pawnbroker shall keep a record of every article pledged with him, or sold to him or received by him, and this record shall be open to the inspection of any police officer at any time during the hours of the pawnbroker's business. Such record shall be upon the form as may be required by the chief of police and shall provide the following information:

1. Name of pawnbroker;
2. Name, address, date of birth, sex, height, weight and social security number and/or identification card number, and/or resident alien card number of pledgor or seller;
3. The date of the transaction, the article pledged or sold together with its description, including the make, model number, serial number, or if such number does not exist, such other type of identification such as color, size, identifying marks, as well as the amount of the loan. A record shall be made for each article pawned;
4. The pledgor or seller's motor vehicle operator's license number or Idaho identification or military identification or resident alien card and the state of issue when applicable;
5. Signatures by both pawnbroker and pledgor or seller;

6. All forms must be filled out in legible manner, and shall be filled out by the broker or his agent (employee);
7. Every record shall be executed by the pawnbroker and the pledgor or seller at the time the transaction occurs. The pawnbroker shall compare the signature upon the transaction record with the signature on the seller's identification.

B. All pawnbroker's reports shall be made in duplicate, one to be retained by the pawnbroker and one copy to be available to the police department upon request. The record required to be maintained shall be retained for a period of one year after the date of the transaction. (Ord. 394, 5-9-1995)

2-7-7: MINORS AND INTOXICATED PERSONS:
No pawnbroker shall:

A. Buy items of value from or loan money on property to any person under eighteen (18) years of age. This provision shall not prevent sales to any person regardless of age.

B. Have any business dealings as a pawnbroker with a person who is under the influence of alcoholic beverages or drugs such that impairs his business judgment. (Ord. 394, 5-9-1995)

2-7-8: SALES:
No personal property purchased by a pawnbroker at his place of business shall be sold or removed from such place of business for a period of at least seven (7) days after being so purchased without written consent of the chief of police. Excluded from this restriction are transactions in gold and silver bullion or coins. (Ord. 394, 5-9-1995)

2-7-9: FORFEITURES:
Every pawnbroker shall allow a period of thirty (30) days for a pledgor to repay the loan before the property pledged shall become forfeitable. Upon payment by the pledgor of the service charge incurred in connection with the loan for the first thirty (30) days, the pawnbroker shall automatically extend the loan repayment period another thirty (30) days. (Ord. 394, 5-9-1995)

2-7-10: HOURS OF OPERATION:
Legal hours for "pawnbrokers", as herein defined, may be between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M. each day, unless special permission is obtained from the chief of police. (Ord. 394, 5-9-1995)

2-7-11: REPORTS TO THE CHIEF OF POLICE:
The chief of police or other officers of the police department may, at their discretion, require a written report of said business transactions, and, during the business hours of every day, may conduct a personal examination of any articles pledged or sold or inspect the books or records of such pawnbroker showing the articles or things purchased or pawned. (Ord. 394, 5-9-1995)

2-7-12: NOTICE FROM POLICE DEPARTMENT:
Whenever the chief of police or any member of the police department shall notify any pawnbroker, in writing, not to sell any property deposited or purchased by him or permit the same to be redeemed, such property shall not be sold or permitted to be redeemed for a period of sixty (60) days from the date of such notice, but such notice may be renewed by written request for an additional sixty (60) day period or periods. Further, a notice may be terminated at any time, in writing, by the chief of police. (Ord. 394, 5-9-1995)

2-7-13: STOLEN PROPERTY; RETURN TO THE TRUE OWNER:
A. Any article pledged or sold to a pawnbroker which is subsequently determined by a law enforcement agency to have been stolen shall be transferred to the custody of such agency upon the agency's written request, or, at the direction of the agency, shall be returned by the pawnbroker to the true owner. The true owner shall not be liable to the pawnbroker for any amounts expended by the pawnbroker with respect to an article deemed stolen. The pawnbroker shall not be required to return stolen property to the true owner until:

1. He receives written notice from the law enforcement agency authorizing the release of the property to the true owner and specifying the name, address and social security number of the true owner;
2. The true owner, in person, requests the return of the property, executes a receipt therefor, and presents proper identification showing his name, address, social security number and signature;
3. If a disagreement exists concerning the ownership of property, the item shall be held by the pawnbroker for a period of thirty (30) days upon receipt of written notice of disputed ownership, and upon probable cause to support that disputed ownership, during which time the parties disputing ownership must seek a judicial determination of the ownership and submit proof of the filing of the same with the pawnbroker. If an action for judicial termination of ownership is not filed in a court of competent jurisdiction within thirty (30) days, and proof of the same has not been duly served upon the pawnbroker, the item will no longer be required to be held by the pawnbroker;
4. Upon the initiation of a criminal investigation by the police department, the pawnbroker may be required to hold merchandise for a period of thirty (30) days, and would be required to deliver possession of the item to the police department upon the filing of a criminal prosecution for which the personal property item is to be used as evidence in that prosecution.

B. Upon the return of stolen property to the true owner, either by the pawnbroker or law enforcement agency, the pawnbroker shall complete such documentation as may be necessary or required to effect the transfer of the property, including such documents pertaining to the registration of firearms as may be required by local, state or federal authorities. Upon return of an item of property to a true owner, said owner shall agree, in writing, to pursue a course of criminal prosecution which could result in restitution for any victimized party. (Ord. 394, 5-9-1995)

2-7-14: REVOCATION OR SUSPENSION OF LICENSE:
The city council shall have the power to revoke or suspend any license granted in accordance with this chapter for any of the following causes:

A. Fraud, misrepresentation or false statement contained in the application for license;

B. Any other violation of this chapter; or

C. The hiring of any person who has been convicted of a felony, or has been convicted of any other crime, whether felony or misdemeanor, involving moral turpitude within the five (5) years immediately preceding the date of being employed;

D. Conviction of any felony or misdemeanor involving fraud, theft, dishonesty or receiving or possessing stolen property, or any other crime involving moral turpitude;

E. Failure to pay any tax levied by the Idaho state tax commission pursuant to Idaho Code section 63-2313. (Ord. 394, 5-9-1995)

2-7-15: VIOLATIONS:
A. It shall be unlawful for any pawnbroker or any clerk, agent, employee of a pawnbroker to:

1. Acquire, by purchase, trade, exchange or otherwise, goods bearing evidence of a serial number which has been tampered with or scratched or obliterated in any matter unless such person immediately contacts the police department;
2. Accept, buy or exchange any articles prior to examining the identifying credentials of the person selling or exchanging said articles;
3. Fail to maintain the records required under section 2-7-6 of this chapter, or fail to maintain such records as to any time of which record is required to be maintained under section 2-7-6 of this chapter, or fail to make an entry of any material matter in the record of any transaction;
4. Make any false entry in the record required by section 2-7-6 of this chapter;
5. Obliterate or destroy the record required by section 2-7-6 of this chapter; provided, however, that such records may be destroyed at the expiration of the one year retention period prescribed in section 2-7-6 of this chapter;
6. Refuse to allow any law enforcement officer to inspect the records required by section 2-7-6 of this chapter or any articles in his possession during normal business hours;
7. Report any material matter falsely to a law enforcement officer;
8. Acquire, by purchase, trade, exchange or otherwise, any articles from any person under eighteen (18) years of age;
9. Fail to report forthwith to the police department the receipt of any property which the pawnbroker has good cause to believe has been lost or stolen,

together with the name of the owner, if known, and the date when and the name of the person from whom the property was received;

10. Hire or employ any person who has been convicted of any felony, or has been convicted of any other crime, whether felony or misdemeanor, involving moral turpitude within the five (5) years immediately preceding the date of the filing of the application.

B. It shall be unlawful for any person to use a false name, a fictitious address, or any address other than the true address, or to furnish any false, untrue or misleading information or statement relating to the information required by section 2-7-6 of this chapter.

C. It shall be unlawful for any person to pledge or sell any goods, chattels or effects, or any personal property leased or let to him by any instrument in writing under a contract or purchase not yet fulfilled. (Ord. 394, 5-9-1995)

2-7-16: PENALTIES:

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 of not more than three hundred dollars ($300.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment, for each violation. (Ord. 394, 5-9-1995)

Title 2, Chapter 8
CABLE TV FRANCHISE ORDINANCE

2-8-1: TITLE:
2-8-2: DEFINITIONS:
2-8-3: TERMS/CONDITIONS OF FRANCHISE:
2-8-4: APPLICATION:
2-8-5: HEARING:
2-8-6: ACCEPTANCE:
2-8-7: POLICE POWERS:
2-8-8: DEVELOPMENT OF CITY PLAN FOR CABLE SYSTEMS (REP. BY ORD. 428, 8-12-1997):
2-8-9: RULES AND REGULATIONS BY THE CITY:
2-8-10: TECHNICAL STANDARDS:
2-8-11: PARENTAL CONTROL DEVICES:
2-8-12: ADAPTATION TO NEW TECHNOLOGY:
2-8-13: DEVICES FOR THE HEARING IMPAIRED (REP. BY ORD. 428, 8-12-1997):
2-8-14: CONSTRUCTION STANDARDS:
2-8-15: CONSTRUCTION NOTIFICATION:
2-8-16: UNDERGROUNDING AND LANDSCAPING:
2-8-17: CONSTRUCTION IN PUBLIC WAY:
2-8-18: SAFETY REQUIREMENTS:
2-8-19: BUILDING MOVING:
2-8-20: TREE TRIMMING:
2-8-21: CUSTOMER SERVICE:
2-8-22: OFFICE HOURS AND TELEPHONE AVAILABILITY:
2-8-23: FAILURE TO IMPROVE CUSTOMER SERVICE:
2-8-24: CUSTOMER BILLING:
2-8-25: COMMUNICATIONS AND REFUNDS:
2-8-26: DISCONNECT FEES, PROHIBITED:
2-8-27: CONTINUITY OF SERVICE:
2-8-28: INSTALLATION, OUTAGES AND SERVICE CALLS:
2-8-29: CABLE SYSTEM EVALUATION:
2-8-30: FRANCHISE FEE:
2-8-31: OTHER CHARGES:
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2-8-33: RECORD INSPECTION:
2-8-34: REPORTS:
2-8-35: PROGRAMMING:
2-8-36: NONDISCRIMINATION:
2-8-37: FRANCHISE RENEWAL:
2-8-38: TRANSFER OF OWNERSHIP:
2-8-39: REMOVAL AND ABANDONMENT OF PROPERTY OF FRANCHISEE:
2-8-40: REVOCATION FOR CAUSE:

2-8-41: EFFECT OF TERMINATION FOR NONCOMPLIANCE:
2-8-42: INDEMNITY AND HOLD HARMLESS:
2-8-43: INSURANCE:
2-8-44: PERFORMANCE BOND:
2-8-45: EQUALIZATION OF CIVIC CONTRIBUTIONS:
2-8-46: PENALTY:
2-8-47: INCONSISTENCY:
2-8-48: SEVERABILITY:

2-8-1: TITLE:
This chapter shall be known as the WILDER CABLE TV FRANCHISE ORDINANCE.

2-8-2: DEFINITIONS:
ACCESS CHANNELS: Channels set aside by a franchisee exclusively for noncommercial public, educational, or governmental use (commonly referred to as "PEG" channels).

ACT: Title VI of the communications act of 1984, as amended by the cable television consumer protection and competition act, 1992, and any subsequent amendments.

ADDRESSABILITY: The ability of a system allowing a franchisee to authorize, by remote control, customer terminals to receive, change or cancel any or all specified programming.

AFFILIATE: A condition of being united, being in close connection, allied, or attached as a member or branch.

APPLICANT: Any person or entity that applies for a franchise.

BASIC CABLE: The tier of service regularly provided to all subscribers including the retransmission of local broadcast television signals.

CABLE SERVICES:

A. The one-way transmission to subscribers of video programming, other programming or data communication services; and
B. Subscriber interaction, if any, which is required for the selection or use of such video programming, other programming or data communication services.

CABLE SYSTEM: A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to subscribers.

CHANNEL: A single path or section of the spectrum which carries a cable service.

CITY: The City of Wilder, a municipal corporation of the State of Idaho.

COUNCIL: The present governing body of the City or any future board constituting the legislative body of the City.

DATA COMMUNICATION:

A. The movement of encoded information by means of electrical, electronic, or light transmission systems; or

B. The transmission of data from one point to another over a cable system.

DISCONNECTION: The discontinuance of all cable service to a subscriber by a cable operator.

FCC: The federal communications commission, a regulatory agency of the United States government.

FRANCHISE: The initial authorization, or renewal thereof, issued by the City or the State of Idaho pursuant to Idaho Code Title 50 Chapter 30, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate or otherwise, which authorizes construction or operation of the cable system for the purpose of offering cable service or other service to subscribers.

FRANCHISEE: The person to whom a "franchise", as hereinabove defined, is granted by the Council under this chapter, or by the State of Idaho pursuant to Idaho Code Title 50 Chapter 30 and the lawful successor, transferee or assignee of said person subject to such conditions as may be prescribed by the City.

GROSS REVENUES: Any and all receipts and revenues received, directly or indirectly, from all sources by the operation of a cable system or attributable to a cable system within the corporate limits of the City.

A. "Gross revenues" is intended to include, but is not limited to, all income without any offsetting of expenses, costs or depreciation, derived from:

1. Subscribers receiving goods, equipment, equipment service, or cable service from or through the use of a cable system within the City; revenues from service, installation and repair; and any and all charges not specifically exempt herein such as delinquency fees, interest, or finance charges; and
2. Commissions received by franchise from home shopping channel sales made from within the City.
3. In the case of a video service that is bundled or integrated functionally with other services, capabilities or applications, the portion of the system operator's revenue attributable to the other services, capabilities or applications shall be included in gross revenues unless the provider can reasonably identify the division or exclusion of the revenue from its books and records, which may include the provider's tax billing records, that are kept in the regular course of business.

B. Without limiting the generality of the foregoing, "gross revenues" is not intended to include income, credits or revenues attributable to the operation of a cable system within the City arising from:

1. Real property transactions;
2. Taxes paid by a subscriber, the operator of a cable system within the City or another person which are imposed on any subscriber;
3. Interest (other than interest charged subscribers of the cable system within the City or advertisers for services provided or delivered by the cable system within the City) or dividends on investments received by the operator of a cable system within the City unrelated to the delivery of cable services within the City; or
4. Net uncollectible debts.

HEADEND: The electronic equipment located at the start of a cable system, usually including antennas, preamplifiers, frequency converters, demodulator and related equipment.

INSTALLATION: The connection of the cable system to subscriber terminals.

INSTITUTIONAL SERVICES: A cable system designated principally for the provision of non-entertainment services to schools, public agencies or other nonprofit agencies, separate and distinct from the subscriber network, or on secured channels of the subscriber network.

NCTA: The National Cable Television Association.

NORMAL BUSINESS HOURS: Those hours during which most similar businesses in the City are open to the service of customers and shall include at least four (4) consecutive hours per weekday and either one evening per week or one Saturday or Sunday.

NORMAL OPERATING CONDITIONS: Those service conditions which are within the control or are reasonably anticipated by the cable operator, including special promotions, pay per view events, regular peak or season demand periods and maintenance or upgrade of the cable system.

OPERATOR: The person operating a cable system within the City limits.

PERSON: Any individual, firm, partnership, corporation, limited liability company, trust, organization, association, or other legal entity.

PREMIUM SERVICES: Programming over and above those provided by basic cable for which there is generally an additional charge.

PROPERTY OF FRANCHISEE: All property owned, installed or used by a franchisee in the conduct of its business in the City under the authority of a franchise granted pursuant to this chapter.

PROPOSAL: The response by a person to a City request regarding the provision of cable services; or an unsolicited plan submitted by a person seeking to provide cable services in the City.

PUBLIC WAY: The surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, drive, circle or other public right of way, including, but not limited to, public utility easements, dedicated utility strips or rights of way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City in the service area which shall entitle the City and a franchisee to the use thereof for the purpose of installing, operating, repairing and maintaining the cable system. "Public Way" shall also mean any easement now or hereafter held by the City or within the service area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights of way as shall, within their proper use and meaning, entitle the City and franchisee to the use thereof for the purpose of installing or transmitting franchisee's cable service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, compliances, attachments and other property as may be ordinarily necessary and appurtenant to the cable system.

SHALL: Mandatory, not merely advisory.

STATE: The State of Idaho.

SUBSCRIBER: A person or user of the cable system who lawfully receives cable or other service therefrom with franchisee's permission.

2-8-3: TERMS/CONDITIONS OF FRANCHISE:

A. Authority to Grant Franchises or Licenses for Cable Television: It shall be unlawful for a person to engage in or commence construction, operation, or maintenance of a cable system, or to utilize the term "cable" with reference to the delivery of video programming or subscriber interaction, without a franchise issued under this chapter. The Council may, by ordinance, award a nonexclusive franchise to construct, operate and maintain a cable system which complies with the terms and conditions of this chapter. Alternatively, a cable system operator may provide cable services within the City limits if such provider has previously obtained a certificate of cable franchise authority from the State of Idaho granted pursuant to Idaho Code Title 50 Chapter 30.

B. Nonexclusivity: Any franchise granted pursuant to this chapter shall be nonexclusive and shall not preclude the City from granting other or further franchises or permits or preclude the City from using any public way or other

public property or affect its jurisdiction over them or any part of them, or limit the full power of the City to make such changes as the City shall deem necessary, including the dedication, establishment, maintenance, and improvement of all new rights of way and thoroughfares and other public properties. All franchises granted by the City subsequent to the effective date hereof shall be granted consistent with the terms and conditions of this chapter.

C. Incorporation by Reference: The provisions of this chapter shall be incorporated by reference in any franchise approved by the City hereunder. The provisions of any proposal submitted and accepted by the City shall be incorporated by reference in the applicable franchise. However, in the event of any conflict between the proposal, this chapter and the franchise, the franchise shall be the prevailing document.

D. Nature and Extent of the Franchise: No privilege, right or exemption shall arise from any franchise granted hereunder, except those specifically prescribed herein, and any use of a public way shall be subject to the procedures and regulations adopted by the City or the other lawful authority. Any franchise granted hereunder by the City or the state shall authorize a franchisee, subject to the provisions herein contained:

1. To engage in the business of operating and providing cable service and the distribution and sale of such service to subscribers within the City in accordance with the terms of the franchise;
2. To use the public ways to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street, such equipment and appliances, lines, cables, conductors, vaults, manholes, pedestals, attachments, supporting structures, and other properties as may be necessary and appurtenant to the cable system; and, in addition, so to use, operate and provide similar facilities, properties rented or leased from other persons, firms or corporations, including, but not limited to, any public utility or other person franchised or permitted to do business in the City.

E. Term of Franchise: The City shall have the right to grant a franchise for a period of time most appropriate to the circumstances of the particular grant. No franchise shall be granted by the City for a period exceeding fifteen (15) years without findings made by Council that the term for the extended period of time is in the best interests of the City.

F. The provisions of this chapter shall apply to all cable system operators who, pursuant to a franchise granted by the City or a Certificate of Franchise Authority granted by the State of Idaho pursuant to Idaho Code Title 50 Chapter 30, have facilities and other property necessary for provision of cable services located within the City limits.

2-8-4: APPLICATION:

A. Any person desiring that the City Council grant a franchise to operate a cable system within the City limits may submit to the City a written proposal in accordance with this chapter. The proposal must be in writing, filed with the City Clerk and shall:

1. Assess and describe the City's present and future cable related community needs and interests;
2. Describe the cable services sought to be provided under the franchise and the estimated costs to subscribers or the methodology to determine subscriber costs during the period of the franchise;
3. Describe the time necessary for the applicant to provide cable service to all households in the City limits and the methodology acceptable to the applicant to measure progress toward providing cable service to all such households;
4. Describe the public, educational, and governmental access channel capaCity, facilities, or financial support contemplated by the applicant;
5. Describe the applicant's financial, technical and legal qualifications to provide cable service;
6. Describe any noncable services contemplated by the applicant to be provided by or through the equipment or property installed by the applicant in any public way; and
7. Be accompanied by a nonrefundable filing fee in an amount to be established by resolution of the City Council.

B. The written proposal received by the City shall be public record and may not contain trade secrets or other information which the applicant claims to be proprietary or confidential.

C. A copy of any proposal shall be transmitted to current franchisees.

2-8-5: HEARING:

Upon the filing by an applicant of a written proposal, the City Clerk shall determine whether or not the proposal is complete and in accordance with section 2-8-4 of this chapter together with the proper tender of the filing fee. In the event the application is complete, the City Clerk shall then schedule a public hearing before the City Council, notice of which shall be published in the official paper of the City on one occasion not more than twenty one (21) days and not less than seven (7) days before the date of the public hearing and notice shall also be posted not less than twenty one (21) days before the hearing at the Wilder City hall and notice shall also be served by the City Clerk upon any franchisee or any person who has requested notice. The proposal and/or copies thereof shall be available for public inspection during regular office hours at the office of the City Clerk.

The City Council shall conduct a public hearing regarding the proposal at which time it shall receive relevant testimony and evidence in order to determine whether or not:

A. The public will be benefited by the granting of a franchise to the applicant;

B. The applicant has requisite financial, management and technical resources and capabilities to build, operate and maintain a cable television system in the area;

C. The applicant has no conflicting interests, either financial or commercial, which will be contrary to the interests of the City;

D. The applicant will comply with all terms and conditions placed upon a franchisee by this chapter;

E. The applicant is capable of complying with all relevant federal, state, and local regulations pertaining to the construction, operation and maintenance of the facilities and systems incorporated in its application for a franchise;

F. The present and future users of the public ways will accommodate the cable system;

G. The benefit to subscribers to be served outweighs the potential disruption to existing users of the public ways to be used by the cable system and the resultant inconvenience which may occur to the public.

As a qualification to the granting of a franchise, the Council must make an affirmative finding to all of the required public hearing determinations prior to the granting of a franchise.

In the event the Council makes affirmative findings to the determinations regarding the written proposal of the applicant, it shall cause to be drafted, in accordance with the approved proposal, a franchise agreement and ordinance and it shall follow the provisions of section 2-8-6 of this chapter.

2-8-6: ACCEPTANCE:

A. No franchise granted pursuant to the provisions of this chapter shall become effective unless and until the ordinance granting the same has become effective and that all state, federal and local laws have been complied with.

B. Within sixty (60) days after the effective date of the ordinance granting a franchise, or within such extended period of time as the Council, in its discretion, may authorize, but not to exceed one hundred twenty (120) days, a franchisee shall execute and file with the City Clerk its written acceptance of the franchise agreement, in a form satisfactory to the City Attorney, together with the bond and insurance policies required by sections 2-8-43 and 2-8-44 of this chapter.

2-8-7: POLICE POWERS:

As a condition of the acceptance of any franchise, a franchisee shall acknowledge that the rights of the franchise are subject to the legitimate rights of the police power of the City to adopt and enforce general ordinances necessary to protect the safety and welfare of the

public, and franchisee shall agree to comply with all applicable general laws enacted by the City pursuant to such power.

2-8-8: DEVELOPMENT OF CITY PLAN FOR CABLE SYSTEMS:
(Rep. by Ord. 428, 8-12-1997)

2-8-9: RULES AND REGULATIONS BY THE CITY:

A. In addition to the inherent powers of the City to regulate and control any franchise it issues, the authority granted to it by the act, and those powers expressly reserved by the City, or agreed to and provided for in a franchise, the right and power is hereby reserved by the City to promulgate such additional regulations of general applicability to all franchisees which are reasonable and necessary in the exercise of its lawful powers.

B. The City Council reserves the right to delegate its authority for franchise administration. Any delegation of authority may be accomplished by resolution. Notice of any delegation shall be transmitted to all franchisees.

2-8-10: TECHNICAL STANDARDS:

A. Compliance: Subject to federal, state and local law, a franchisee shall comply with FCC rules, part 76, subpart K, sections 76.601 through 76.610, as amended hereafter, and, at the minimum, the following:
   1. Applicable City, county, state and national/federal codes and ordinances;
   2. Applicable utility joint attachment practices;
   3. The national electrical safety code; ANSI C2;
   4. Local utility code requirements;
   5. Local rights of way and jurisdictional procedures.

B. Preventive Maintenance: A comprehensive routine preventive maintenance program shall be developed, effected, and put into operation to ensure continued top quality cable communications operating standards in conformance with FCC regulations part 76 or as may be amended.

2-8-11: PARENTAL CONTROL DEVICES:
Upon request by a subscriber, a franchisee will make available and may charge the subscriber a fee not to exceed the franchisee's actual cost, including applicable handling fees, a device by which the subscriber can prohibit viewing of a particular cable service.

2-8-12: ADAPTATION TO NEW TECHNOLOGY:
At the periodic meetings as provided herein, the City and franchisees shall discuss technological developments and their incorporation into the services provided.

2-8-13: DEVICES FOR THE HEARING IMPAIRED:
(Rep. by Ord. 428, 8-12-1997)

2-8-14: CONSTRUCTION STANDARDS:

A. All facilities constructed under this chapter shall be placed and maintained at such places and positions in or upon such public ways and public places as shall not interfere with the passage of traffic and the use of adjoining property, and shall conform to all of the applicable laws, rules or regulations.

B. A franchisee is required, in all cases, to request and apply for all construction variances for system extension, subscriber installations, or any other variances as may be required by the City and/or other jurisdictions.

2-8-15: CONSTRUCTION NOTIFICATION:
All permits required by law shall be obtained before construction in a public way.

2-8-16: UNDERGROUNDING AND LANDSCAPING:
A franchisee shall fully comply with this code and other applicable regulations pertaining to the underground installation of utility lines and the use of joint trenches with other utilities where feasible. In those areas and portions of the City where the transmission or distribution facilities of the public utility providing telephone service or those of the facility providing electric service are underground or hereafter may be placed underground, then a franchisee shall likewise construct, operate and maintain all of its transmission and distribution facilities in the same area underground. All activities shall be conducted in coordination with other utilities but not necessarily in the same trench. Upon approval by the appropriate authority, amplifiers and associated equipment in a franchisee's transmission and distribution lines may be in appropriate housing upon the surface of the ground.

2-8-17: CONSTRUCTION IN PUBLIC WAY:
Whenever, in the sole opinion of the City or, where applicable, other jurisdiction having authority, any of a franchisee's facilities or equipment needs to be relocated or altered due to a construction or repair project by the City or other jurisdiction having authority in a public way, a franchisee shall move or relocate said facilities or equipment within thirty (30) days from receiving written notice from the City or other jurisdiction having authority. However, in the event such relocation is required due to emergency repairs deemed necessary by the City, such relocation or moving shall be accomplished within twenty four (24) hours. Any relocation or alteration of a franchisee's facilities or equipment required under this section shall be at the sole expense of a franchisee.

2-8-18: SAFETY REQUIREMENTS:
A. A franchisee, in accordance with applicable national, state, and local safety requirements, shall, at all times, employ reasonable care and shall install, maintain and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

B. All structures and all lines, equipment and connections in, over, under, and upon the streets, sidewalks, alleys, and public ways, or places of a franchise area, wherever situated or located, shall, at all times, be kept and maintained in a safe, suitable condition, and in good order and repair.

C. The City reserves the general right to see that the system of a franchisee is constructed and maintained in a safe condition. If a violation of the national electrical safety code or other applicable regulation is found to exist by the City, the City will, after discussions with a franchisee, establish a reasonable time for a franchisee to make necessary repairs. If the repairs are not made within the established time frame, the City may make the repairs itself or have them made and collect all reasonable costs thereof from a franchisee.

2-8-19: BUILDING MOVING:

Whenever any person shall have obtained permission from the appropriate authority to use any street for the purpose of moving any building, a franchisee, upon ten (10) days' written notice from the City, shall obtain all necessary permits and approvals to raise or remove, at the expense of the permittee desiring to move the building, any of a franchisee's wires which may obstruct the removal of such building; provided, that the moving of such building shall be done in accordance with regulations and general ordinances of the City. Where more than one street is available for the moving of such building, the building shall be moved on such street as shall cause the least interference. In such event, the City shall be responsible for determining the path of least interference. It is further provided that the person or persons moving such building shall indemnify and save harmless said franchisee of and from any and all damages or claims of whatsoever kind or nature caused, directly or indirectly, for such temporary arrangement of the lines and poles of a franchisee.

2-8-20: TREE TRIMMING:

Upon approval of the City Public Works Director and upon granting of a permit by the City Public Works Department, where applicable, a franchisee shall have the authority to trim trees upon and overhanging streets, public ways and public places in the franchise area so as to prevent the branches of such trees from coming into contact with a franchisee's wires and cables or its microwave path. A franchisee shall be responsible for debris removal from such activities. Failure to remove debris after a reasonable time shall result in the debris being removed by the City and the costs involved charged to the franchisee.

2-8-21: CUSTOMER SERVICE:

A. A franchisee shall render repair service to restore the quality of the signal at approximately the same standards existing prior to the failure or damage of the component causing the failure and make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during a period of minimum use of the system. A log of all service interruptions shall be maintained for at least a period of one year.

B. Customer service centers and bill payment locations shall be open for transactions during normal business hours. Additionally, based upon the community's needs, a

franchisee shall schedule supplemental hours on weekdays and/or weekends during which these centers will be open.

C. The franchisee shall respond to any system outage affecting more than five (5) subscribers regardless of whether within or without normal business hours. A copy of the instructions to any answering service utilized by a franchisee shall be furnished to the City or its designee.

D. A repair technician shall be on call seven (7) days a week, twenty four (24) hours a day.

E. A franchisee shall maintain a sufficient repair force to respond to individual requests for repair service within two (2) working days after receipt of the complaint or request, except Saturday, Sunday and legal holidays. All complaints shall be resolved within seven (7) days, to the extent reasonable. If a subscriber has notified a franchisee of an outage, no charge for the period of the outage shall be made to the subscriber if the subscriber was without service for a period exceeding twenty four (24) hours, unless the outage was due to acts of God, or circumstances reasonably beyond a franchisee's ability to control.

F. A franchisee shall supply, at the time of a new connection and upon all billing statements, the title, address, and telephone number of the City official or his/her designee supplied by the City Clerk to whom system subscribers may direct their concerns.

G. In no case will a franchisee's service standards fall below the standards established by this chapter or any FCC regulation.

2-8-22: OFFICE HOURS AND TELEPHONE AVAILABILITY:

A. Each cable operator will maintain a local, toll free or collect call access line which shall be available to its subscribers twenty four (24) hours a day, seven (7) days a week, the phone number of which shall be published under the operator's name in any advertisement or directory.

B. Each cable operator shall have in place procedures for utilization of other manpower and/or recording devices for handling the flow of telephone calls at peak periods of large outages or other major causes of subscriber concern. A copy of such procedures and/or policies shall be made available to the City.

C. Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

D. After normal business hours, the access line may be answered by an answering service or an automated response system including an answering machine. Inquiries received outside normal business hours must be responded to by a trained company representative on the next business day.

E. Under normal operating conditions, telephone answer time by a trained customer service representative, including wait time, shall not exceed thirty (30) seconds after the connection is made. If the call needs to be transferred, the time required to transfer the call shall not exceed thirty (30) seconds.

F. Those systems which utilize automated answering and distributing equipment will limit the number of routine rings to four (4) or fewer. Systems not utilizing automated equipment shall make every effort to answer incoming calls as promptly as the automated systems.

G. Busy signals cannot be received more than three percent (3%) of the time under normal operating conditions.

H. The standards described in this section shall be met no less than ninety percent (90%) of the time measured on a quarterly basis.

2-8-23: FAILURE TO IMPROVE CUSTOMER SERVICE:

A. The City, or its designee, shall review telephone response and customer service information with each franchisee. It will be assumed that improvements will be made by the franchisee in the appropriate categories which were found deficient in sections 2-8-21 and 2-8-22 of this chapter from the last reporting period. Failure to do so may result in the calling of a public hearing by the City Council for the purpose of examining the reasons, if any, why such improvements were not achieved by a franchisee. An unsatisfactory record will result in:

1. The hearings being made part of an exhibit under subsections 626(c)(1)(A) and (B) of the act alleging that such practices have failed to conform with refranchising requirements as stated therein; and
2. A requirement that such franchisee acquire equipment and procedures necessary to record data of performance and perform surveys to measure compliance with the customer service standards.

2-8-24: CUSTOMER BILLING:

A. All billing statements and charges to subscribers shall:

1. Be clear, concise and understandable;
2. Be itemized as to basic cable charges, premium charges, equipment charges, whether payments for purchase or rental, deposits, delinquent fees, and franchise fees;
3. Show all activity during the billing period including optional charges, rebates, credits. Said billing period shall not exceed forty five (45) days.

B. All billing disputes by subscribers shall be responded to and resolved, in writing, within thirty (30) days.

C. No late fee, interest or other late payment penalty shall be assessed until at least thirty (30) days from the date of original billing.

D. No fee shall be charged by franchisee for equipment or services not actually provided.

2-8-25: COMMUNICATIONS AND REFUNDS:

A. The cable company will provide written information in each of the following areas at the time of installation, at least once a year, and at any future time upon request:
   1. Products and services offered;
   2. Prices and service options;
   3. Installation and service policies, including complaint procedures;
   4. How to use the cable service;
   5. Conditions of subscription to programming and other services; and
   6. Any substantial changes in technology which may affect subscriber services.

B. Refund checks shall be issued promptly, subject to the return of the equipment supplied by the cable company if service is terminated, and within:
   1. Forty five (45) days from the date the claim for refund is made and determined by the franchisee to be owed; or
   2.. The subscriber's next billing cycle following the resolution of the request.

C. Credits shall be issued no later than the subscriber's next billing cycle following determination that credit is warranted.

D. Subscribers shall be given reasonable notification, a minimum of thirty (30) days in advance, of any rate, programming service, channel change, or alteration of any of the areas described in subsection 2-8-24A of this chapter provided the change is within the control of the cable operator.

2-8-26: DISCONNECT FEES, PROHIBITED:

No franchisee shall charge a subscriber a disconnection fee regardless of the reason for discontinuing cable service.

2-8-27: CONTINUITY OF SERVICE:

A. It shall be the right of all subscribers to continue receiving service so long as their financial and other obligations to a franchisee are fulfilled.

B. In this regard, a franchisee shall act so far as it is within its control to ensure that all subscribers receive continuous uninterrupted service during the term of the franchise.

2-8-28: INSTALLATION, OUTAGES AND SERVICE CALLS:

A. Under normal operating conditions, each of the following five (5) standards will be met no less than ninety five percent (95%) of the time measured on a quarterly basis:

1. Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are up to one hundred twenty five feet (125') from the existing distribution system.
2. Excluding those situations beyond the control of the cable operator, the cable operator will respond to service interruptions promptly and in no event later than twenty four (24) hours from becoming aware of the interruption. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.
3. The appointment window alternatives for installations, service calls, and other installation activities will be either a specific time or no greater than a four (4) hour block during normal business hours. With agreement of the customer, the cable operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer. Additionally, based on community needs, cable systems will schedule supplemental hours during which appointments can be set.
4. Appointments made between a customer and a franchisee for installation, repair or service call cannot be canceled by franchisee after the close of business the business day before the scheduled appointment.
5. If, at any time, an installer or technician is running late, the customer shall be contacted by franchisee and the appointment rescheduled at a time which is convenient for the customer.

2-8-29: CABLE SYSTEM EVALUATION:

A. In addition to periodic meetings, the City may require reasonable evaluation sessions at any time during the term of a franchise.

B. It is intended that such evaluations cover areas such as customer service, response to the community's cable related needs, and a franchisee's performance under and compliance with the terms of a franchise.

C. During an evaluation session, a franchisee shall fully cooperate with the City and shall provide, without cost, such reasonable information and documents as the City may request to perform evaluations.

D. If the City has concerns because of uncorrected recurring problems with the franchisee's cable system, it may retain an independent consultant to conduct an analysis of the cable system and its performance and submit a report of such analysis to the City. The City shall take into consideration any efforts taken to correct such deficiencies.

E. The report prepared by the consultant in response to the City's request for a system evaluation shall include:
   1. A description of the technical problem in cable system performance which precipitated the special tests;
   2. What cable system components were tested;

3. The equipment used and procedures employed in testing;
4. The method, if any, by which specific problems may be resolved; and
5. Any other information pertinent to said tests and analyses which may be required by the City or determined when the test is performed.

F. If the tests indicate that the system is not in compliance with FCC standards or the requirements of the franchise, a franchisee shall reimburse the City for any and all reasonable costs involved in conducting such tests.

2-8-30: FRANCHISE FEE:

A. Rate of Franchise Fee: Recognizing current federal restrictions, the rate of the franchise fee is established at five percent (5%).

B. Reservation of Right to Negotiate Fee Amount: In the event the act or regulations promulgated thereunder allows for a change in the allowable rate or revenues or activities upon which the franchise fee may be calculated, the City and franchisee reserve the right to renegotiate this particular term of any franchise granted pursuant to this chapter.

C. Amount of Franchise Fee: Every franchisee shall pay the franchise fee to the City quarterly, currently a sum equal to the rate of five percent (5%) of the "gross revenue", as defined herein, for the preceding three (3) months.

D. Method and Schedule of Payment: Franchisee shall pay the franchise fee to the City on a quarterly basis, forty-five (45) days after the close of each calendar quarter, and shall be calculated as a percentage of gross revenues. Payments of franchise fees may be based upon actual or estimated gross revenues. If estimated, the first three (3) payments each shall be twenty five percent (25%) of the total annual estimated franchise fee due by the franchisee. The fourth such payment shall be the balance of the franchise fee due. Such remittances shall be accompanied by forms furnished or approved by the City to report detailed information as to the sources of such income.

E. Late Payment Interest: All sums which become delinquent shall accumulate interest at the statutory rate provided in Idaho Code Title 28, Chapter 22, subsection 104(1). The accrual of interest is not intended to waive or in any manner restrict City's ability to elect any procedure or method of collection permissible by law to enforce all the terms and conditions of this chapter, the proposal, or the franchise agreement.

F. Payment of the fees as required in this section shall be accompanied by a written report identifying the amount of revenues received from subscribers for the provision of video services to the subscribers and identifying exclusions from gross revenues, if any.

2-8-31: OTHER CHARGES:

City reserves the right to establish and charge franchisee costs associated with application, renewal and penalties for failure to comply with franchise permitted by law.

2-8-32: PERIODIC MEETINGS:
Upon request, a franchisee shall meet with designated City officials and/or designated representative(s) to review the performance of a franchisee for the preceding period. The subjects may include, but are not limited to, those items covered in the periodic reports and performance tests.

2-8-33: RECORD INSPECTION:
The City may, upon reasonable advance written notice, but not more frequently than once in any calendar year, review the business records of a franchisee to the extent necessary to ensure proper and accurate payment of the video service provider fee. A franchisee shall provide sufficient information about such revenues to the City to allow a proper compliance review by the City. The franchisee shall keep all business records reflecting any gross revenues, even if there is a change in ownership, for at least three (3) years after those revenues are recognized by the franchisee in its books and records. All records reasonably necessary for the audit shall, at the discretion of the City, be made available by the franchisee at the location within the jurisdiction where the records are kept in the ordinary course of business, or may be provided electronically to the City with its consent. The City and the franchisee shall each be responsible for their respective costs of the audit, unless the audit discloses that the franchisee has underpaid the video service provider fee by more than seven percent (7%) during the examination period, in which case the franchisee shall pay all of the reasonable and actual costs of the audit. Any undisputed amount or refund due to the City or the franchisee shall be paid within sixty (60) days, plus interest at the statutory rate on civil judgments.

2-8-34: REPORTS:
A franchisee shall furnish, upon request, a report of its activities as appropriate. Such report shall include:

A. Most recent annual report;

B. A copy of the 10-K report, if required by the Securities and Exchange Commission;

C. The number of homes passed;

D. The number of subscribers with basic services;

E. The number of subscribers with premium services;

F. The number of hookups in period;

G. The number of disconnects in period;

H. Total number of miles of cable in City;

I. Summary of complaints received by category, length of time taken to resolve and action taken to provide resolution;

J. A statement of its current billing practices and a sample copy of the bill format;

K. A current copy of its subscriber service contract; and

L. Such other reports with respect to its local operation, affairs, transactions or property that may be appropriate.

M. A detailed description and map showing, as nearly as possible, the exact location and nature of all facilities and property owned by Franchisee and located within the City.

2-8-35: PROGRAMMING:
For informational purposes, a franchisee shall file a listing of its programming and the tiers in which they are placed.

2-8-36: NONDISCRIMINATION:
A. A franchisee shall not, as to rates, charges, service facilities, rules, regulations or in any other respect, make or grant any preferences or advantage to any person nor subject any person to any prejudice or disadvantage; provided, that nothing in this chapter shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled; and, provided further, that connection and/or service charges may be waived or modified during promotional campaigns of a franchisee.

B. A franchisee will not deny access to cable communications service to any group of potential residential subscribers because of the income of the residents of the local area in which the group resides.

2-8-37: FRANCHISE RENEWAL:
The provisions of section 626 of the act or other applicable federal or state law will govern the actions of the City and a franchisee in proceedings relating to franchise renewal. The City expressly reserves the right to establish guidelines and monitoring systems in accordance with the provisions of the act to measure the effectiveness of a franchisee's performance during the term of such franchise.

2-8-38: TRANSFER OF OWNERSHIP:
A. A franchisee's right, title, or interest in the franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an affiliate, without the prior consent of the City. Such consent shall not be unreasonably withheld so long as:

1. The franchisee has substantially complied with the material terms of the existing franchise and with applicable law;
2. The quality of the franchisee's service, including signal quality, response to consumer complaints, and billing practices has been reasonable in light of community needs;
3. The transferee has the financial, legal, and technical ability to provide the services, facilities, and equipment contained in the existing franchise and proposal upon which the franchise was issued; and
4. The transfer is reasonable to meet the future cable related community needs and interests.

B. No such consent shall be required, however, for a transfer in trust, by other hypothecation, or by assignment of any rights, title, or interest of the franchisee in the franchise or cable system in order to secure indebtedness.

Approval shall not be required for mortgaging purposes; provided, that the collateral does not specifically affect the assets of this franchise or if the said transfer is from a franchisee to another person or entity controlling, controlled by, or under common control with a franchisee.

C. In any transfer of a franchise requiring City approval, the applicant must show technical ability, financial capability, legal and general qualifications as determined by the City. Applicant must agree to comply with all provisions of the franchise. Costs associated with the transfer process shall be reimbursed to the City.

D. An assignment of a franchise shall be deemed to occur if there is an actual change in control or where ownership of fifty percent (50%) or more of the beneficial interests, singly or collectively, are obtained by other parties. The word "control" as used herein is not limited to majority stock ownership only, but includes actual working control in whatever manner exercised.

E. Regardless of the circumstances, a franchisee shall promptly notify the City prior to any proposed change, transfer, or acquisition by any other party of a franchisee's company in the event that the City adopts a resolution denying its consent and such change, transfer or acquisition of control has been effected, the City may cancel the franchise.

2-8-39: REMOVAL AND ABANDONMENT OF PROPERTY OF FRANCHISEE:

A. The City may direct a franchisee to temporarily disconnect or bypass any equipment of a franchisee in order to complete street construction or modification, install and remove underground utilities, or for other reasons of public safety and efficient operation of the City. Such removal, relocation or other requirement shall be at the sole expense of a franchisee.

B. In the event that the use of any part of the cable system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such system or property has been installed in any street or public place without complying with the requirements of the franchise or other City ordinances or the franchise has been terminated, canceled or has expired, a franchisee shall promptly, upon being given ten (10) days' notice, remove, within ninety (90) days, from the streets or public places all such property and poles of such system other than any which the City may permit to be abandoned in place. In the event of such removal, a franchisee shall promptly restore the street or other areas in accordance with local regulations and standards from which such property has been removed to a condition similar to that existing before such removal and satisfactory to the City. Such approval shall not be unduly withheld.

C. Any property of a franchisee remaining in place ninety (90) days after the termination or expiration of the franchise shall be considered permanently abandoned. The City may extend such time not to exceed an additional ninety (90) days. Any property of a franchisee to be abandoned in place shall be abandoned in such manner as the City shall prescribe. Upon permanent abandonment of the property of a franchisee in place, the property shall become that of the City, and a franchisee shall submit to the City Clerk an instrument, in writing, to be approved by the City Attorney, transferring to the City the ownership of such property. None of the foregoing affects or limits franchisee's rights to compensation for an involuntary abandonment of its property under state or federal law. In the event the City and a franchisee are unable to agree as to whether abandonment is voluntary for the purposes of this section, either party may invoke arbitration to resolve such question.

2-8-40: REVOCATION FOR CAUSE:

A. If a franchisee willfully violates or fails to comply with any of the material provisions of a franchise granted by the City, the City shall give written notice to such franchisee of the alleged noncompliance of its franchise. A franchisee shall have forty five (45) days from the date of notice of noncompliance to cure such alleged default or, if such default cannot be cured within forty five (45) days, to present to the City a plan of action whereby such default can be promptly cured.

B. If such default continues beyond the applicable dates agreed to for such cure, the City shall give a franchisee written notice that all rights conferred under this chapter and its franchise may be revoked or terminated by the Council after a public hearing subject to and in conformance with the provisions of the City of Wilder Administrative Procedures Act, Chapter 8, Title 1, of this code. A franchisee shall be entitled to not less than thirty (30) days' prior notice of the date, time and place of the public hearing. The City may elect, in lieu of the above and without any prejudice to any of its other legal rights and remedies, to obtain an order from the district court having jurisdiction compelling a franchisee to comply with the provisions of the franchise and recover damages and costs incurred by the City by reason of a franchisee's failure to comply.

2-8-41: EFFECT OF TERMINATION FOR NONCOMPLIANCE:

A. Subject to State and Federal law, if any franchise is terminated by the City by reason of a franchisee's noncompliance, that part of the system under such franchise located in the streets and public property shall, at the election of the City, become the property of the City at a cost consistent with the provisions of subsection 627(b)(1) of the act. If the City, or a third party, does not purchase the system, a franchisee shall, upon order of the City Council, remove the system as required under section 2-8-39 of this chapter.

B. In no case shall a termination for cause be considered as a "taking".

2-8-42: INDEMNITY AND HOLD HARMLESS:

A. A franchisee shall indemnify and hold harmless the City for any and all liabilities, fees, costs and damages, including Attorney fees for any claim, action, or collection made against the City which arises or occurs by reason of the construction, operation, maintenance, repair and alteration of a franchisee's facilities or any other actions of a franchisee in the City. In any case in which suit or action is instituted against the City by reason of damage or injury allegedly caused by a franchisee, the City shall cause written notice thereof to be given to a franchisee and a franchisee thereupon shall have the duty to appear and defend any such suit or action, without cost or expense to the City.

B. If any applicant or franchisee claims any record, report or information provided by such applicant or franchisee to the City to constitute a "trade secret", as defined in Idaho Code subsection 9-340(2), such applicant or franchisee shall expressly agree to defend, indemnify and hold harmless the City from any claim or suit arising from the City's refusal to disclose any such record, report or information to any person not affiliated with the City. No such claim of "trade secret" shall be valid or effective without such express agreement.

2-8-43: INSURANCE:

A. A franchisee shall, concurrently with the filing of acceptance of award of any franchise granted hereunder, furnish to the City and file with the Council's franchise enforcement designee, and at all times during the existence of any franchise granted hereunder, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy, for the purpose of protecting the City and all persons against liability for loss or damage, for personal injury, death and property damage, civil rights violations, and errors or omissions, occasioned by the operations of a franchisee under such franchise.

B. Such policy shall name the City as an additional named insured and provide minimum limits of one million dollars ($1,000,000.00) for both personal injury and/or property damage.

C. The certificate of insurance reflecting the policy mentioned in the foregoing subsections shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the City thirty (30) days in advance of the effective date thereof. If such insurance is provided by a policy which also covers a franchisee or any other entity or person other than those above named, then such policy shall contain the standard cross liability endorsement.

2-8-44: PERFORMANCE BOND:

A franchisee shall promptly repair or cause to be repaired damage to City property caused by a franchisee or any agent of a franchisee. A franchisee shall comply with all present and future ordinances and regulations regarding excavation or construction and, if deemed necessary by the City, shall be required to post a performance bond or other surety acceptable to the City in an amount specified by the City in favor of the City warranting that all restoration work will be done promptly and in a workmanlike manner and that penalties, if any, after final adjudication, are paid to the City within ninety (90) days of such finding.

2-8-45: EQUALIZATION OF CIVIC CONTRIBUTIONS:

A. In the event of one or more franchises being granted the City shall require that such subsequential franchisees pay to the City an amount proportionally equal to the franchising costs contributed by the initial franchisee. These costs may include, but are not limited to, such features as access and institutional network costs, bidirectional or equivalent to the municipal buildings and similar expenses.

B. On the anniversary of the grant of each later awarded franchise, such franchisees shall pay to the City an amount proportional to the amount contributed by the original franchisee, based upon the amount of subscribers held by such franchisees.

C. Additional franchisees shall provide all PEG access channel(s) and emergency override systems currently available to the subscribers of existing franchisees. In order to provide these access channels, additional franchisees may interconnect, at their cost, with existing franchisees subject to any reasonable terms and conditions that the existing franchisee providing the interconnection may require. These interconnection agreements shall be made directly between the franchisees. The City Council, in such cases of dispute of award, may be called upon to arbitrate regarding these arrangements.

2-8-46: PENALTY:

Any person violating any provision of this chapter shall be guilty of a misdemeanor. A person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this chapter is committed, continued or permitted. Upon conviction of any violation of any of the provisions of this chapter, such person shall be punished by a fine of not more than three hundred dollars ($300.00), or by imprisonment for not more than six (6) months, or both. Any such

prosecution shall not be deemed a waiver, election or diminution of any remedies available by law to the City.

2-8-47: INCONSISTENCY:
If any portion of this chapter should be inconsistent or conflict with any rule or regulation now or hereafter adopted by the FCC or other Federal law, then, to the extent of the inconsistency or conflict, the rule or regulation of the FCC or other federal law shall control for so long, but only for so long, as such rule, regulation, or law shall remain in effect; provided, the remaining provisions of this chapter shall not be affected thereby.

2-8-48: SEVERABILITY:
Each section, subsection or other portion of this chapter shall be severable and the invalidity of any section, subsection, or other portion shall not invalidate the remainder.

(Ord. 587, Amended, 8-14-2012; Ord. 428, Amended, 8-12-1997; Ord. 411, Enacted, 6-25-1996)

Title 3, Chapter 1
BUILDING CODES AND REGULATIONS

3-1-1: TITLE:
3-1-2: STRUCTURE, PURPOSE AND AUTHORITY:
3-1-3: SAVING CLAUSE:
3-1-4: BUILDING PERMITS REQUIREMENTS:
3-1-5: ADOPTION OF BUILDING CODES:
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3-1-7: ADOPTION OF EXISTING BUILDING CODE:
3-1-8: AMENDMENTS TO THE BUILDING CODE:
3-1-9: AMENDMENTS TO THE RESIDENTIAL CODE:
3-1-10: AMENDMENTS TO THE ENERGY CONSERVATION CODE:
3-1-11: CRITERIA FOR ISSUANCE OF BUILDING PERMIT:
3-1-12: BOARD OF APPEALS:
3-1-13: ENFORCEMENT:
3-1-14: PENALTY:
3-1-15: SEVERABILITY:
3-1-16: EFFECTIVE DATE:
3-1-17: COPIES ON FILE:

3-1-1: TITLE:
This chapter shall be known and cited as the WILDER BUILDING AND SAFETY CODE ORDINANCE.

3-1-2: STRUCTURE, PURPOSE AND AUTHORITY:

A. Structure: Titles and subtitles of this chapter are only used for organization and structure and the language in each section of this chapter should control with regard to determining the legislative intent and meaning of the city council.

B. Purpose: The purpose of this chapter is to provide, by adopting certain provisions from the 2012 Edition of the International Building Code and the 2012 Edition of the International Residential Code parts I-IV and IX and the 2012 Edition of the International Existing Building Code and the 2012 Edition of the International Energy Conservation Code governing the conditions and maintenance of all property, buildings, and structures for the city of Wilder, Idaho; by providing the standards for supplied utilities and facilities, and other physical things and conditions which standards will promote structures that are safe, sanitary, and fit for occupation and use. Further, the purpose of this chapter is to adopt certain provisions of the 2012 Edition of the International Residential Code, for

regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses in the city of Wilder, Idaho and providing for the issuance of permits and collection of fees thereof.

C. Authority: This chapter is authorized by Idaho Code sections 50-901 and 39-4116 and article 12, section 2 of the Idaho constitution.

3-1-3: SAVING CLAUSE:
Any actions, civil, criminal, or administrative, which are pending at the time of the enactment of this chapter may be pursued as if city of Wilder Ordinance 577, adopted February 8, 2011, had not been amended or repealed and the provisions of said ordinance shall apply, govern, and regulate all building and building permits for which there are pending matters thereunder at the time of the adoption hereof, but said ordinance shall not apply, govern and/or regulate any permits required under the provisions of this chapter.

3-1-4: BUILDING PERMITS REQUIREMENTS:

A. Building Permits: It shall be unlawful for any person to erect, construct, enlarge, alter, repair, improve, move, remove, convert or demolish any building or structure unless a separate permit for each building or structure has first been obtained from the city of Wilder building official. Exceptions from these requirements are found in subsections C and D of this section. Portions of the hereinafter 2012 Edition of the International Residential Code (as amended), and the 2012 Edition of the International Building Code (as amended), as adopted, amended, deleted and added to in this chapter, shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and area of all buildings or structures within the city limits.

B. Mobile/Manufactured Homes: Setup and installation of mobile/manufactured homes shall be in accordance with state of Idaho manufactured home installation standard, as amended, pursuant to Idaho Code title 44, chapter 22, as amended.

C. Single-Family Homes and Multiple-Family Dwellings Exceptions: All single-family homes and multiple-family dwellings up to two (2) units are exempted from the provisions of the international fire code, the international building code and the international residential code that require such dwellings to have automatic fire sprinkler systems installed.

D. Farm Agriculture Storage; Exception: The provisions of this chapter do not apply to "agricultural buildings" as defined herein.
   1. For purposes of this section, "agricultural buildings" means and refers to a structure designed and constructed to house farm implements, hay, grain,

poultry, livestock, or other horticultural products on agriculturally zoned land which agriculturally zoned land shall consist of at least a single parcel of land of more than five (5) acres in size, exclusive of any public right of way. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. Notwithstanding this definition, the building official has the discretion to determine that an agriculture building, proposed to be located on agriculturally zoned land of less acreage than provided for herein, qualifies for inclusion in this definition.

3-1-5: ADOPTION OF BUILDING CODES:

The following codes, except as hereinafter in this chapter amended or hereafter provided in this chapter, are hereby adopted and incorporated by reference as if fully set forth herein, and shall apply to all areas within the city and supersede any earlier code adoption ordinance. This chapter includes rules and regulations governing all building activity, including erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, use, height and area of buildings or structures. It shall be unlawful to engage in any building activity without complying with the rules and regulations contained in this chapter and the codes adopted herein. The following editions of the International Residential Code and the International Building Code and the International Energy Conservation Code are hereby specifically adopted by reference, as if fully set forth herein, which codes are on file in the Office of the Clerk of the City of Wilder in accordance with Idaho Code section 50-901:

A. International Building Code, 2015 Edition as adopted by the Idaho Building Code Board of the Division of Building Safety as set forth in IDAPA 07-03-01 004, 01; and

B. International Residential Code, 2012 Edition, parts I-IV and IX; and

C. International Energy Conservation Code, 2015 edition as adopted by the Idaho Building Code Board of the Division of Building Safety as set forth in IDAPA 07-03-01 004, 04.

References to Other Codes: Where any provisions of the codes that are adopted in this chapter make reference to other construction and safety related model codes or standards which have not been adopted by the city, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by the city.

3-1-6: REPEALED AND "RESERVED"

3-1-7: ADOPTION OF EXISTING BUILDING CODE:

There is hereby adopted by the Mayor and the City Council the 2015 Edition of the International Existing Building Code as adopted by the Idaho Building Code Board of the

Division of Building Safety as set forth in IDAPA 07-03-01 004, 03 by reference, as if fully set forth herein, which codes are on file in the office of the clerk of the City of Wilder in accordance with Idaho Code section 50-901.

3-1-8: AMENDMENTS TO THE BUILDING CODE:
The International Building Code, 2015 Edition, as adopted above, is hereby changed, altered, deleted and amended as follows:

Section 101.1, "Title" These regulations shall be known as the Building Code of the City of Wilder, and shall be cited as such and will be referred to herein as "this code".

3-1-9: AMENDMENTS TO THE RESIDENTIAL CODE:
The International Residential Code, 2012 Edition, as adopted above, is hereby changed, altered and amended as follows:

Section 101.1, "Title" These provisions shall be known as the Residential Code of the City of Wilder, and shall be cited as such and will be referred to herein as "this code".

Section 101.2, "Scope" is deleted in its entirety.

Section 103.1, "Creation of Building Safety" is amended to read as follows: The division of building safety is hereby created and the official in charge thereof shall be known as the building official.

Section 105.2, item no. 2 contained under "Building" is deleted and replaced and amended to read as follows: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1829) mm) high may be exempted from the requirement for a building permit in the absence of any other provisions of the Wilder city code or regulations of the city governing the installation, height, type or other aspect.

Section 105.2, item no. 7 contained under "Building" is deleted and replaced and amended to read as follows: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep.

Section 109.1.3 is deleted and replaced and amended to read as follows: Floodplain inspections. For construction in areas prone to flooding as established by table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322.

Table R302.1 is amended to read as follows:

Exterior Walls -- The figures contained in the last column of the table under the heading Minimum Fire Separation Distance are deleted, and is amended and replaced with the following:

Minimum Fire Separation Distance
Walls (fire-resistance rated): < Three (3) feet Walls (not fire-resistance rated): = Three (3) feet Projections (fire-resistance rated): < Three (3) feet Projections (not fire-resistance rated): = Three (3) feet

Section 302.2, delete the exception contained under IRC section R302.2 -- Townhouses, and replace and amend to read as follows: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

Section 313.1, delete the exception contained under IRC section R313.1 -- Townhouse Automatic Fire Sprinkler Systems, and replace and amend to read as follows: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

Section 313.2, delete IRC section R313.2 in its entirety.

Section 322.1.10, delete IRC section R322.1.10. in its entirety.

Section 322.2.2 paragraph 2.2, delete IRC section R322.2.2 paragraph 2.2, and replace and amend to read as follows: The total net area of all openings shall be at least one (1) square inch (645 mm2) for each square foot (0.093 m2) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters.

3-1-10: AMENDMENTS TO THE ENERGY CONSERVATION CODE:
The International Energy Conservation Code, 2012 Edition, as adopted above, is hereby changed, altered and amended as follows:

Table 402.1.1 is amended by the addition thereto of the following footnote - Insulation and Fenestration Requirements by Component: k. for residential log home building thermal envelope construction requirements see section 402.6. (1-1-11).

Section 402.6 is amended by the addition thereto of the following Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor And SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), section 404 (Electrical Power And Lighting Systems), and either subparagraph 004.04.b.i., ii., or iii. as follows:

* Sections 402.2 through 402.3, 403.2.1, 404.1 and table 402.6;

* Section 405 Simulated Performance Alternative (Performance); or

* REScheck (U.S. department of energy building codes program).

* Add table 402.6 Log Home Prescriptive Thermal Envelope Requirements by Component to be used only in accordance with subparagraph 004.04.b.i. above to appear as follows:

Table 402.6
Log Home Prescriptive Thermal Envelope Requirements by Component
For SI: 1 foot = 304.8 mm.

Climate Zone	Fenestration U-Factor [a]	Skylight U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Min. Average Log Size In Inches	Floor R-Value	Basement Wall R-Value [d]	Slab R-Value & Depth [b]	Crawl Space Wall R-Value [d]
5, 6 - High efficiency equipment path [c]	0.32	0.60	NR	49	5	30	15/19	10.4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft	10/13
6	0.32	0.60	NR	49	8	30	15/19	10, 4ft	10/13

a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
b. R-5 shall be added to the required slab edge R-values for heated slabs.
c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

3-1-11: CRITERIA FOR ISSUANCE OF BUILDING PERMIT:

A. General Requirements: The following requirements must be met before issuance of building permits:

1. Applicant must provide two (2) sets of plans and specifications for plan review that provide sufficient details to reflect substantial compliance with the 2012 edition of the international building code and the 2012 edition of the international residential code and the international energy conservation code, 2012 edition.
2. Where applicable, the Wilder rural fire protection district approval shall be furnished in writing.
3. Certificate of zoning compliance.
4. Applicant must have complied with the requirements of all city ordinances and any federal, state or local laws or regulations and conditions of zoning approval.
5. Applicant has timely paid all fees in this chapter provided for applicable to the issuance of the building permit.

B. Adoption of Building Permit Fees: The following are adopted and imposed for all purposes of this chapter as building permit, construction document approval and inspection fees which shall be charged as follows:

Total Valuation	Fee
$1.00 to $500.00	$24.00
$501.00 to $2,000.00	$24.00 for the first $500.00, plus $3.00 for each additional $100.00 or fraction thereof, up to and including $2,000.00
$2,001.00 to $40,000.00	$69.00 for the First $2,000.00, plus $11 for each additional $1,000.00 or fraction thereof, up to and including $40,000.00
$40,001.00 to $100,000.00	$487.00 for the first $40,000.00, plus $9.00 for each additional $1,000.00 or fraction thereof, up to and including $100,000.00
$100,001.00 to $500,000.00	$1,027.00 for the first $100,000.00, plus $7.00 for each additional $1,000.00 or fraction thereof up to

	and including $500,000.00
$500,001.00 to $1,000,000.00	$3,827.00 for the first $500.00, plus $5.00 for each additional $1,000.00 or fraction thereof, up to and including $1,000,000.00
$1,000,001.00 to $5,000,000.00	$6,327.00 for the first $1,000,000.00, plus $3.00 for each additional $1,000.00 or fraction thereof, up to and including $5,000,000.00
$5,000,001.00 and over	$18,327.00 for the first $5,000,000.00, plus $1.00 for each additional $1,000.00 or fraction thereof
Other inspections and fees:	
1. Reinspection fees	$47.00 per hour
2. Inspections for which no fee is specifically indicated	$47.00 per hour (This fee includes demolition permit fees with an initial charge of $25.00. In the event the inspection takes greater than $^1/_2$ hour, applicant will then be charged at the hourly rate for time of inspection.)
3. Additional construction document review required by changes, additions, or revisions to plans	$70.00 per hour for commercial construction document review and $70.00 per hour for residential construction document review, plus administrative fee of $25.00
4. Use of outside consultants for plan checking and inspections, or both	$70.00 per hour for commercial construction document review and $70.00 per hour for construction document review, plus administrative fee of $25.00
5. Administrative fee for applicant requested extra documentation	Administrative fee of $25.00
Construction document approval fees:	
Construction document approval fees are based upon	50 percent of the applicable building permit fee

3-1-12: BOARD OF APPEALS:

A board of appeals shall be appointed by the city council to hear and decide appeals of orders, decisions or determinations made by the building official relative to application and interpretation of the 2012 Edition of the International Building Code and the 2012 Edition of the International Residential Code, the 2012 Edition of the International Energy Conservation Code and the 2012 Edition of the International Existing Building Code and their amendments and other provisions adopted by this chapter. The board of appeals may, upon request of the building official, advise the building official on matters including, but not limited to, the application and interpretation of the above 2012 Edition of the Building Code and the 2012 Edition of the International Residential Code, the 2012 Edition of the International Energy Conservation Code and the 2012 Edition of the International Existing Building Code as adopted or amended by the city and new construction methods and new materials relating to the above described provisions and suggested revisions to this chapter.

A. Composition of the Board:

1. Appointment: The board of appeals shall consist of five (5) members appointed by the city council.
2. Term of Office: The members serving when this chapter is enacted shall continue to serve the terms for which they were appointed. The term of office for members shall be two (2) years. A member's term may be automatically renewed for another two (2) year term unless vetoed by the city council fifteen (15) working days prior to the expiration of the member's term.
3. Removal: Members serve at the pleasure of the city council and may be removed by a majority vote of the city council.
4. Compensation: Members may receive such mileage and per diem compensation as provided by resolution of the city council.
5. Ex Officio Member; Secretary: The building official (or other designated authority) shall be a nonvoting, ex officio member and shall act as secretary.
6. Conflict of Interest: If a member of the board of appeals should find that acting on a particular hearing before them would be a conflict of interest, in accordance with applicable law, the member must withdraw himself/herself from the hearing, and must abstain from making any comments or statements or doing any other thing that would in any manner influence the other members of the board of appeals.

B. Procedure before the Board of Appeals:

1. Hearings: Hearings before the board of appeals shall be public and shall be conducted in a quasi-judicial manner, operating within the same time limits imposed upon the state board of appeals by Idaho Code section 39-4107(2) and 39-4120, as amended and employing the rules of evidence found in Idaho Code section 67-5251, as amended. Attorneys may represent the parties, but are not required. All proceedings shall be recorded and the recordings shall be kept as a permanent record by the city clerk.

2. Action Following Hearing and Findings:
   a. Action: At the conclusion of the hearing the board of appeals ("board") may:
      (1) Announce its decision in the case; or
      (2) Direct that additional evidence as specified by the board be presented on a future date certain; or
      (3) Continue the case to a date certain and advise those in attendance that on that future date the board shall either announce its decision or announce that additional evidence is to be taken.
      (4) If the board continues the case to a date certain and on that date advises that additional evidence will be necessary, it shall then set a date certain for the taking of that evidence.
   b. Findings: Findings by the board shall be reduced to writing and be explicit, stating the ruling and the reasons for the decision by setting forth findings of fact and conclusions of law and order. Signed copies of the findings of fact and conclusions of law and order should be sent to all parties to the action. The originals of the written decision and documents relating to the notice of hearing for the board's hearing shall be filed with the clerk of the city council to be included in the official minutes of the city clerk.
3. Appeals: Final decisions by the board, other than code interpretations, may be appealed to the third district court, in and for Canyon County, Idaho, acting without a jury and shall be heard de novo, as provided by law.

C. Appeal Fees: All appeal hearings will require a fee as established by resolution of the city council in order to defray expenses incurred in travel and overhead of the members of the board. (Ord. 577, 2-7-2011)

3-1-13: ENFORCEMENT:

A. Enforcement Official: It shall be the duty of the building official and his designated agent(s) to enforce the provisions of this chapter in all places within incorporated limits of the city.

B. Uniform Citation: Enforcement may be by a uniform citation issued pursuant to rule 5 of the Idaho misdemeanor criminal rules and by an enforcement officer defined rule 2(g) of the Idaho misdemeanor criminal rules by referral from the city council to the city attorney for the prosecution of civil and/or criminal enforcement proceedings in the appropriate court.

3-1-14: PENALTY:
It shall be a misdemeanor for any person to fail to comply with any of the provisions of this chapter which shall be punishable as provided for in Idaho Code section 18-113, as amended, in the magistrate division of the district court of the third judicial district of the state of Idaho, in and for the county of Canyon. Each day an offense continues shall be

considered a separately punishable offense. All court proceedings shall be processed and adjudicated in accordance with the Idaho misdemeanor criminal rules.

3-1-15: SEVERABILITY:
Should any action or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or a part thereof other than the part declared to be unconstitutional or invalid.

3-1-16: EFFECTIVE DATE:
This chapter shall be and is hereby declared to be in full force and effect on October 1, 2017, and upon its passage, approval and publication as provided by law in one issue of the Western Canyon Chronicle and as provided for in Idaho Code section 50-901.

3-1-17: COPIES ON FILE:
The city clerk shall have filed, for use and examination by the public, in the office of the city clerk, one copy of the International Building Code, International Energy Conservation Code, International Residential Code, Uniform Code for Abatement of Dangerous Buildings, and the International Existing Building Code.

(Ord. 619, Amended, 5/14/2019; Ord. 613, Amended, 9/5/2017; Ord. 577, Amended, 2/7/2011; Ord. 474, Enacted, 12/17/2002)

Title 3, Chapter 2
UNIFORM STREET NAMES AND ADDRESS REGULATIONS

3-2-1: SHORT TITLE:
3-2-2: PURPOSE:
3-2-3: DEFINITIONS:
3-2-4: APPROVALS REQUIRED:
3-2-5: NUMBERING REQUIRED:
3-2-6: SYSTEM OF NUMBERING:
3-2-7: DESIGNATION OF STREET NAMES:
3-2-8: VARIANCES:
3-2-9: VIOLATIONS:
3-2-10: PENALTY:
3-2-11: VALIDITY:

3-2-1: SHORT TITLE:

This Ordinance shall be known as and cited as "The Wilder City Uniform Street Name and Address Number Ordinance".

3-2-2: PURPOSE

This Ordinance is adopted for the purpose of providing proper implementation, administration and enforcement of a uniform street name and address number grid system to assist the public, public safety, and emergency services providers in the consistent identification of roadways and property addresses. This ordinance shall apply to all lands within the corporate limits of the City of Wilder.

3-2-3: DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

A. CITY: The City of Wilder, Canyon County, Idaho.

B. COMMITTEE: An advisory group composed of the Wilder Public Works Superintendent, Police Chief, City Clerk and Wilder Rural Fire District representative.

C. COUNCIL: Council of the City of Wilder;

D. CUL-DE-SAC: A dead end street or road with a turn around space at its terminus;

E. DEPARTMENT: Department of Public Works of Wilder;

F. PERSON: Any individual, firm, co-partnership, association or corporation.

G. PLAT: Subdivision plat;

H. STREET: A right-of-way providing vehicular and pedestrian access to adjacent properties and includes the terms street, drive, court, road, way, avenue, boulevard, place and other such terms;

I. OFFICIAL ADDRESS NUMBER MAP: The map or maps showing all the streets within Wilder with the official address number grid systems and address numbers maintained by the Department or its designee.

J. OFFICIAL STREET NAME MAP: The map or maps showing all the streets within Wilder with the official name shown thereon as may be approved by the Council and filed with and maintained by the Department or its designee;

K. OFFICIAL STREET NAME LIST: The list containing the official street names within Wilder composed of all street names as may be approved by the Council and filed with and maintained by the Department or its designee;

3-2-4: APPROVALS REQUIRED:

A. Before any street is named, approval for the name shall be obtained from the Council upon recommendation from the Committee. Official street names shall be maintained on an Official Street Name Map and Official Street Name List on file with the Department or its designee.

B. Before any grid system is established for the purpose of assigning address numbers, or before any existing grid system is changed, it must be approved by the Council upon recommendation from the Department or its designee. All official grid systems shall be shown on the Official Address Number Map maintained by the Department or its designee.

3-2-5: NUMBERING REQUIRED:
All dwellings and businesses within the city limits shall be numbered as hereinafter directed.

3-2-6: SYSTEM OF NUMBERING:
All street address numbers shall conform to the grid system of the City as shown on the Official Address Number Map List on file at the Department or its designee. The general standards to be used in developing a street address grid system are as follows:

A. Frontage Number: In numbering houses in the city, one whole number shall be allowed on every twenty five feet (25') of ground whenever practicable, whether improved or vacant, and any house or tenement with less frontage than twenty five feet (25') shall receive a whole number.

B. Base Lines: All numbering on streets running east and west shall commence at First Street and shall be numbered either east or west from such street, and all numbering on streets running north and south shall commence at Golden Gate Avenue and shall be numbered either north or south from such avenue.

C. Even And Odd Numbers: On streets running east and west, even numbers shall be on the north side of the street and odd numbers shall be on the south side of the street; and on streets running north and south, odd numbers shall be on the west side of the street and even numbers shall be on the east side of the street.

D. Block Numbers: Each block shall be numbered by hundreds, beginning with one hundred (100) at First Street on streets running east and west, the second block being number two hundred (200) and so on; and the same system running from Golden Gate Avenue north and south.

E. All address numbers shall be assigned by the Department or its designee. No other person or organization, public or private, shall assign any address number to any residence, business, industry or use.

F. The Department and any person shall comply with the following requirements:

1. Only one number shall be assigned to each business, use or dwelling unit.
2. Numbers shall be assigned to vacant lots within platted subdivisions and shall otherwise be assigned in such a manner that adequate numbers are reserved for possible future developments or resubdivisions of land.
3. All address numbers shall be assigned for the street (or road) upon which the structure fronts. When vehicular access is used from a point other than the street frontage, the number shall be placed so as to be visible from the street from which it is addressed, and additional access direction signage may be required, if requested by the Fire Department.
4. All addresses located on the north and east sides of streets shall be even numbers. All addresses on the south and west sides of streets shall be odd numbers. These requirements may be changed in the case of meandering streets. When a street has been determined to be running in predominately one direction, the numbering shall not be changed if there are slight changes in street direction.
5. The owner of each building, house or structure shall post the assigned address number on said structure in such a manner to be clearly visible from the street (or road). The numbers shall be at least four inches (4") high.
6. Existing address numbers not in conformance with the Official Address Number System Map may be changed by the Department giving written notice at least ninety (90) days in advance of the effective date to property owners affected by such changes. New address numbers must be posted on the property by the effective date.

7. Addresses for apartments, condominiums, commercial suites or other instances of multiple occupancy within a single structure or complex shall be addressed according to the procedures adopted by the Department.

3-2-7: DESIGNATION OF STREET NAMES:

A. The Council shall establish an Official Street Name List and thereafter all new streets shall be established in accordance with the same general standards hereinafter set forth.

B. There shall be no duplication of street names by sound or spelling. Differentiation shall not be by the addition of suffixes such as road, street or lane.

C. Names for future street dedications may be suggested by the person or agency proposing the street dedication subject to provisions of this Ordinance. The Council, upon recommendation of the Department and/or the Committee, shall determine what constitutes a separate street.

D. The following suffixes shall be used in designating street names:
   1. Street: A North-South street generally running in a straight line.
   2. Avenue: An East-West street generally running in a straight line.
   3. Drive: A street generally meandering in an East-West direction.
   4. Way: A street generally meandering in a North-South direction.
   5. Court: An East-West dead-end cul-de-sac street intersecting a north-south street.
   6. Place: A North-South dead-end cul-de-sac street intersecting an east-west street.
   7. Boulevard: An eighty foot (80') or greater width street providing vehicular and pedestrian access to adjacent properties and is generally separated by a median strip, usually landscaped.
   8. Road: A designated major street which extends through both urban and rural areas.

E. Private road (street not dedicated to nor maintained by the city) shall have the suffix "Lane." Any private road which has two (2) or more addresses shall be officially named.

F. The use of "road or "boulevard" shall be by designation of the Committee upon approval of the Council based upon the function and improvements of such streets.

G. A cul-de-sac having a length of two hundred feet (200') or more (as measured from the center-line of the intersecting street to the point of radius or centroid of the cul-de-sac), shall be named unless the cul-de-sac is merely a change in direction of a named street.

H. A proposed street shall be considered in general alignment with an existing street if it is less than one hundred fifty feet (150') from centerline to centerline. Where the proposed street is on the same alignment and a continuation of an existing street, the name of the existing street shall be maintained with the appropriate designation. Where a street is on the same alignment but not linked to an existing street, the Council, upon recommendation of the Department and the Committee, shall designate a name giving preference to existing names.

I. Where a proposed street dedication unites two (2) differently named streets located on the same alignment, the Council, upon recommendation of the Department and the Committee, shall designate one of the existing names to be used, giving consideration to the length, collector status, period of usage and number of residents affected.

J. Streets shall be given the prefix "North", "South", "East", or "West", based on their relationship to the grid system base lines.

K. If a street makes a very obvious change in direction as determined by the Department or its designee, a new street name shall be assigned except as herein provided. Whenever this situation occurs, the change of street name may occur at an intersection rather than the point where the direction changes.

L. Officially accepted private road(s) (lane[s]) shall be listed on the Official Street Name List with the accompanying designation "private". Applications for private road name(s) shall be made to the Department and referred to the Committee for recommendation and approved by Council. Private road sign(s) for interior private roads may be manufactured by a private company provided the product is in conformance with city standards and this Ordinance. Interior private road signs shall not be maintained by the city.

1. The city shall approve the installation of private road sign(s) within the public right-of-way.
2. Owners of properties on private roads shall be responsible for the cost of manufacture, installation and maintenance of street sign(s). All private road(s) shall have sign(s) indicating its name and status as "private."

M. Street names for proposed subdivisions shall be shown on preliminary and final plats in accordance with the provisions of this Ordinance and:

1. No final plat shall be certified by the City for processing to City Council until the street names proposed have been checked against the Official Street Name Map and List by the Department and reviewed by the Committee.
2. Subdividers shall be encouraged to use an overall theme when proposing street names.
3. No plat shall be approved by the City Engineer until all provisions of this Ordinance have been complied with.

4. Subdividers shall erect street name signs at their own expense to City standards and at District designated locations.

N. Street names may be changed as follows:

1. Written request by the applicant shall be made to the Department to change a street name, or the Department may recommend changes to the Council in street names for reasons of duplication, similar pronunciation or spelling, or for other reasons relating to public safety or convenience. Following such request or recommendation, the council may hold a public hearing if deemed necessary. Applicant(s) shall be required to pay for street signs as a condition of street name change.
2. If a street name change is deemed necessary, the Council, upon recommendation of the Department and the Committee, shall determine the street name. The following circumstances in addition to others, may be considered in changing street names: the number of existing addresses, the length of time the street name has been used, the date of the original dedication of the street, and the possible inconvenience to residents, property owners and the public.
3. No street names may be changed until the proposed name change has been checked with the Official Street Name Map and List, and has received recommendation of the Department and the Committee.

O. All street name signs shall be located to be clearly visible to persons operating vehicles. The lettering of the street name shall be a minimum of four inches (4") in height; however, all letters designating north, south, east or west shall be not less than two inches (2") in height. All lettering shall be of such color and width to contrast sharply with the board or plate upon which the lettering is placed and shall be in accordance with City standards. Said board or plate shall be a minimum of six inches (6") in width. All street name signs shall have the street names lettered on both sides of the board or plate.

P. In general, street names shall not be over ten (10) letters in length including spaces, unless otherwise approved by the City in writing. All street names shall conform to this limitation except where existing names are to be continued due to alignments.

3-2-8: VARIANCES

The standards and requirements of these regulations may be modified or varied by the Council where the enforcement of the rules will result in an extraordinary individual hardship provided that the public interest is served. The applicant must specifically state, in writing, the extraordinary hardship caused by the ordinance and prove said variance will not cause an adverse affect to the health, safety and welfare of the community. In granting any such variance or modification, the Council may require conditions as will, in its judgment, secure substantial compliance with the intent of this Ordinance.

3-2-9: VIOLATIONS

It shall be unlawful for any person:

A. To erect or install a street name sign not in accordance with the Official Street Name Map and without prior approval as provided herein.

B. To remove, alter, change or otherwise deface a street name sign which exists as provided herein.

C. To place or post address numbers not approved or assigned.

3-2-10: PENALTY:
Any person having control of any dwelling or business house of any and every kind and description who shall violate, refuse or neglect to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor.

3-2-11: VALIDITY
Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

(Ord. 579, Amended, 6/14/2011; Ord. 3697, Amended 7/28/1975; Ord. 193, Enacted, 3/10/1970)

Title 3, Chapter 3
MOBILE HOME INSTALLATIONS

3-3-1: DEFINITIONS:
3-3-2: INSTALLATION REQUIREMENTS:
3-3-3: PERMITS REQUIRED:
3-3-4: APPLICATION FOR AND ISSUANCE OF PERMIT:
3-3-5: REVOCATION OF PERMIT:
3-3-6: ACCESSORY BUILDINGS:
3-3-7: EXCLUDED INSTALLATIONS:
3-3-8: TRAVEL TRAILERS USED AS LIVING QUARTERS PROHIBITED:
3-3-9: PROHIBITED ACTS:
3-3-10: VARIANCES:
3-3-11: PENALTY:
3-3-12: CONFLICTING PROVISIONS:

3-3-1: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the following meanings:

ACCESSORY STRUCTURE: Any structure erected or installed on the premises other than the mobile home.

HEALTH AUTHORITY: The health authority of any governmental unit including, but not limited to, the city, county and state.

INSTALLATION OR INSTALLED: The parking or placing of a mobile home on premises, whether or not intended for use thereon, by any person for any purpose, except when so parked for less than twenty four (24) hours during which no use is made thereof and except when parked on a lot for display and sale by a licensed dealer during which no use is made thereof. Such terms expressly include the replacement of one mobile home by another mobile home on the same premises.

INSTALLATION PERMIT: A permit authorizing the installation of a mobile home on premises and issued prior to the issuance of a temporary use permit or a permanent use permit.

MOBILE HOME: A structure so designed that it is or may be mounted on wheels and transported or operated on highways by its own or other power.

PERMANENT USE PERMIT: A permit to permanently install a mobile home on premises.

PERSON: Any legal entity including, but not limited to, an individual, a partnership, a corporation, a trust, an association and a governmental unit, and the singular shall include the plural when the context so requires or permits.

PREMISES: The land on which a mobile home is or is to be installed.

SEWER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a mobile home to the inlet to the city sewer system.

TEMPORARY USE PERMIT: A permit to install a mobile home on premises for a period of not exceeding sixty (60) days.

TRAVEL TRAILER: Any mobile home of less than ten feet (10') in width or less than forty feet (40') in length.

USED FOR LIVING QUARTERS: Occupation of a mobile home by any person or persons as sleeping quarters or living quarters or a dwelling for a total of forty five (45) days in any twelve (12) month period.

WATER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the inlet to a mobile home to the city water main. (Ord. 224, 4-10-1973)

3-3-2: INSTALLATION REQUIREMENTS:
Except as otherwise provided in this chapter, a mobile home shall not be installed without full compliance with each and all of the following requirements:

A. The mobile home shall be not less than ten feet (10') wide and not less than forty feet (40') long.

B. The mobile home shall be skirted on its perimeter with fireproof material so as to completely enclose the space thereunder.

C. The premises shall contain not less than five thousand (5,000) square feet and shall have not less than fifty feet (50') of frontage on a city street.

D. The mobile home shall have its own water connection and its own separate city water meter with the city installation fee therefor to be paid by the person installing the mobile home. (Ord. 224, 4-10-1973)

E. All electrical wiring and plumbing outside of the mobile home shall meet all of the requirements of all applicable laws of the state. (Ord. 224, 4-10-1973; amd. 1986 Code)

F. The mobile home shall meet all of the requirements of the health authorities.

G. The mobile home shall meet all of the standards andspecifications of the laws of the state1. (Ord. 224, 4-10-1973)

3-3-3: PERMITS REQUIRED:
A. Installation Permit Fee: An installation permit fee shall be issued for a period of sixty (60) days and may be renewed by the mayor and council for an additional period of sixty (60) days. A permit and inspection fee, adopted by resolution of the city council for installation of a mobile home, shall be paid to the city at the time the application is filed. (Ord. 423, 12-3-1996)

B. Temporary Use Permit: A temporary use permit shall not be issued until an installation permit has been issued nor until a representative of the city has inspected the mobile home and the installation thereof and found that the mobile home and the installation thereof comply with all of the provisions of this chapter; provided, however, that the premises need not meet the area requirements of five thousand (5,000) square feet and fifty feet (50') of frontage on a public street. Not more than one temporary use permit shall be issued for the installation of the same mobile home on the same premises within any twelve (12) month period without the approval of the city council.

C. Permanent Use Permit: A permanent use permit shall not be issued until an installation permit has been issued or until a representative of the city has inspected the mobile home and the installation thereof and found that the mobile home and installation thereof comply with all of the provisions of this chapter. A permanent use permit shall terminate when revoked as herein provided or when the mobile home for which the permit is issued is removed from the premises. (Ord. 224, 4-10-1973)

3-3-4: APPLICATION FOR AND ISSUANCE OF PERMIT:
Each person desiring any permit authorized by the provisions of this chapter shall apply therefor to the city clerk on forms provided by said clerk and pay the fee applicable. The city clerk shall transmit all such applications to the mayor and city council who shall grant or deny such applications. Such permits are not transferable from one premises to another but are transferable from one person to another. (Ord. 224, 4-10-1973)

3-3-5: REVOCATION OF PERMIT:
Any permit issued under the provisions of this chapter shall be revoked by the city council if, at any time subsequent to the issuance thereof, and after hearing governed by the city administrative procedures act2, the council finds that the permit was erroneously issued or that either the mobile home, the installation thereof or the premises did not, at the time such permit was issued, meet the requirements of this chapter or have since ceased to meet the requirements of this chapter. (Ord. 224, 4-10-1973; amd. 1986 Code)

3-3-6: ACCESSORY BUILDINGS:
Accessory buildings shall only be installed in full compliance with all building and zoning codes and ordinances of the city and the applicable laws of the state, and only after securing all permits required therefor by such city codes or ordinances. (Ord. 224, 4-10-1973; amd. 1986 Code)

3-3-7: EXCLUDED INSTALLATIONS:
The installation of a mobile home on premises by a relative, a friend of the owner or lessee of such premises with permission of such owner or lessee, where such owner or lessee makes no charge therefor and the installation thereof terminates not later than fourteen (14) days after it commences, is expressly excluded from the provisions of this chapter. (Ord. 224, 4-10-1973)

3-3-8: TRAVEL TRAILERS USED AS LIVING QUARTERS PROHIBITED:
Except as otherwise provided in this chapter, no travel trailer shall be installed on any premises or used for living quarters; provided, that the owner thereof may park the same on premises owned or leased by such owner as a place of storage, but for no other purpose. (Ord. 224, 4-10-1973)

3-3-9: PROHIBITED ACTS:
It is prohibited and unlawful for any person to install a mobile home which does not meet all of the requirements of this chapter; install a mobile home in a manner which does not meet all of the requirements of this chapter; install a mobile home without first obtaining all permits therefor required by the provisions of this chapter; continue the installation of a mobile home after the permit issued therefor has expired or been revoked, or to violate any other provision of this chapter. (Ord. 224, 4-10-1973)

3-3-10: VARIANCES:
Variances from the provisions of this chapter may be made by the city council upon written application therefor specifying the variances requested and the reasons justifying the same, after such hearing as the city council shall determine reasonable. (Ord. 224, 4-10-1973)

3-3-11: PENALTY:
Any person who violates any of the provisions of this chapter or fails to comply with any of the terms and conditions of this chapter shall be guilty of a misdemeanor. Each twenty four (24) hour period of the continuance of such violation shall be regarded as a separate and distinct misdemeanor. (Ord. 224, 4-10-1973)

3-3-12: CONFLICTING PROVISIONS:
If a provision of this chapter conflicts with a provision of any other ordinance or code of the city existing on the effective date of these provisions, the provision which, in the judgment of the city council, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. If a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the city existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail. (Ord. 224, 4-10-1973)

CHAPTER 3

MOBILE HOME INSTALLATIONS

ARTICLE A. MOBILE HOME PARKS

SECTION:

3-3A- 1: **Title**
3-3A- 2: **Definitions**
3-3A- 3: **Administrative Provisions**
3-3A- 4: **Organization and Enforcement**
3-3A- 5: **Permits Required**
3-3A- 6: **Location**
3-3A- 7: **Mobile Home Park Requirements**
3-3A- 8: **Water Supply**
3-3A- 9: **Plumbing**
3-3A-10: **Sewage Disposal**
3-3A-11: **Electricity**
3-3A-12: **Fuel**
3-3A-13: **Fire Protection**
3-3A-14: **Alterations and Restrictions**
3-3A-15: **Penalties**

3-3A-1: **TITLE**: This Article shall be referred to and known as THE CITY OF WILDER MOBLIE HOME PARK ORDINANCE.

3-3A-2: **DEFINITIONS:** For purposes of this Article, the following words and phrases shall have the meaning ascribed to them in this Section:

A. BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

DRIVEWAY**:** A private roadway used by vehicles and pedestrians on a mobile home lot or for use of common access to a small group of lots or facilities.

GRADE: The average of the finish ground level of the premises.

INSPECTOR: The Building Official, or his duly authorized agent.

MOBILE HOMES: A manufactured transportable, single-family dwelling unit suitable for human habitation, including sleeping and living quarters for one or more persons; provided, that this definition shall refer to and include any contrivance used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed or transported by another vehicle.

MOBILE HOME DEPENDENT: A mobile home, as described herein, which does not have an approved water closet and bat or shower.

MOBILE HOME INDEPENDENT: A mobile home, as defined herein, which has a flush water closet and bath or shower.

MOBILE HOME PARK: Any area, tract, plot or site of land whereupon two (2) or more mobile homes, as herein defined, are placed, located and maintained for dwelling purposes only, either on a permanent or semi-permanent basis.

MOBILE HOME SPACE: A plot of ground within a mobile home park, or any plot of ground which is designed for or designated as the location of one mobile home and not used for any other purpose whatsoever other than the customary accessory uses thereof.

MOBILE STRUCTURES: All vehicles designed for human habitation other than as herein defined, when the mobile structures are not provided with either living or sleeping and cooking facilities, such as field office, sales office or display.

OFFICIAL: A person who has either been duly elected or appointed to public office and who represents the City of Wilder for a prescribed duty or capacity under the terms of the Article.

PERMITTEE: A person who has received a permit, as hereinafter set forth.

PERSON: Any individual, form, trust, partnership, association or corporation, whether tenant, owner, lessee, licensee, permittee, agency, heirs or assigns.

PARK MANAGEMENT: A person who owns and/or has charge, care or control of a mobile home park.

MOBILE HOME STREET: A private roadway which affords principle means of ingress and egress to individual mobile home lots or structures.

B. Exceptions:

1. In the case of the parking of a mobile home upon any area, tract, plot or site of land whereupon one mobile home is located and maintained for dwelling purposes, and the placement of a mobile home in such instances

shall be governed by the provisions of Sections 3-3-1 through 3-3-12, inclusive, of this City Code.

2. Emergency or temporary stopping or parking for not more than three (3) hours and subject to any other limitations imposed by any other provisions of this Article.
3. Unoccupied mobile homes for demonstration and sales purposes and temporary construction field offices in specified areas, and unoccupied dependent and independent mobile homes.

C. Application for Permit: To obtain a permit for the construction or alteration of a mobile home park, the applicant shall first file an application at the office of the Building Official, City Hall, on a form furnished for that purpose. Every application shall:

1. Identify the name and address of the applicant.

2. Describe the land by location and legal description on which the proposed mobile home park is to be located.

3. Submit plans and specifications of the proposed mobile home park showing, but not limited to the following:
    a. The area and dimensions of the tract of land for the mobile home park;
    b. The number, location and size of all mobile home spaces;
    c. The location and width of mobile home streets and driveways;
    d. The location of water and sewer lines and riser pipes;
    e. Plans and specifications of all structures to be constructed within the mobile home park;
    f. The location and details of lighting and electrical systems;
    g. All plans and specifications to indicate distances, depths, setbacks and separations;
    h. Description of dimensions of all mobile homes spaces; and
    i. All tentative plats shall be drawn to scale of one inch to fifty feet (1” = 50’), and another tentative plat shall be drawn to scale of one inch to three hundred feet (1” = 300’) to accompany application.

4. Show the use and occupancy of each space, block or tract and state the true valuation of the proposed improvements.

5. Must be signed by the permittee or his authorized agent, and the permittee shall submit any other information as may be reasonably required by the Building Official.

D. Issuance: The application with two (2) sets of plans and specifications filled by the applicant for a permit, shall be checked by the Building Official and shall

include a plot plan and building plans and specifications of all structures, improvements and facilities, such as electrical, plumbing, gas and sewage constructed or to be constructed within the mobile park. The plans may be reviewed by other duly authorized agents of the City Council to check compliance with the laws under their jurisdiction. If the Building Official is satisfied that the proposal, as submitted, subject to corrections, meets the requirements as herein set forth, he shall then issue the permit therefore to the applicant.

E. Retention of plans: One set of approved plans, specifications and computations shall be retained b the Building Official for a period of not less than ninety (90) days from the date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on the building or work during the time the work authorized thereby is in progress.

1. Validity: The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Article.

2. Expiration: Every permit issued by the Building Official under the provisions of this Article shall expire by limitation and become null and void, if the building or work authorized by the permit is not commenced within sixty (60) days from the date of such permit, or if the building or work authorized by the permit is suspended or abandoned at any time after the work is commenced, for a period of one hundred twenty (120) days. Before the work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half (1/2) the amount required foe a new permit for such work; provided, no changes have been made or will be made in the original plans and specifications for the work; and provided, further, that such suspension or abandonment has not exceeded one year.

H. Permit Fees: The permit fee for each mobile home park shall be on the true value of construction and governed by the fee structure of the Uniform Building Code contained in Chapter 1 of this Title.

I. Inspections:

1. General: All constriction or work for which a permit is required shall be subject to inspection by the Building Official.

2. Inspection Record Cards: Work requiring a permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the front premises and in such position by the permit holder until the certificate of occupancy has been issued.

3-3A-6: LOCATION:

A. Location: A mobile home park shall be located only within areas as provided by the Zoning Title.

B. Boundaries: Each boundary of any mobile home park be at least eighty feet (80') from any permanent residential building located outside the mobile park unless separated there from by a natural or artificial barrier, that is, any street, river, canal, railroad, embankment or screening by appropriate fence or hedge of four feet (4') minimum height and at least fifty percent (50%) solid.

3-3A-7: **MOBILE HOME PARK REQUIREMENTS:** Mobile home parks shall conform to the following requirements:

A. Shall be located on a well-drained site with all roadways and spaces property graded to ensure rapid drainage and freedom from stagnant pools of water.

B. Each mobile home space be provided with a paved area of at least one hundred (100) square feet.

C. Mobile homes and their adjoining enclosed structures shall be located so as to provide a clear minimum of not less than 10 feet (10') clearance between mobile homes on either side or front; a minimum of ten feet (10') clearance between mobile homes parked back to back; ten feet (10') from any building within the mobile home park, or five feet (5') from any side property line bounding the mobile home park.

D. All mobile home spaces shall abut upon a roadway of not less than thirty four feet (34') in width where vehicles are permitted to park or twenty feet (20') in width where vehicles are not permitted to park. When roadways are less than thirty four feet (34') in width, off-street parking areas shall be maintained at the minimum ration of one car space for each mobile home. All roadways shall have unobstructed access to a public street or highway; provided, that any vehicular access shall be not less than twenty feet (20') in width and that all dead-end roadways shall include an adequate vehicular turning space or cul-de-sac with not less than an eighty foot (80') radius exclusive of parking.

E. All roadways and walks within a mobile home park shall be all-weather surfaced, maintained and adequately lighted. A minimum of two-tenths (2/10) foot-candles of light is required for protective lighting the full length of all driveways and walkways.

F. Existing facilities for maintaining service to dependent mobile homes shall at all times meet the standards set forth by the City and/or State and/or Health District. Service buildings shall be required as herein provided for mobile home parks which are designed and maintained to accommodate dependent mobile homes.

G. Service facilities for mobile home parks accommodating either dependent or independent mobile homes shall be maintained in accordance with applicable City, County or District health regulations. No service building shall be required, unless the mobile home park is designed to provide parking space for dependent mobile homes.

H. General requirements shall be conditions of the soil, ground water level, drainage and topography shall not create a hazard to the property or health safety of the occupants of the mobile home park. Soil and ground cover requirements shall require exposed ground services on all parts of every mobile home park to be paved or covered with stones, landscaping or protected with a vegetative growth that is capable of preventing soil erosion or the creation of dusty conditions.

I. Site drainage shall require ground surface water to be graded and equipped to drain all surface water together with controlling grades and dimensions of all tile lines, culverts, catch basins, drain inlets, turf and masonry gutters and curbs, final drainage disposal including any existing facilities to be used.

3-3A-8: WATER SUPPLY: The water supply shall be easily accessible to each mobile home space, and shall provide not less than twenty five (25) pounds of pressure at all times and not less than one hundred twenty five (125) gallons per mobile home per day. All water supplies must be approved by the City, State or District Health Departments, and if other than a public supply, shall conforms with the standards set forth in the Idaho State Department of Public Health Bulletin 5, "Recommended Standards for Individual Water Supply Systems."

3-3A-9: PLUMBING: All plumbing within the mobile home park shall conform to the standards set forth in the State Plumbing Code and shall be subject to inspection and approval by the appropriate officials from the State of Idaho inspecting pursuant to the State Plumbing Code.

3-3A-10: SEWAGE DISPOSAL:

A. All Sewage shall be collected and disposed of by the City public sewage system.

B. Each mobile home space shall be provided with not less than one three inch (3") sewer connection. The sewer connection shall be provided with the connections so that a watertight union may be made between the mobile home drain and the sewer connection. The mobile home space connection shall be provided with an airtight closure when not linked to a mobile home and so trapped to maintain an odor-free condition.

3-3A-11: ELECTRICITY: All installations of electrical wiring and equipment in mobile home parks and electrical installations supplying mobile homes located outside of established mobile home parks shall conform to the minimum requirements of the State Electrical Code.

3-3A-12: FUEL: natural or liquefied petroleum gas shall be installed within mobile home parks, mobile homes or structures within the mobile home parks, as set forth by the Uniform Fire Code as adopted by the City in Section 3-1-1B of this Code.

3-3A-13: FIRE PROTECTION: When not in conflict with more specific regulations, the mobile home park area shall conform to the requirements of the State of Idaho and the City Uniform Fire Codes.

3-3A-14: ALTERATIONS AND RESTRICTIONS: In mobile home parks no permanent additions of any kind shall be built onto, nor become a part of a mobile home, Skirting of trailers is required with nonflammable material within thirty (30) days of the installation and placement of the mobile home.

3-3A-15: PENALTIES: Any person who violates any provision of this Article shall be deemed guilty of a misdemeanor.

(Ord. 332, Enacted 7-12-1988)

CHAPTER 3

MOBILE HOME INSTALLATIONS

ARTICLE B. TRAVEL TRAILER AND MOTOR COACH PARKS

SECTION:

3-3B- 1: **Definitions**
3-3B- 2: **License Requirements**
3-3B- 3: **Hearing Procedures**
3-3B- 4: **Notification to Applicant**
3-3B- 5: **Wilder Administrative Procedure Act**
3-3B- 6: **Appeal of Decision of Commission to City Council**
3-3B- 7: **Time for Filing Appeal**
3-3B- 8: **Issuance of Travel Trailer/Motor Coach Park License**
3-3B- 9: **License Fee**
3-3B-10: **Park Area Minimum Specifications**
3-3B-11: **Required Services**
3-3B-12: **Permanent Uses Prohibited**
3-3B-13: **Penalties**
3-3B-14: **Injunction**
3-3B-15: **Permanently Affixing Trailers prohibited**

3-3B-1: **DEFINITIONS:** As used in this Chapter, the following terms shall have the meanings described to them below:

MOTOR COACH: Any vehicle which is self-propelled and which conforms to the definition of a "travel trailer" herein pertaining to highway use and human habitation.

TRAVEL TRAILER: A. Any vehicles designed to be towed by a self-propelled vehicle; and

B. Which is designed to be capable of regular and frequent use on the highway without wheel or sub-structure assembly or disassembly; and

C. Any structure which is constructed so as to permit human habitation thereof, including sleeping and living quarters for one or more persons.

TRAVEL TRAILER PARK OR MOTOR COACH PARK: Any site of land whereupon two (2) or more travel trailers, motor coaches or any combination thereof are kept for temporary dwelling purposes and for which a fee for such use is collected or collectible by the person holding the land.

3-3B-2: LICENSE REQUIRED: It shall be unlawful to establish or operate any travel trailer or motor coach park in the City without first having obtained a license therefore. Applications for such licenses shall be made in writing to the City Clerk and shall contain the name and address of the applicant; the location of the proposed park, including a legal description thereof; the number of square feet in the proposed park: the number of living unit which the applicant desires to accommodate in the proposed park; a description of the sanitary facilities, including number of toilets and shower facilities; and a description of the lighting facilities.

Each application referred to herein shall be accompanied by a plat showing the size and location of all structures and all proposed living unit spaces.

3-3B-3: **HEARING PROCEDURES:** Upon receipt of each application and plat, the City Clerk shall transmit them to the Planning and Zoning Commission which shall conduct a public hearing in accordance with the notice provisions of section 67-6509, Idaho Code; which hearing shall be conducted according to the rules and procedures set forth in the Wilder Administrative Procedure Act contained in Title 1, Chapter 8 of this Code; and which hearing shall also be conducted in conjunction with any hearing for the granting of a special use permit required by this Code for the establishment of travel trailer and/or motor coach parks. Upon approval or denial of the application, the Commission shall specify:

A. The ordinance and standards used in evaluating the application;

B. The reasons for approval or denial; and

C. The actions, if any, that the applicant could take to obtain a permit

3-3B-4: NOTIFICATION TO APPLICANT: After a decision has been rendered by the commission and the applicant has been notified of the action on the application, a travel trailer/motor coach park license shall not be issued until thirty (30) days have passed since the date of the issuance of the written decision and to allow for the filing of an appeal of the decision. In the event an appeal has been duly filed with the City Clerk, no travel trailer/motor coach park license shall be issued until the final action has been taken by the City Council as hereinafter set forth; and in no event shall the travel

trailer/motor coach park license be issued in the event that the travel trailer/motor coach park license is issued conditionally until all of those conditions have been satisfied.

3-3B-5: WILDER ADMINISTRATIVE PROCEDURE ACT: All procedures governing an application for a travel trailer/motor coach park license, unless otherwise specified in this Article, shall be governed by the Wilder Administrative Procedure Act which shall also govern all appellate requests to the Council from decisions made by the Planning and Zoning Commission hereunder.

3-3B-6: APPEAL OF DECISION OF COMMISSION TO CITY COUNCIL: An appeal as a matter of right may be taken to the City Council from any written decision or action taken by the Commission hereunder by either the applicant or by any affected person which shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a license authorizing the application.

3-3B-7: TIME FOR FILING APPEAL: An appeal to the City Council shall be taken and made by physically filing a notice of appeal with the City Clerk within twenty eight (28) days from the date of the written decision of the commission being appealed.

3-3B-8: ISSUANCE OF TRAVEL TRAILER/MOTOR COACH PARK LICENSE: A travel trailer/motor coach park license, if granted, shall not be issued by the Building Official until all conditions, if any, have been satisfied by the applicant.

3-3B-9: LICENSE FEES: A fee for each travel trailer/ motor coach park license shall be paid to the City Clerk at the time of filing the application. The fee schedule shall be as follows:

A. A nonrefundable fixed fee of fifty dollars ($50.00) per park application; plus
B. Ten dollars ($10.00) per each proposed living unit space which shall be refunded if the park application is rejected.

3-3B-10: PARK AREA MINIMUM SPECIFICATIONS: All parks controlled by this Article shall conform to the following minimum specifications:

A. Each park shall be located on a well-drained site with all roadways and spaces properly graded to ensure rapid drainage and freedom from stagnant pools of water;
B. Each living unit space shall be provided with a paved area of at least one hundred (100) square feet;
C. Each living unit shall be allotted a site of not less than five hundred (500) square feet. No living unit shall be parked closer than five feet (5’) to the side of a park if the abutting property is improved property. No living unit shall be parked closer than ten feet (10’) to the side lines of a park if such lines are adjacent to a public street, public alley or building; and
D. Each living unit site shall abut or face on a driveway or clear unoccupied space of not less than twenty feet (20’) in width which space shall have unobstructed

access to a public highway or alley. There shall be an open space of at least ten feet (10') between the side lines of every living unit and at least five feet (5') between the ends of every living unit.

3-3B-11: REQUIRED SERVICES:

A. Water Supply: each park proprietor shall provide an adequate supply of pure water for drinking and domestic purposes from the City water system;
B. Sanitary Facilities: Each park proprietor shall provide sanitary facilities, except for motor coach parks which consist of eight (8) or less spaces. Motor Coach parks which consist of eight (8) or less space shall only be required to have a recreational vehicle sewage dump;
C. Garbage And Waste Materials: It shall be the duty of the proprietor and his agents to provide for the collection and removal of garbage and other waste material and to otherwise maintain the park in a clean and sanitary condition; and
D. Lighting: The owner of each park shall keep it adequately lighted so that the grounds shall be safe for occupants and visitors.

3-3B-12: PERMANENT USES PROHIBITED:

A. It shall be unlawful for any person owning, possessing or managing a travel trailer park or motor coach park and/or the owner, lessor, and/or possessor of a motor coach or travel trailer to maintain, keep, or allow said trailer or motor coach in a travel trailer park or motor coach park in excess of ninety (90) days.
B. It shall be considered a separate offense to maintain, keep and/or allow a travel trailer or motor coach for every day after ninety (90) days said travel trailer or motor coach remains situated in the travel trailer park or motor coach park.

3-3B-13: PENALTIES: A violation of any of the provisions of this Article shall be deemed a misdemeanor and punishable by a fine in a sum not exceed one hundred dollars ($100.00) for any one offense, confinement in the County jail for a period of not more than thirty (30) days for any one offense, or both fine and imprisonment.

3-3B-14: INJUNCTION: In the event any person owning, possessing or managing a travel trailer park or motor coach park does so without a license, the City may seek and the court shall grant an injunction against said person from further operating said park until the provisions of this Article have been complied with and a license issued; and all attorney fees and costs, in the event an injunction should lie, shall be paid by said owner and/or possessor of the travel trailer park or motor coach park to the City.

3-3B-15: PERMANETLY AFFIXING TRAILERS PROHIBITED: It shall be unlawful to remove the wheels from any travel trailer or motor coach located within a park as defined in Section 3-3B-1 of this Article. It shall also be unlawful to affix any such living unit to the ground when located within such park.

(Ord. 333, Enacted 7-12-1988; Ord. 439, Amended 4-13-1999)

CHAPTER 3C

ARTICLE C

MANUFACTURED HOMES REGULATIONS

SECTION:

3-3C- 1: **Purpose of Manufactured Home Regulations**
3-3C- 2: **Definitions**
3-3C- 3: **Development Standards**
3-3C- 4: **Accessory Structures to Manufactured Homes**
3-3C- 5: **Administration and Enforcement**
3-3C- 6: **Nonconforming Manufactured Homes**

3-3C-1: **PURPOSE OF MANUFACTURED HOME REGULATIONS:** This Section establishes the minimum standards for the location and approval of manufactured housing in the City or within the adopted area of City impact.

3-3C-2: **DEFINITIONS:** As used in this Ordinance:

MANUFACTURED HOME: A structure commonly referred to as a mobile and/or modular home, building since June 1, 1976, that bears the Department of Housing and Urban Development certification that it has been constructed in conformance with the Mobile Home Construction and Safety Standards in effect at the time of its construction, and is to be used as a permanent residential dwelling.

PERMANENTLY AFFIXED: A manufactured home which has the running gear and towing hitch or similar devices removed and is set up per manufacturer's instructions on permanent footings, with supports having an anchoring system that is totally concealed under the structure and compiles with Department of Housing and Urban Development standards.

FOUNDATION FACIA: A weather resistant material surrounding the entire perimeter of a manufactured home which completely encloses the space between the exterior wall of the manufactured home and the ground.

ACCESSORY STRUCTURE: A structure attached to or located adjacent to a manufactured home such as awnings, carports, garages, porches or steps.

3-3C-3: **DEVELOPMENT STANDARDS:** The established and use of a manufactured home as a permanent residential dwelling on an individual lot shall be permitted in any zoning district of this City or County zoning district in the area of City

impact which permits installation of a single family site-built dwelling, provided the following standards are met:

A. Its is multi-section and at least twenty feet (20') wide with a minimum floor area of eight hundred (800) square feet, and in addition, the square footage must be at least eighty percent (80%) of the average square footage of surrounding homes with the radius of three hundred feet (300') of any part of the premises of the proposed site.

B. It has roofing materials which are generally acceptable for site-built housing. Any roofing material may be used provided it is a nonmetallic shingle, shake or tile roof. Roofs shall also have a minimum slope of twenty five percent (25%) (3:12) and overhanging eaves with a minimum eaves width of six inches (6") exclusive of gutters and said eaves be provided around the entire perimeter of the structure.

C. It has siding materials which are generally acceptable for site-built housing. Any siding material may be used provided it has the appearance of wood, masonry or horizontal metal siding. Reflection from horizontal metal siding shall be no greater than that from siding coated with white, gloss enamel.

D. It will have a foundation facia which is aesthetically compatible with the manufactured home, having the appearance of site-built construction. This means the facia shall be an extension of the siding or be materials having the appearance of site-built foundations such as brick, concrete or concrete block.

E. It shall be permanently affixed, in accordance with manufacturer's recommendations and it shall meet the provisions of the Uniform Building Code adopted by the City.

F. A building permit shall be obtained from the City in accordance with the provisions of Section 5 of this Chapter.

G. It has a crawl space with the following minimum measurements: eighteen inches (18") of clearance; twelve inches (12") of clearance under beams; and an eighteen inch by twenty-four-inch (18"x24") access door with adequate venting and a six (6) mil visqueen vapor barrier either on the outside of the manufactured home or upon the surface of the ground underneath it.

H. It will comply with all applicable lot size, setback and other requirements of the zoning district in with it is to be located.

I. It will provide two (2) off-street parking spaces, one of which is so situated so it could later be converted to a garage or carport in compliance with applicable setback requirements.

J. Manufactured homes as defined and permitted by this Chapter shall not be allowed in subdivisions where they are prohibited by restrictive covenants.

K. Manufactured homeowners or purchasers shall own or be purchasing the land upon which their home is to be placed. Said owner or purchaser shall record with the County Recorder a nonrevocable option declaring the manufactured home as real property.

3-3C-4: ACCESSORY STRUCTURED TO MANUFACTURED HOMES:

Accessory structures to manufactured housing shall be constructed in compliance with the standard specified by Wilder Comprehensive Plan, Zoning Ordinance, Uniform

Building Code and the Department of Housing and Urban Development Standards. Structures shall be similar in material and design to the home to which they are associated.

3-3C-5: ADMINISTRATION AND ENFORCEMENT:

The administration and enforcement of this Chapter shall be in accordance with the following:

A. Application: Application for approval of a manufactured home on an individual lot shall be made to the Building Inspector on a prescribed form. The completed application shall be filed with the City Clerk. The application shall include all information necessary to determine conformity with Section 3, Development Standards, including: exterior dimensions, siding material, foundation facia material, roofing material, eave overhang and any other applicable information; a copy of the manufacturer's instructions for installation of the home on permanent footings; and a plot plan showing existing conditions and the purposed location of the home and other improvements at a scale of at least one inch equaling twenty feet (1"= 20").

B. Certificate and Inspection: The applicant shall sign the completed application certifying the manufactured home meets the development will be standards of Section 3, and that the site development will be in accordance with said standards and the plot plan submitted stating that once the manufactured home is permanently affixed the applicant will comply with the requirement of Section 3 requiring the home to be declared as real property for taxation purposes. These certifications shall be made prior to the moving of the home to the building site.

Following the application and the plot plan approval, the Building Inspector may issue a building permit for the footing and foundation. Upon satisfactory inspection of the footings and foundation for the attachment of the manufactured home, the Building Inspector shall verify, in writing, that all standards of Section 3 have been met as certified by the application. The home may then be attached to the foundation in accordance with the manufacturer's instructions, City Ordinances for permanent utility connections, and other building requirements.

Prior to occupancy a final inspection shall be had to assure proper attachment of the home to the foundation and placement of a proper foundation facia in accordance with the requirements of Section 3.

3-3C-6: NONCONFORMING MANUFACTURED HOMES: A manufactured home which has been placed and maintained upon an individual lot prior to the adopting of this Chapter shall be a legal nonconforming use and the requirements of Section 3 of this Chapter shall apply. Such manufactured home shall not be relocated within the City, nor shall it be relocated within the existing present site, without conforming all applicable provisions contained herein.

(Ord. 375, 4-13-93, eff. 5-13-93)

Title 3, Chapter 4
BUILDING OFFICIAL AND BUILDING PERMIT REGULATIONS

3-4-1: TITLE:
3-4-2: BUILDING OFFICIAL:
3-4-3: PERMIT REGULATIONS:
3-4-4: CERTIFICATE OF OCCUPANCY AND COMPLIANCE; CHANGE IN USE OF BUILDING:
3-4-5: NOTICE OF RIGHT TO HEARING:
3-4-6: UNLAWFUL CONDUCT:
3-4-7: PENALTY:

3-4-1: TITLE:
This chapter shall be referred to and known as BUILDING OFFICIAL AND BUILDING PERMIT ORDINANCE.

3-4-2: BUILDING OFFICIAL:
A. Appointment: There is hereby created the position of building official, a position which shall be filled by appointment by the Mayor with the consent of a majority of the Council.

B. Powers and Duties:

1. Generally: It shall be the duty of the building official to supervise the enforcement of the building, housing and zoning regulations applying to the use of property, construction, alteration or removal of structures and buildings, and including the issuance of such licenses and permits as may be required in such regulation. The building official shall work under the direct supervision of the mayor.

   It shall be the duty of the building official to examine all plans and applications for permits for buildings and structures to be constructed, altered, repaired, moved or removed and to inspect or direct inspection of such construction or use to assure compliance with all the provisions of this code relating to building, zoning, and housing.

   The building official shall perform such other duties as may be prescribed for the building official by the mayor or the council.

2. Stop Order: The building official, or the official's duly authorized agent, shall have the power to order all work stopped on construction, alteration or removal of any building or structure when such work is being done without the issuance of a permit pursuant to the terms of this chapter and/or in violation of any provisions of the International Building Code and any and all state or city codes, or the provisions of this chapter or any planning and/or zoning regulation or ordinance, relating to building construction. Work shall not be resumed after the issuance of such an order except on the written permission of the building official; provided,

that if the stop order is an oral one, it shall be followed by a written stop order within one hour.

C. Entry Powers: The building official shall have the power to make, or cause to be made, entry into any building or premises at any reasonable hour where the work of altering, repairing or constructing any building or structure is proceeding, for the purpose of making inspections.

D. Act as Building Inspector: The building official shall serve as building inspector and shall have all the powers and perform all the duties connected with the office.

3-4-3: PERMIT REGULATIONS:

A. Permit Required: The construction, alteration, repair, removal or occupancy of any structure or land, or any part thereof as provided or as restricted in the zoning regulations, shall not be commenced or proceeded with except after the issuance of a written permit for same by the building official.

B. Permit to Be Displayed: The person receiving such permit shall display the official permit card in front of such building operations so that the same may be seen from the street and it shall be incumbent upon any law enforcement officer of the city to stop such building operations until such permit has been secured and displayed.

C. Plans To Be Filed: No permit for construction or alteration shall be issued unless there is filed with the building inspector a plan of such construction or alteration made to a scale of not less than one-eighth inch to one foot (1/8" = 1'), and a lot plan of not less than twenty feet to one inch (20' = 1"), such lot plan to show all buildings now erected together with the improvement.

3-4-4: CERTIFICATE OF OCCUPANCY AND COMPLIANCE; CHANGE IN USE OF BUILDING:

A. Certificate of Occupancy and Compliance Required: No building hereafter erected or altered shall be occupied, used or changed in use or occupancy until a certificate of occupancy and compliance shall have been issued by the building inspector, stating that the building or proposed use of a building or premises complies with all the building and health laws and regulations and with the provisions of the zoning regulations.

No premises shall be used or occupied or changed in the use or occupancy until a certificate of occupancy shall has been issued by the building inspector, stating that the proposed use of the premises complies with the zoning regulations and the provisions of this code relating thereto.

Before issuing such certificate, the building inspector may, if he so desires, submit the application and all papers connected therewith to the planning and zoning commission or may submit the same directly to the council of the city.

B. Record of Certificate: A record of all certificates shall be kept on file in the office of the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an

original certificate, but for copies of any original or subsequent certificates there shall be a charge of one dollar ($1.00) each.

C. Change In Use of Building: The use of a building already erected or other premises at the passage of this chapter shall not be changed from one class of use to another unless and until an application has been made to the building inspector of the city, in due form, stating the use of the premises at the time of the application, or if vacant, its last use, the use it shall be put to, whether the proposed use of the building on the premises will increase the fire hazard on the premises or adjacent property and a certificate by the chief of the Wilder rural fire department stating whether the proposed change will or will not increase the fire hazard. If it would increase the fire hazard, there shall also be submitted with the said application the approval of the chief of the Wilder rural fire department approving the said change.

3-4-5: NOTICE OF RIGHT TO HEARING:
In the event the building official shall deny a permit request under the provisions of this chapter, or issue a stop work order or deny a certificate of occupancy, the reasons for the denial or the issuance of the stop work order shall be specified in writing by the inspector and/or official taking such action, and said official or inspector shall notify the applicant and/or person affected by their action of that person's right to a public hearing and to appeal the decision or action to the city council, which hearing and/or appeal shall be governed by the city of Wilder administrative procedures act contained in title 1, chapter 8, of this code.

3-4-6: UNLAWFUL CONDUCT:
A. It shall be unlawful for any person to construct, alter, repair, remove or occupy any structure or land without first having secured a permit therefor from the building official of the city.

B. It shall be unlawful for any person to construct, alter, repair, remove or occupy any structure in violation of the provisions of subsection 3-4-2B2 and sections 3-4-3 and 3-4-4 of this chapter.

C. A permit will not be required for ordinary repairs or maintenance incidental to the proper upkeep of a building or structure.

3-4-7: PENALTY:
Any person violating any of the provisions of section 3-4-6 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum not to exceed three hundred dollars ($300.00), or given a jail term not to exceed thirty (30) days for any one offense, or both.

(Ord. 593, Amended, 12-11-2012; Ord. 327,Enacted, 1-13-1987)

Title 3, Chapter 5
ENERGY CONSERVATION SYSTEMS

3-5-1: TITLE:
3-5-2: DEFINITIONS:
3-5-3: PERMIT REQUIRED:
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3-5-5: STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS:
3-5-6: PENALTY

3-5-1: TITLE:
This chapter shall be referred to and known as ENERGY CONSERVATION SYSTEMS.

3-5-2: DEFINITIONS:
The following terms are used in this chapter, and shall have the meaning shown below:

BLADES: The member of the rotor that converts wind energy into rotational energy.

OVERSPEED CONTROL: A mechanism used to limit the speed of blade rotation to below the design limits of the wind energy conversion system.

SITE: A plot of land where the wind energy conversion system is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties.

SOLAR ENERGY: The energy received by the earth from the sun that is converted into thermal or electrical energy.

SOLAR PANELS OR COLLECTORS: A group of connected solar cells.

SWEPT AREA: The largest area of the wind energy conversion system which extracts energy from the wind stream. In a conventional propeller-type wind energy conversion system, there is a direct relationship between swept area and the rotor diameter.

TOTAL HEIGHT: The height of the tower and the farthest vertical extension of the wind energy conversion system.

WIND ENERGY CONVERSION SYSTEM (WECS): A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The wind energy conversion system includes all parts of the system, except the tower and the transmission equipment, and shall be considered as a structure.

3-5-3: PERMIT REQUIRED:

A. Building Permit Required: Any construction, alteration, repair, removal of energy conversion systems, shall not be commenced or proceeded with except after the issuance of a written permit for same by the building official unless otherwise designated in this chapter.

B. Permit to be Displayed: The person receiving such permit shall display the official permit card in front of such operations so that the same may be seen from the street and it shall be incumbent upon any law enforcement officer of the city to stop such building operations until such permit has been secured and displayed.

C. Plans to be Filed: No permit for construction or alteration shall be issued unless there is filed with the building inspector a plan of such construction or alteration made to a scale of not less than one-eighth inch to one foot (1/8" = 1'), and a lot plan of not less than twenty feet to one inch (20' = 1"), such lot plan to show all buildings now erected together with the improvement.

3-5-4: STANDARDS FOR SOLAR PANELS:

Solar panels shall be so mounted as to be not visible from any street, whenever possible and practical, to promote maximum efficiency without creating a nuisance or health or safety hazard.

A. For roof-mounted solar collectors, each of the following conditions shall be met:

a. The collector panels shall be flat and placed as close as possible to the roof with a roof clearance minimum of one and one-half inches (1 1/2") and a maximum of two and one-half inches (2 1/2"). The maximum height parallel from the roof surface to a collector panel installation shall be eight inches (8"). This includes the panel thickness and roof clearance. Solar collectors shall consist of tubing, covered or integrated with opaque material. Glazing shall be tempered glass or approved equal.

b. No frame or extraneous fitting shall extend more than four inches (4") from any side of each solar collector panel.

c. All plumbing and piping connections shall be suitably covered with metal flashing contiguous to the solar collector panel. The color of solar collector panel frame and flashing shall be compatible with existing roof.

d. For roof-mounted solar collectors, all storage tanks, piping runs and extraneous controls shall be placed below the roofing or hidden from view, whenever possible or practical.

B. Freestanding solar collector panels are not allowed within the corporate limits of the City of Wilder, except by issuance of a Special Use Permit of the Planning and Zoning Commission.

3-5-5: STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS (WECS):
The following standards shall apply to WECS. For the purposes of this section, the term "site" shall be defined as any plot or parcel of land or combination of contiguous lots or parcels of land upon which a WECS is proposed to be situated.

A. Small wind energy conversion systems are sixty five feet (65') or less in height with a capacity of twenty five (25) kilowatts or less. Roof mounted and tower wind energy conversion systems shall be allowed subject to the standards of this section in all zoning districts. A maximum of one tower is allowed per site.

1. Applicants for towers in residential zoning districts shall provide a mailing list of owners of property adjoining the site in question. The city shall send notice of the application to these property owners.

2. A twenty one (21) day waiting period shall be required prior to the issuance of any building permit to allow any notified adjoining property owner the opportunity to make a written request to the Planning and Zoning Commission. The twenty one (21) day waiting period shall begin on the day the notice of application is deposited by the city in the U.S. mail to the adjoining property owners. If a written request is received, prior to a building permit being issued, a hearing will be held before the Planning and Zoning Commission.

3. In the event a hearing is held before the Planning and Zoning Commission, the commission shall make a decision based upon the standards contained in this section to approve, approve with conditions, or deny the application for a building permit. The applicant or other affected persons may appeal the hearing examiner's decision to the City Council.

B. Medium wind energy conversion systems are one hundred twenty feet (120') or less in height with a capacity of one hundred (100) kilowatts or less. One tower per site shall be allowed subject to the standards of this section in the following zoning districts: commercial, commercial & industrial and public. A special use permit is required for applications involving multiple towers per site.

C. Large wind energy conversion systems are greater than one hundred twenty feet (120') in height with a capacity exceeding one hundred (100) kilowatts. One tower or more may be allowed with an approved special use permit in commercial, commercial & industrial and public zoning districts.

D. General Standards: The following standards apply to all wind energy conversion systems, regardless of size or the zoning district location of the WECS:

1. Setbacks: All WECS towers shall be set back from property lines on all sides a minimum of the distance equal to the overall height of the WECS. The required setback distance may be less than the overall height of the

WECS if an easement from an adjoining property owner is provided in writing and recorded with the recorder of the county where the property is located, which easement must provide the remaining distance required for the setback to be met and which is not available within the WECS applicant's property boundary.

2. Distance Requirements from other WECS Bases: No WECS tower shall be erected within five (5) swept area diameters or five (5) rotor blade lengths, whichever is greater, of another WECS base which is owned by a different party. The swept area diameter of the larger of the two (2) WECS bases shall be used to compute the required distance between the towers.

3. Warning Sign: At least one weatherproof sign no less than eight inches by ten inches (8" x 10") in size shall be posted in conspicuous view on the tower base or on the fenced enclosure around the tower base to warn of hazards and to post no trespassing. No sign permit is required for the afore described warning sign. No other signage shall be permitted on the WECS base, tower or wind turbine.

4. Guyed Towers; Fences: No guyed towers shall be allowed unless said guys and towers are fenced. A property perimeter fence shall satisfy this requirement.

5. Tower Climbing Apparatus: Tower climbing apparatus shall be no less than twelve feet (12') above the ground, or shall be enclosed by a security fence at least six feet (6') in height with a locked gate. A separate fence permit is required.

6. Location Restriction: No part of any WECS shall be installed in the front yard setback required in any zoning district.

7. Rotor Blade Distance from Ground: The longest reach of any wind turbine rotor blade shall be at least fifteen feet (15') from the ground or any structure situated beneath the swept area.

E. Wind Energy Conversion System Wind Turbine Standards:

1. Wind Turbines On Small WECS: The noise generated from operating a wind turbine on a small WECS shall be no greater than fifty five (55) decibels as measured at the point on the property line of the nearest adjoining property nearest to where the wind turbine is located.

2. Wind Turbines On Medium WECS: The noise generated from operating a wind turbine on a medium WECS shall be no greater than sixty (60) decibels as measured at the point on the property line of the nearest adjoining property nearest to where the wind turbine is located.

3. Wind Turbines On Large WECS: The noise generated from operating a wind turbine on a large WECS shall be no greater than sixty five (65) decibels as measured at the point on the property line of the nearest adjoining property nearest to where the wind turbine is located. Tower bases shall be located to avoid interference with microwave reception and transmission signal pathways which were in place prior to the installation of the tower base.

F. Application: An application for a WECS shall be filed with the City. Payment of application and permit fees, as established on the most current fee schedule and the following information is required for a WECS application regardless of whether the application is in conjunction with a special use permit or a building department permit application:

1. Site Plan: The applicant shall submit a site plan containing the following information:

   a. The name and address of the owner of record of the property upon which the proposed WECS is to be installed;

   b. The location and a written legal description of the boundaries of the property upon which the proposed WECS is to be installed;

   c. The location and dimensions of any proposed parking areas, roads and other site improvements on the property upon which the proposed WECS is to be installed;

   d. Any existing and all proposed grading, removal or placement of vegetation and water features on the property upon which the proposed WECS is to be installed;

   e. The location of existing and proposed power lines on the property upon which the proposed WECS is to be installed;

   f. The location and perimeters of existing and proposed easements on the property upon which the proposed WECS is to be installed; and

   g. The location of all underground utilities, including water and sanitary sewer lines, on the property upon which the proposed WECS is to be installed.

2. Additional Materials: The applicant shall also submit the following materials in addition to the site plan:

a. A scaled drawing of the proposed WECS structure(s), including height above the ground, size of swept area, blade size, and location within the property boundaries;

b. A photo simulation of the proposed WECS, including the wind turbine and base;

c. The characteristics and performance data on the WECS, including the type and material of the structure; type, size and material of the blades; specific information on performance, noise, and safety; and shutdown features and procedures;

d. Acknowledgment by applicant that all applicable federal aviation regulations have been met;

e. The construction schedule and time lines for completion of the WECS; and

f. Copies of any easements required to meet setback standards.

3. Additional Requirements For Large WECS: An analysis of potential environmental impacts of any proposed large WECS shall be submitted. Said analysis shall include an evaluation of any impacts on bird habitat and migratory patterns.

G. Maintenance and Abandonment: Any WECS approved under the provisions of this section shall be subject to revocation, and the WECS may be declared a dangerous nuisance by the director of the planning and development services department upon violation of any of the following provisions:

1. Maintenance: The owner of the WECS shall keep all of its components in good operating condition and shall operate the system on a regular basis, except for necessary maintenance and repair.

2. Abandonment: A WECS shall be deemed to be abandoned by the city if any one of the following events occur:

a. The WECS is not operating on a regular use basis, except for necessary maintenance and repair. "Regular use" shall be defined as the operation of the WECS in an established pattern, e.g., seasonal use or intermittent use on a regular basis, with an average regular use period of six (6) months or more in any calendar year.

b. Substantial construction of the WECS has not begun within twelve (12) months from the date of issuance of the WECS permit.

3. Abatement of Nuisance: In the event the public works superintendent determines that a WECS is abandoned and is a dangerous nuisance, the superintendent may direct said nuisance to be removed within forty five (45) days of written notice to the owner or operator of the system and to pass the cost of such abatement on to the owner or operator of the system.

3-5-6: PENALTY:

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed three hundred dollars ($300.00) and/or a jail term not to exceed thirty (30) days or be both fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 582, Enacted, 10/11/2011)

Title 4, Chapter 1
WILDER PLANNING ORDINANCE

4-1-1: TITLE:
4-1-2: PURPOSE:
4-1-3: EXERCISE OF POWERS:
4-1-4: PLANNING AND ZONING COMMISSION:
4-1-5: COMPREHENSIVE PLANNING PROCESS:
4-1-6: RECOMMENDATION AND ADOPTION, AMENDMENT AND REPEAL OF THE COMPREHENSIVE PLAN:
4-1-7: ZONING ORDINANCE PROCEDURES:
4-1-8: ANNEXATION PROCEDURES:

4-1-1: TITLE:
This chapter shall be known as the WILDER PLANNING ORDINANCE.

4-1-2: PURPOSE:
The purpose of this chapter shall be to promote the health, safety and general welfare of the people of the City, as follows:

A. To protect property rights and enhance property values.

B. To ensure that adequate public facilities and services are provided to the people at a reasonable cost.

C. To ensure that the economy of the City is protected and enhanced.

D. To ensure that the important environmental features of the City are protected and enhanced.

E. To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.

F. To encourage urban and urban type development within the incorporated limits of the City.

G. To avoid undue concentration of population and overcrowding of land.

H. To ensure that the development of land is commensurate with the physical characteristics of the land.

I. To protect life and property in areas subject to natural hazards and disasters.

J. To protect fish, wildlife and recreation resources.

K. To avoid undue water and air pollution.

4-1-3: EXERCISE OF POWERS:
The City Council shall exercise all planning and zoning powers for the City conferred upon it by Idaho Code Title 67, Chapter 65. The City Council shall exercise the said powers and functions, excluding the authority to adopt ordinances through the instrumentality of the City Planning and Zoning Commission.

4-1-4: PLANNING AND ZONING COMMISSION:

A. Commission Created: The City Planning and Zoning Commission (the Commission) is hereby created.

1. Finding: The City and Canyon County have established a City of Wilder Impact Area within the unincorporated limits of Canyon County, which impact area is now established by Canyon County Ordinance 05-015 and codified in Article 17 of Title 9 Canyon County Code and the Area of City Impact Boundary Map established by Canyon County Ordinance No. 08-015 and by Chapter 11 of Title 1 Wilder City Code.

2. Finding: Idaho Code Subsection 67-6526(g) requires that persons living within the delimited area of impact shall be entitled to representation on the Planning and Zoning Commission, which representation shall, as nearly as possible, reflect the proportion of population living within the City as opposed to the population living within the area of impact, and the City Council herein finds that the proportion of that population is less than twenty percent (20%).

B. Membership: The Commission shall consist of five (5) voting members, all appointed by the mayor and confirmed by the majority vote of the City Council. An appointed member of the Commission who is a resident of the City must have resided in the City for two (2) years prior to his appointment, and must remain a resident of the City during his service on the Commission. There shall be one appointed member of the Commission who is a resident and who shall have resided within the unincorporated area of Canyon County and within the impact area established for the City for two (2) years prior to appointment. The term of office for members shall be three (3) years commencing with the first vacancy and/or upon the completion of the term of office the next appointment shall be as follows:

The first appointment for one year, second and third appointments for two (2) year terms and the fourth appointment for a three (3) year term and, upon the

completion of the service of these terms, the term of office for members shall be three (3) years.

Vacancies occurring otherwise than through the expiration of terms, shall be filled in the same manner as the original appointment and shall be for the service of the remainder of the term of the Commissioner who is replaced. Members may be removed for cause by a majority vote of the City Council. Members shall be selected without respect to political affiliation but the membership should represent the various areas and interests of the City. Members may be compensated for their services as prescribed by resolution of the City Council

C. Organization: The City Council shall elect a chairman and create and fill any other office that it may deem necessary. The Commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out the responsibilities under this chapter. The Commission may appoint nonvoting ex officio advisors as may be deemed necessary.

D. Written Organization Papers; Meetings:

1. Bylaws, consistent with this chapter and other laws of the state for the transaction of business of the Commissioners, shall be adopted. A record of meetings, hearings, resolutions, studies, findings, permits and actions taken shall be maintained.

2. All meetings and records shall be open to the public. At least one regular meeting shall be held each month for not less than nine (9) months in a calendar year. A majority of voting members of the Commission shall constitute a quorum.

E. Receipt and Disposition of Revenues: With approval of the City Council, the Commission may receive and expend funds, goods and services from the federal government or agencies and instrumentalities of the state or local governments or from civic and private sources and may contract with these entities and provide information and reports as necessary to secure aid. Expenditures by the Commission shall be within the amounts appropriated by the City Council. Within such limits, the Commission is authorized to hire employees and technical advisors, including, but not limited to, planners, engineers, architects and legal assistants.

F. Conflicts of Interest: A member or employee of the Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree, has an economical interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this subsection shall be a misdemeanor.

4-1-5: COMPREHENSIVE PLANNING PROCESS:
It shall be the duty of the Planning and Zoning Commission to conduct a comprehensive planning process designed to prepare, implement, review and update a Comprehensive Plan, hereafter referred to as "The Plan". The Plan shall include all land within the jurisdiction of the City Council. The Plan shall consider previous and existing conditions, trends, desirable goals and objectives or desirable future situations for each planning component. The Plan, with maps, charts and reports, shall be based on the following components unless the plan specifies reasons why a particular component is unneeded:

A. Population: A population analysis of past, present and future trends in population, including such characteristics as total population, age, sex and income.

B. School Facilities and Transportation: An analysis of public school capacity and transportation considerations associated with future development.

C. Economic Development: An analysis of the economic base of the areas including employment, industries, economies, jobs and income levels.

D. Land Use: An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.

E. Natural Resources: An analysis of the uses of rivers and other waters, forests, ranges, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds and shorelines.

F. Hazardous Areas: An analysis of known hazards as may result from susceptibility of surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snow slides and avalanches and floodplain hazards.

G. Public Service Facilities And Utilities: An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

H. Transportation: An analysis showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on the building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights of way, terminals, viaducts and grade separations. The

component may also include port, harbor, aviation and other related transportation facilities.

I. Recreation: An analysis showing a system of recreation areas, including parks, parkways, trail ways, riverbanks, greenbelts, beaches, playgrounds and other recreation areas and programs.

J. Special Areas and Sites: An analysis of areas, sites or structures of historical, archeological, architectural, ecological, wildlife or scenic significance.

K. Housing: An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary and adequate housing.

L. Community Design: An analysis of needs for governing landscaping, building design, tree planting, signs and suggested patterns and standards for community design, development and beautification.

M. Implementation: An analysis to determine actions, programs, budgets, ordinances or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

4-1-6: RECOMMENDATION AND ADOPTION, AMENDMENT AND REPEAL OF THE COMPREHENSIVE PLAN:

A. Planning and Zoning Commission Procedures: Prior to recommendation, amendment or repeal of The Plan to the City Council, the Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper of the City. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the City and the City Impact Area, including school districts, which notice shall be given at least fifteen (15) days prior to the public hearing scheduled by the Commission. The Commission shall also make available a notice to other papers, radio and television stations servicing the jurisdiction for use as a public service announcement. Following the Commission hearing, if the Commission makes a material change in the plan, further notice and hearing shall be provided before the Commission forwards the plan with its recommendation to the City Council. A record of the hearings, findings made and actions taken shall be maintained.

B. City Council Procedure: Prior to adoption, amendment or repeal of the plan, the City Council may conduct a public hearing using the same notice and hearing procedures as the Commission. The City Council shall not take action upon the

plan, amendments or repeal until recommendations have been received from the Commission. If the City Council makes a material change in the plan, notice and a public hearing shall be provided and conducted before the city council adopts the plan.

C. Plan Adopted by Resolution: No plan shall be effective unless adopted by resolution by the City Council. A copy of the adopted or amended comprehensive plan shall accompany each adopting resolution and shall be kept on file with the City Clerk.

D. Petitions for Plan Amendments: Any person may petition the planning and zoning Commission for a plan amendment at any time. The Commission may recommend amendments to the plan to the city council, not more frequently than every six (6) months, to correct errors in the original plan or to recognize substantial changes in the actual conditions in the area. The Commission may recommend amendments to other ordinances authorized by this chapter to the City Council at any time.

4-1-7: ZONING ORDINANCE PROCEDURES:

A. Zoning Districts:

1. Established: The City Council shall, by ordinance adopted, amended or repealed in accordance with the notice and hearing procedures provided under section 4-1-6 of this chapter, establish one or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the adopted plan.

2. Set Standards: Within a zoning district, the City Council shall, where appropriate, establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one district may differ from those in another district.

B. Amendment Procedures: Ordinances establishing zoning districts shall be amended as follows:

1. Requests for an amendment to the zoning ordinance shall be submitted to the Commission, which shall evaluate the request to determine the extent and nature of the amendment requested.

2. If the request is in accordance with the adopted plan, the Commission may recommend, and the City Council may adopt or reject, the ordinance amendment under the notice and hearing procedures provided in section 4-1-6 of this chapter; provided that, in the case of a zoning district boundary change, additional notice shall be provided by mail to property owners and

residents within the land being considered, three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the Commission. When notice is required to two hundred (200) or more property owners or residents, the Commission shall cause to be published once a week in two (2) consecutive weekly issues in a newspaper published in the city or in case no newspaper is published in the city, cause notice to be posted in at least three (3) conspicuous places in the area affected. Said notice shall state the time and place said zoning district boundary change is to be considered and that any person desiring to protest or object to the granting of a zoning district boundary change may do so. Such notice shall state generally the purpose of the proposed zoning district boundary change and the location and description of the land sought to be changed from one district to another.

4-1-8: ANNEXATION PROCEDURES:

A. Annexation Notification: The City Clerk shall notify the Canyon County Director of the Development Services Department ("director") in writing ten (10) calendar days in advance of the first public hearing at which each annexation is considered by the Planning and Zoning Commission and shall again notify the "director" in writing within ten (10) calendar days following the effective date of the adoption of an annexation ordinance.

B. Recommendation from Planning and Zoning Commission: Prior to annexation of an unincorporated area, the City Council shall request and receive a recommendation from the Planning and Zoning Commission on the proposed plan and zoning ordinance changes for the unincorporated area. The Commission shall and the City Council shall, in the event the City Council determines to conduct a public hearing, follow the notice and hearing procedures provided in section 4-1-6 of this chapter.

C. Zoning of Annexed Property: Concurrently or immediately following the adoption of an ordinance of annexation, the City Council shall, by zoning ordinance, provide for the zoning of the annexed property.

(Ord. 591, Amended, 8-14-2012; Ord. 560, Amended, 6-9-2009; Ord. 559, Amended, 6-9-2009; Ord. 427, Amended, 6-10-1997; Ord. 378, Amended, 4-13-1992; Ord. 319, Enacted, 3-11-1986)

Title 5, Chapter 1
POLICE OFFICERS

5-1-1: APPOINTMENT:
5-1-2: POWERS AND DUTIES:
5-1-3: POLICE OFFICERS' STANDARDS TRAINING:

5-1-1: APPOINTMENT:

The mayor, with the consent of a majority of the city council, may appoint a chief of police and such other police officers as may be deemed necessary. (Ord. 5, 6-17-1919; amd. 1986 Code)

5-1-2: POWERS AND DUTIES:

The chief of police and/or any other police officer appointed by the mayor and city council pursuant to this chapter shall have the power to arrest all offenders against the laws of the state or of the city by day or by night, in the same manner as the sheriff or constable, and shall have all other powers conferred upon said police officer by the provisions of Idaho Code section 50-209. (Ord. 5, 6-17-1919; amd. 1986 Code)

5-1-3: POLICE OFFICERS' STANDARDS TRAINING:

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 section 19-5118. Pursuant to Idaho Code section 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 Idaho peace officer standards and training advisory council. (Ord. 260, 6-13-1978)

Title 5, Chapter 2
OFFENSES

5-2-1: DISORDERLY CONDUCT

5-2-1: DISORDERLY CONDUCT:
Any person who shall conduct themselves in a violent, noisy, or riotous manner, and/or who shall use profane, abusive or obscene language in the presence of another person(s) or in any way commits a breach of the peace of another person(s), and/or who shall conduct themselves in a manner that endangers the health and safety of another person(s), and/or who conducts themselves in any other manner as is specified in this section is guilty of a misdemeanor; and a violation of this section shall also include, but not be limited to, the following:

A. Accosting other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms; or

B. Occupying, lodging or sleeping in any building, structure or place, whether public or private, or any automobile, truck, railroad car or other similar vehicles or equipment without the permission of the owner or person entitled to the possession or in control thereof; or

C. Using any motor vehicle, motor home, or travel trailer as a residence upon any public street (highway) and/or alleyway or upon any other premises under the ownership and/or control of a government subdivision of the state of Idaho; or

D. Loitering, prowling or wandering upon the private property of another, without lawful business, permission or invitation by the owner or the lawful occupants thereof; or

E. Loitering or remaining in or about school grounds or buildings, without having any reason or relationship involving custody of or responsibility for a pupil or student, school authorized functions, activities or use; or

F. Willfully fleeing or attempting to elude a peace officer after being lawfully ordered to stop by an identified peace officer; or

G. Soliciting anyone to engage in, or engaging in, or procuring, counseling or assisting any person in engaging in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view, or in any place where there is present another person or persons who are offended or annoyed thereby; or

H. Engaging in fighting or threatening or in violent behavior; or

I. Using language, an utterance, or gesture, or engaging in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace; or

J. Making noise that is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances; or

K. Creating or maintaining a hazardous or physically offensive condition; or

L. Loitering in, about or upon any street, alley or other public way or public place, or in any place open to the public, without lawful business and conducting him/herself in a lewd, wanton or lascivious manner in speech or behavior; or

M. Having in his/her possession any instrument, tool or other implement for picking locks or pockets or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who fails to account for the possession of same; or

N. Being in a public place and being intoxicated at a level that presents a danger to that person or others or creating a disturbance of the peace; or

O. Entering another person's private property without permission to peer, peep or look through doors or windows of that property with the intent to intrude upon or interfere with a person's privacy, or within a public place, to peer, peep or look into an area where a person has a reasonable expectation of privacy and has taken steps to conceal themselves from the general public, such as a restroom, locker room, or changing room, without that person's consent and with the intent to invade that person's privacy; or

P. Excreting any form of human waste, including urine or feces, upon the ground, into a body of water, or upon anything attached or setting upon said surfaces within the city of Wilder, Canyon County, Idaho, except for toilet facilities used as receptacles for human waste.

(Ord. 607, Amended, 2-10-2015; Ord. 545, Amended, 11-17-2008; Ord. 173, Added, 2-8-1966)

Title 5, Chapter 3
MINORS

5-3-1: PURPOSE:
5-3-2: CHILDREN ON THE STREET AT NIGHT:
5-3-3: PERMITTING CHILDREN TO VIOLATE CURFEW:
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5-3-1: PURPOSE:

The policy of the state of Idaho and of the city of Wilder is:

A. To protect children's health and welfare, which includes their care, guidance and control.

B. Parents, guardians and/or other persons having legal custody are responsible for providing for the physical custody and control of a child and to determine where and with whom the child shall live and to provide the child with care, education and discipline.

C. A child who is unaccompanied by an adult having custodial rights, or an adult person designated by a person having custodial rights, and who is found to be upon public streets, highways, roads, alleys, parks, playgrounds or other public grounds, places, buildings, places of amusement, eating places, vacant lots or other locations unsupervised by such adult, having the lawful authority to be at such place between the hours of nine thirty o'clock (9:30) P.M. Sunday, Monday, Tuesday, Wednesday and Thursday; ten thirty o'clock (10:30) P.M. on Friday and Saturday, and five o'clock (5:00) A.M. of the following day, is at greater risk for injury, becoming a victim of crime, being involved in criminal activity, being a danger to persons or property, or otherwise being subject to danger. (Ord. 382, 1-11-1994)

D. To exercise the city's authority as provided in Idaho Code section 32-1301. (Ord. 416, 10-8-1996)

5-3-2: CHILDREN ON THE STREET AT NIGHT:

It is unlawful for any child being an individual who is under the age of eighteen (18) years of age to be upon any street, highway, road, alley, park, playground or other public grounds, public places, or buildings, or places of amusement, eating establishments, vacant lots and/or any other place without being accompanied by an adult having custodial rights or an adult person designated by the adult having custodial rights of said child between the hours of twelve o'clock (12:00) midnight until five o'clock (5:00) A.M. of the following day; provided, that the provisions of this section shall not apply in the following instances:

A. When the child is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;

B. When the child is returning directly home from a school activity, school entertainment, school recreational activity or school dance;

C. When the child is either going to or going from his place of residence to lawful employment and/or is working at the child's place of employment;

D. When the child is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;

E. When the child is in a motor vehicle with parental consent for normal travel, with interstate travel through the city. (Ord. 561, 7-14-2009)

5-3-3: PERMITTING CHILDREN TO VIOLATE CURFEW:
It shall be unlawful for the parent, guardian or other person having legal custody of a child, except a foster parent or any adult person designated by the person having legal custody of a child under the age of sixteen (16) years, to permit and/or allow said child to be upon any public streets, highways, roads, alleys, parks, playgrounds or other public grounds, places, buildings, places of amusement, eating places, vacant lots or other locations without having designated an adult person or said parent, guardian or other legal custodian to be with and supervising said child between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M. of the following day, except in the circumstances set forth in subsections 5-3-2A through E of this chapter. It is not a violation of this section in the event the parent, guardian, other person having legal custody of the child, or any adult person designated by the person having legal custody of the child, can demonstrate that the person took reasonable steps to control the conduct of the child to prevent a violation of this chapter by that child. (Ord. 561, 7-14-2009)

5-3-4: VIOLATION:
A violation of any of the provisions of this chapter shall be punishable pursuant to the laws of the state as follows:

A. A violation of this chapter by a child shall be considered prohibited by this municipal ordinance by reason of the child's minority only.

B. A violation of section 5-3-3 of this chapter shall be punishable as:

1. A misdemeanor as provided by the laws of the state except that if a person is found guilty or pleads guilty to a violation of section 5-3-3 of this chapter and has not previously been found guilty or pleaded guilty to the offense of failure to supervise a child as provided for by an ordinance of the city and/or by Idaho law, the court:

a. Shall warn the person of the penalty of any further conviction of failure to supervise a child and suspend the imposition of sentence; and

b. If a person is found guilty or pleads guilty to a second offense of section 5-3-3 of this chapter and/or to an offense of failure to supervise a child as provided for by an ordinance of the city and/or by Idaho law, said person shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars ($1,000.00). (Ord. 416, 10-8-1996)

5-3-5: RUNNING AWAY FROM HOME:

It shall be unlawful for any person under the age of eighteen (18) years living or found in the city to attempt to run away or to run away from his parents, guardian or other legal custodian, or to be or remain a person who has run away from his parents, guardian or other legal custodian or who commits or has committed an act or acts placing him beyond the control of said parents, guardian or other legal custodian. It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of this section. Violation of this section shall be punishable by imprisonment for a period not to exceed thirty (30) days or by a fine not to exceed one hundred dollars ($100.00), or by both such imprisonment and fine. (Ord. 240, 12-9-1975; amd. 1986 Code)

Title 5, Chapter 4
ANIMAL CONTROL

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5-4-1: SHORT TITLE AND SAVINGS CLAUSE:
This chapter shall be known as the ANIMAL CONTROL ORDINANCE. The "city of Wilder animal control ordinance", previously contained in sections 5-4-1 through 5-4-13 of this chapter, is hereby repealed, as well as all other ordinances and parts of ordinances in conflict herewith, upon the effective date of this chapter. All offenses committed prior to this repeal may be prosecuted and punished in the same manner and with the same effect as if said repeal had not been made.

5-4-2: PURPOSES AND AUTHORITY:
This chapter is intended to help solve the problems caused by unowned, unwanted and undisciplined canines running at large in the city and to provide for determination, registration and disposal of vicious animals in the city. This chapter is enacted upon the authority derived from Idaho Code sections 25-2801 et seq., 50-302, 50-304, 50-319 and 50-334 and to provide for the health, safety and welfare of the public.

5-4-3: DEFINITIONS:
ABUSE: Any case in which an animal has been the victim of intentional or negligent conduct resulting in the animal's bruising, bleeding, malnutrition, dehydration, burns, fractures or breaks of any bones, subdural hematoma, soft tissue swelling or death and lack of veterinary care and attention.

ANIMAL: Any organism other than human beings needing food to maintain and sustain its life and which generally has mobility and a developed central nervous system.

ANIMAL CONTROL DIRECTOR: The person contracting with the city to provide animal control enforcement services and/or animal shelter services.

ANIMAL CONTROL OFFICER: Any person appointed by the city to provide animal control enforcement and/or animal shelter services.

AT LARGE: Off the premises of the owner, and not under the control of the owner or member of his immediate family, either by leash, cord, chain or other means of physical restraint.

CANINE: Shall mean and include either male or female, whether neutered or spayed, whether full domesticated canine or partial wolf, or partial coyote.

CITY: The city of Wilder, Canyon County, Idaho.

CITY COUNCIL: The city council of the city of Wilder, Idaho.

COUNTY: Canyon County, Idaho, or the unincorporated areas of Canyon County, Idaho.

ENCLOSURE: A fence or structure of at least six feet (6') in height, forming or causing containment suitable to prevent the entry of young children, and suitable to confine an

animal in conjunction with other measures which may be taken by the owner such as tethering of the animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping.

FELINE: Shall mean and include either male or female cat of any breed or mixed breed whether neutered or spayed.

IMPOUNDED: Taken into custody of the city animal shelter.

LIVESTOCK: Horses, mules, donkeys, burros, llamas, goats, cattle, sheep, pigs, hogs and rabbits.

MISUSE: The intentional causing of an animal to perform a noncustomary task which could be dangerous or harmful to the animal.

MOTOR VEHICLE: Includes, without limitation, automobile, pickup truck, flatbed truck, open equipment laden truck, any open bed vehicle.

MUNICIPALITY: The city of Wilder, Idaho.

OWNER: Shall be construed to mean and include any person owning, harboring, keeping, possessing, caring or having custodial duties over any animal.

SIGN: Any structure used to attract attention to any object, place, activity, person, animal, business which shall display or include any letter, word, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purposes of this chapter, the sign shall be constructed of wood, metal or other similar weatherproof material, at least twenty four inches by twenty four inches (24" x 24") in size, with letters in indelible or fluorescent ink with the words in clear, capital letters as follows: "VICIOUS ANIMAL ON PREMISES, VICIOUS CANINE PROPERTY", or words of similar meaning; and shall be posted at all visible entryways onto the owner's property, or where canine is lodged.

VICIOUS ANIMAL:

A. Any animal which, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, and public grounds or places, or private property not owned or possessed by the owner of the animal;

B. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation;

D. Any animal owned or harbored primarily or in part for the purposes of fighting or any animal trained for fighting;

Notwithstanding the definition of a "vicious animal" above, no animal may be declared vicious if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime. No animal may be declared vicious if the human being was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

5-4-4: CRUELTY TO ANIMALS:

It shall be unlawful for any person to act in a cruel manner to any animal within the city. The phrase "cruel manner" shall include, but is not limited to, the following specific acts and omissions:

A. Failure to Provide: Any owner of an animal who fails to provide such animal with:
   1. Sufficient good and wholesome food; or
   2. Proper shelter and protection from the weather; or
   3. Proper veterinary care to prevent suffering or disease; or
   4. A clean and wholesome environment in which to live; or
   5. Protection from the abuse of other persons.

B. Commission or Omission: Any person who, through act or omission, does any of the following specific acts with an animal:
   1. Abuses or otherwise mistreats; or
   2. Tortures; or
   3. Misuses; or
   4. Overloads or overrides; or
   5. Abandons; or
   6. Exposes to unreasonable danger to health or life.

C. Penalties: Any person violating any provisions of this section shall be deemed guilty of a misdemeanor, punishable by a fine of up to three hundred dollars ($300.00), or six (6) months in jail, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense. It shall be the duty of any police officer, animal control officer, or other designated city employee to take possession of any animal which he has probable cause to believe falls under the preceding section and deliver such animal to the animal shelter. All costs incurred for the maintenance of such animal will be paid by the person charged with the offense.

5-4-5: COMMANDING AN ANIMAL TO ATTACK PROHIBITED:

Except where great bodily harm or death is likely to immediately ensue, it is unlawful for any person to command, encourage or aid by word or conduct, any animal to bite, chase, attack or attempt to bite, chase or attack another person or animal.

5-4-6: INTERFERING WITH ANIMAL CONTROL OFFICER IN THE IMPOUNDMENT OF ANIMAL UNLAWFUL:

A. Interference with Animal Control Officer: It shall be unlawful for any person to hinder or molest any animal control officer who may be engaged in seizing, keeping or removing any animal in conformity with the provisions of this chapter.

B. Penalties: Violation of this section is punishable by a maximum three hundred dollar ($300.00) fine or six (6) months in jail, or both.

5-4-7: WILD ANIMALS PROHIBITED:

It shall be unlawful for any person to harbor, keep, maintain or possess any wild animal as determined by the endangered species list, any furbearing animal and hawks or eagles.

5-4-8: VICIOUS ANIMALS:

A. Requirements for Registration:

1. No vicious animal shall be licensed for any licensing period commencing after July 1, 1994, unless the owner or keeper of such vicious animal shall meet the following requirements:

a. The owner shall present to the city clerk or other licensing authority, proof that the owner or keeper has procured liability insurance in the amount of not less than five hundred thousand dollars ($500,000.00) covering any damage or injury which may be caused by such vicious animal during the twelve (12) month period for which licensing is sought. The policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the city clerk, or other licensing authority where such animal is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

b. The owner shall, at his own expense, have the licensing number assigned to such vicious animal, or such other identification number as the city clerk or other licensing authority shall determine, tattooed upon such vicious animal by a licensed veterinarian or person trained as a tattooist and authorized as such by any state, city or police department. The tattoo shall be placed on the upper inner lip, inside ear or inside rear thigh of the vicious animal. The number shall be noted on the city licensing files for such vicious animal, if it is different from the license number of such vicious animal. For the purposes of this chapter, "tattoo" shall be defined as any permanent numbering of a vicious animal by means of indelible or permanent ink with the number designated

by the licensing authority, or any other permanent acceptable method of tattooing.

B. Display of Sign: The owner shall display a sign in conformance with this chapter on his premises warning that there is a vicious animal on the premises. Said sign shall be visible and capable of being read from the public highway.

C. Statement by Owner: The owner shall sign a statement attesting that:

1. The owner shall maintain and not voluntarily cancel the liability insurance required by this chapter during the twelve (12) month period for which licensing is sought, unless the owner shall cease to own or keep the vicious animal prior to expiration of such license.
2. The owner shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious animal on the property where the vicious animal will be kept or maintained.
3. The owner shall notify the licensing authority and the animal control officer within twenty four (24) hours if a vicious animal is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious animal has been sold or given away, the owner shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious animal.

D. Animal Control Officer: An animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such animal control officer is hereby empowered to seize and impound any vicious animal whose owner fails to comply with the provisions hereof.

E. Search Warrant: In the event that the owner of the animal refuses to surrender the animal to the animal control officer, the animal control officer may require a police officer to obtain a search warrant to seize the animal upon execution of the warrant.

F. Ownership Restrictions: No person shall possess with intent to sell, or offer for sale, breed or buy or attempt to buy any vicious animal within the city. (Ord. 384, 8-9-1994)

5-4-9: CONTROL OF VICIOUS ANIMALS:

A. All vicious animals shall be confined in an enclosure. It is unlawful for any owner to maintain a vicious animal upon any premises which does not have a locked enclosure.

B. It shall be unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to sell or give away the

vicious animal or to comply with command or directions of the animal control officer with respect to the vicious animal, or to comply with the provisions of section 5-4-8 of this chapter. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner of the vicious animal.

C. No person shall own, harbor or breed any animal for the purpose of animal fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to make unprovoked attacks upon human beings or domestic animals. (Ord. 384, 8-9-1994)

5-4-10: ACTION FOR DAMAGES; DESTRUCTION OF OFFENDING VICIOUS ANIMAL; CIVIL PENALTY:

A. Assault Or Attack By Vicious Animal: If any vicious animal shall, when provoked, kill or wound, or assist in killing or wounding any sheep, lamb, cattle, horse, hog, swine, fowl or other domestic animal, belonging to or in the possession of any person, or shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in attacking, assaulting, biting or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious animal, or while otherwise, on or off the property of the owner whether or not such vicious animal was on a leash and securely muzzled or whether the vicious animal escaped without fault of the owner or keeper, the owner or keeper of such animal shall be liable to the person aggrieved as aforesaid, for all damages sustained, to be recovered in a civil action, with costs of suit. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a vicious animal in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner of such vicious animal knew that such vicious animal possessed the propensity to cause such damages or that the vicious animal had a vicious nature. Upon such attack or assault, the animal control officer is empowered to confiscate and destroy such vicious animal, if the conduct of such vicious animal or its owner constituted a violation of the provisions of this chapter, punishable by the confiscation and destruction of the animal.

B. Exemptions: The provisions of this chapter shall not apply to K-9 or other animals owned by any police department or any law enforcement officer which are used in the performance of law enforcement work.

C. Penalties for Violation:

1. Any Vicious Animal:
    a. Which does not have a valid license in accordance with the provisions of this chapter; or
    b. Whose owner does not secure the liability insurance coverage required in accordance with the provisions of this chapter; and
    c. Which is not maintained on property with an enclosure; and

d. Which shall be outside of either the dwelling of the owner, or an enclosure except as provided in this chapter; or

e. Which is not tattooed;

shall be confiscated by the animal control officer and destroyed in an expeditious and humane manner after the expiration of a five (5) day waiting period exclusive of Sundays and holidays. In addition, the owner shall pay a two hundred fifty dollar ($250.00) fine.

D. Unprovoked Attack on Another Animal: If any vicious animal shall, when unprovoked, kill, wound, worry or assist in killing or wounding any animal described in this chapter, the owner of said vicious animal shall pay a two hundred fifty dollar ($250.00) fine and the animal control officer is empowered to confiscate and, after the expiration of a five (5) day waiting period exclusive of Sundays and holidays, shall destroy said vicious animal. For each subsequent violation, the owner of said animal shall pay a fine of three hundred dollars ($300.00).

E. Unprovoked Attack on Human: If any vicious animal shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner shall pay a fine of three hundred dollars ($300.00).

F. Requirements for Identification Not Suspended: No fine and/or tattooing requirement shall be suspended by any court of competent jurisdiction.

5-4-11: DETERMINATION OF A VICIOUS ANIMAL:

A. In the event the animal control officer or law enforcement officer has probable cause to believe that an animal is vicious, the chief of police, or his designee shall be empowered to convene a hearing for the purpose of determining whether or not the animal in question should be declared vicious.

1. The animal control officer or the chief of police shall then conduct or cause to be conducted an investigation and shall notify, in writing, the owner of the animal that a hearing will be held at which time he or she may have the opportunity to present evidence why the animal should not be declared vicious. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner of the animal. The hearing shall be informal and shall be open to the public.
2. After the hearing, the owner of the animal shall be notified, in writing, of the determination. If a determination is made that the animal is vicious, the owner shall comply with the provisions of this chapter in no case more than thirty (30) days subsequent to the date of the determination.
3. If the owner of the animal contests the determination, he or she may, within five (5) days of such determination, bring a petition in the magistrate court of the third judicial district praying that the court conduct its own hearing on whether or not the animal should be declared vicious.

After service of notice upon the animal control officer, the court shall conduct a hearing de novo and make its own determination as to viciousness. The hearing shall be conducted within fourteen (14) days of the service of the notice upon the animal control officer or law enforcement officer involved. The issues shall be decided upon the preponderance of the evidence. If the court rules the animal to be vicious, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of the court's decision.

4. The court may decide all issues for or against the owner of the animal regardless of the fact that said owner fails to appear at said hearing.
5. The determination of the court shall be final and conclusive upon all parties. However, the animal control officer or any law enforcement officer shall have the right to declare an animal to be vicious for any subsequent actions of the animal.
6. In the event that the animal control officer or law enforcement officer has probable cause to believe that the animal in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or law enforcement officer may seize and impound the animal pending the aforesaid hearings. The owner of the animal shall be liable to the animal control director for the costs and expenses of impoundment of such animal.

B. If the owner of an animal impounded for an alleged violation of section 5-4-10 of this chapter believes that there was not a violation of such section, such owner may petition the magistrate court of the third judicial district praying that the impounded animal not be destroyed.

1. The impounded animal shall not be destroyed pending resolution of such owner's petition if the petition shall have been filed within five (5) days of the impoundment upon the animal control officer or keeper of the impounded animal. The hearing shall be conducted within fourteen (14) days from serving of the notice.

C. The decision of the magistrate court may be appealed to the district court by an aggrieved party within forty two (42) days of the decision. The animal shall remain impounded pending the appeal.

1. If the court finds that there was not a violation of section 5-4-10 of this chapter, such animal may be released to the custody of the owner upon payment to the county animal shelter of the expense of keeping such animal. The costs shall be paid, in full, to the shelter prior to the release of said animal.
2. If the court finds that there was a violation of any of the terms and conditions of section 5-4-10 of this chapter, said owner shall be fined one hundred dollars ($100.00) for the first such violation and two hundred fifty dollars ($250.00) for each subsequent violation.

5-4-12: UNIFORM SUMMONS:
The uniform citation shall be used by the animal control officers and peace officers in the enforcement of this chapter.

5-4-13: LIABILITY OF PARENTS FOR DAMAGES CAUSED BY ANIMAL OWNED BY A MINOR:
In the event that the owner of any animal is a minor, the parent or guardian of such minor shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by said animal.

5-4-14: CANINE LICENSE REQUIRED; APPLICATION:

A. It shall be unlawful of any person to own, harbor, keep or possess a canine more than three (3) months of age within the city limits without first procuring a license therefor, as provided by this chapter. The provisions of this chapter shall not apply to any person visiting in the incorporated areas of the city for a period not exceeding thirty (30) days, and owning or possessing a canine, if such canine is currently licensed or bearing the license issued by another municipality or other licensing authority, or if such person is a permanent resident where no such license is required. Canine licenses may be purchased for a one year period. All canine licenses shall begin on January 1 and expire at twelve o'clock (12:00) midnight December 31. The licensing of vicious animals is governed by section 5-4-8 of this chapter. The owner or person having charge, of any canine within the city shall make application to the city clerk, or other designated agent, and pay a license fee according to the schedule adopted by the city council. License is issued to the canine and is not transferrable to another canine without the approval of the City Clerk.

B. No canine will be licensed as spayed or neutered without proof that such surgery was performed. Proof of current rabies vaccination must be provided to the city within thirty (30) days of obtaining license or when animal reaches six (6) months of age. Any exception to the sterilization or rabies vaccination requires a note from a licensed veterinarian indicating reason for the exception.

C. Upon receipt of application for license and payment of fees, the person issuing the license shall issue a receipt designating the owner's name and the number of the license, the sex (or status of spayed or neutered) of the canine and the amount paid by him or her together with a metal tag bearing the number corresponding to the number of the receipt. If a license is lost, the city clerk or other designated agent shall, upon application and payment of two dollars fifty cents ($2.50), issue a duplicate license. Licenses for the following year may be purchased within ninety (90) days prior to the expiration date.

D. License fees shall be waived for any guide canine that has been properly trained for the purpose of and is used to guide a blind or partially blind person, a person with impaired hearing, or any other severely disabled person who requires a guide canine.

5-4-15: LICENSE FEES:

A. The city council shall establish kennel and canine license fees by resolution.

B. No canine license fee is refundable due to death, relocation or loss of licensed canine unless approved by the City Clerk.

5-4-16: NON-COMMERCIAL RESIDENTIAL KENNEL LICENSE; APPLICATION AND CONDITIONS:

A. It is unlawful to keep, maintain or possess upon the premises of any one household more than four (4) canines three (3) months of age or older, in the city unless the owner or person in charge thereof shall have obtained a non-commercial residential kennel license as provided in this section. A non-commercial residential kennel license may not be obtained for breeding or boarding operations or any other commercial use.

B. All residential kennel licenses expire at twelve o'clock (12:00) midnight on December 31 of the calendar year of date of issuance, with the exception of new licenses issued in December which expire at twelve o'clock (12:00) midnight on December 31 of the following calendar year. These licenses must be renewed annually.

C. An application for a new non-commercial residential kennel license shall be filed with the city clerk or other designated agent, together with the payment of the annual kennel license fee and the annual tag fee, as established by resolution of the city council, for each canine three (3) months of age or older to be kept in the kennel.

1. Application for a non-commercial residential kennel license must include the written consent to such non-commercial kennel by at least seventy-five percent (75%) of all the persons in possession of premises within a radius of one hundred fifty feet (150') of the premises upon which such noncommercial kennel is to be maintained.

2. The City Clerk shall mail notice of the non-commercial residential kennel license application that includes a copy with all submitted signatures to all person in possession of premises within a radius of one hundred fifty feet (150”) of the premises to be licensed. If no objection is received in writing from any of the signers on the application within fifteen (15) days of the notice, the application may be approved administratively by the City Clerk or other designated agent.

a. If there is an objection received in writing by any of the signers on the application, the City Clerk shall set the application before the City Council for public hearing and notice such hearing in the official newspaper of the City at least seven (7) days prior to the hearing.

D. Annual renewal of a non-commercial residential kennel license may be done administratively by the city clerk, or other designated agent, following a

satisfactory inspection of the kennel by the city police; paying the annual kennel fee, as set by resolution of the city council; and licensing each canine if no complaints have been received by the city during the previous permit year. If complaints have been received, the application shall be scheduled on the next available council agenda and the city council shall either approve or deny the renewal.

5-4-17: COMMERCIAL KENNEL LICENSE; APPLICATION:

A. Obtaining License: It is unlawful to keep, maintain or possess upon the premises of any one household within the city limits more than four (4) canines three (3) months of age or older, which will be kept for the purposes of breeding, boarding, training, showing, selling, or any other commercial uses. The owner or person in charge thereof shall obtain a commercial kennel license as provided in this section.

B. Expiration of License: All commercial kennel licenses expire at twelve o'clock (12:00) midnight on December 31 of the calendar year of date of issuance, with the exception of new licenses issued in December which expire at twelve o'clock (12:00) midnight on December 31 of the following calendar year.

C. Application: An application for a new commercial kennel license shall be filed with the city clerk together with the payment of the annual kennel license fee and the annual tag fee, as established by resolution of the city council, for each canine three (3) months of age or older to be kept in the kennel, together with the kennel facilities care plan.

1. The application for a new commercial kennel license must be made on the form approved for use by the Wilder city council and shall include:
   a. A list of all property owners (as shown on the Canyon assessor's records), along with complete addresses, located within one hundred fifty feet (150') of the exterior boundaries of the proposed kennel licensed premises; and
   b. A kennel facilities and care plan, including a description of the number of animals for which the license is sought, the adequacy of the facilities, feeding, grooming and healthcare of the animals and the day to day supervision and management of the kennel facilities.

2. When application is complete, fees are paid, and inspection has been made by the Wilder Police Department, a public hearing shall be scheduled before the City Council by the City Clerk.
3. The City Clerk shall provide notice of hearing by mail to all property owners (as shown on the Canyon assessor's records) located within one hundred fifty feet (150') of the exterior boundaries of the proposed commercial kennel licensed premises at least fifteen (15) days prior to the public hearing. The applicant shall reimburse the city for the costs incurred for the public hearing notifications.
4. Written or oral comments may be received for testimony at public hearing.

5. At the public hearing, the applicant must establish as a burden of proof that a reasonable standard of care of the animals will be applied by the applicant in accordance with the kennel facilities and care plan in the exercise of the license in regard to providing:
   a. Adequate and sanitary kennel facilities; and
   b. Adequate feeding, grooming and healthcare of the animals; and
   c. Adequate day to day supervision and management of the kennel facilities.
6. If there is a dwelling unit within one hundred fifty feet (150') of the exterior boundaries of the commercial kennel facilities premises, the applicant must provide at the hearing consents of seventy-five percent (75%) of all property owners within said area (as shown on the Canyon assessor's records) for the issuance of the commercial kennel license.
7. The city council shall either approve or deny the permit based upon whether or not the applicant has complied with this section, met the applicant's burden of proof at the hearing, and otherwise complied with the criteria for issuance of the license.
8. In the event the city council issues a commercial kennel license, it shall include the approved facilities and care plan as conditions of the license issuance.

D. Change of Premises: A commercial kennel license shall be issued to the applicant and is not assignable nor transferable to other premises.
   1. Changing the premises location of a commercial kennel requires a new commercial kennel license.

E. Renewing License: Applications for renewal of commercial kennel license shall be filed with the city clerk together with the payment of the annual kennel license fee and the annual tag fee, as established by resolution of the city council, for each canine three (3) months of age or older to be kept in the kennel, together with any written changes in the kennel facilities care plan.
   1. When the renewal application is complete, fees are paid, and inspection has been made by the Wilder police department to determine that the licensed approved kennel facilities care plan is being followed. In the event the Wilder police department inspection report confirms that the licensed approved kennel facilities care plan is being followed and any written changes in the kennel facilities care plan do not increase the size or capacity of the kennel facilities and do not raise any issues of standards of care for the animals, the city clerk shall issue a renewal of the license.
   2. In the event the clerk denies the application for renewal, the applicant may request the council to set the matter for public hearing, in which event the procedure and process and criteria of a public hearing for a new commercial kennel license shall be followed.
   3. An application for assignment of the commercial kennel license shall be filed with the city clerk and together with the kennel assignment or transfer fee. Assignment application shall be accompanied by a written

agreement of the proposed assignee to be bound by the terms and conditions of the license and the approved kennel facilities care plan.

4. When the assignment application is complete, fees are paid, and inspection has been made by the Wilder police department to determine that the licensed approved kennel facilities care plan is being followed, the clerk shall issue an assignment of the commercial kennel license to the assignee in the event the license is in good standing and in the event the Wilder police department inspection report confirms that the licensed approved kennel facilities care plan is being followed.

F. License Revocation: Failure of a licensee to comply with the licensed approved kennel facilities care plan shall be grounds for the city council to revoke a commercial kennel license.

1. In the event the licensee fails to comply with the conditions of the license, including the approved kennel facilities care plan, a complaint may be filed with the city clerk who shall cause inspection to be made by the Wilder police department to determine the merits of the complaint and whether or not the licensed approved kennel facilities care plan is being followed.

2. In the event the Wilder police department investigation report determines that there is merit to the complaint and that the licensed approved kennel facilities care plan is not being followed, the city clerk shall report the same to the city council and request that the council set a public hearing for consideration of the revocation of the commercial kennel license, in which event the procedures and process shall be followed. The city council shall revoke a commercial kennel license in the event it is found that the licensee has failed to comply with the licensed approved kennel facilities care plan.

5-4-18: COLLAR AND TAG REQUIRED:

A. Upon the payment of the license fee, the city clerk shall issue to the owner a license certificate and tag for each dog licensed. License tag may be renewed with the same number from year to year, so long as the tag is legible. A new tag and number may be issued if needed.

B. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are worn at all times.

C. Dog tags shall not be transferred from one dog to another and no refunds shall be made on any dog license fee except for refund in the difference of fee paid during current licensing year if spay or neuter verification is received or if dog passes away within thirty (30) days of the license purchase.

5-4-19: IMITATION LICENSE TAGS:

It shall be unlawful for any person to allow any canine owned, kept or harbored by him/her to wear a license tag received on account of a former license, or to wear a license tag originally issued to another canine, or to wear any imitation of the license tag issued by the city clerk or designated person or participating veterinarian for that year, or any tag marked on a plate or collar similar to that required by this chapter at any time, and calculated to deceive, and it shall be unlawful for any person to put a female canine tag received with a license on a male canine, or to allow any female canine owned by him/her or within his/her care or custody to wear a tag issued with a license for a male canine.

5-4-20: CANINES RUNNING AT LARGE PROHIBITED:
It shall be unlawful for any person to allow a canine which he/she owns, keeps, or harbors, to be at large upon the roads, streets or alleys of the city or in any public place of the city or upon any premises other than his/her own. This provision applies regardless of whether the canine is licensed or not.

5-4-21: CANINES UNATTENDED IN VEHICLES:
No person shall leave a canine or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions, or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health and safety.

5-4-22: RABIES, DISEASES AND QUARANTINE:

A. Keeping of Animal with Rabies: It is unlawful for a person other than a veterinarian, or the animal shelter to own, keep or harbor any animal afflicted with rabies.

B. Disposition of Animal with Rabies: The sheriff of Canyon County or his designee, the chief of police of the city or his designee, or the animal shelter director or his designee or the owner shall secure disposition of any animal afflicted with rabies.

C. Duty of Owner: It is the duty of every owner of an animal showing symptoms of rabies or which the owner has no proof of current rabies vaccination or which has bitten any person causing an abrasion of the skin, to surrender the animal for confinement and isolation at the animal shelter or to a licensed veterinarian for a period not to exceed fifteen (15) days. If such animal shall be determined free of rabies, it shall be returned to the owner upon payment of the regular fee for keeping such animal impounded. If such fee is not paid, the animal shall be subject to disposal as provided in this chapter.

D. Contagious Diseased Animals: Any animal which has a contagious disease shall not be shipped or removed from the premises of the owner of such animal except under the supervision of the animal control director.

E. Rabies Inoculation: It is unlawful to keep or harbor any canine over the age of three (3) months in the city unless such canine has been inoculated against rabies

by a licensed veterinarian within the preceding three (3) years. No license shall be issued for any canine over the age of three (3) months unless the applicant for such license presents a certificate signed by a licensed veterinarian establishing that the canine will be immune from rabies for the license period.

5-4-23: ENFORCEMENT OF ANIMAL CONTROL OFFICER:

A. The mayor and city council delegate the enforcement of this chapter to the animal control officer within the incorporated city limits. It shall be the duty of all animal control officers and/or public works employees to remove deceased small animals from public roads and rights of way.

B. It is unlawful for any person to hinder, molest or in any way interfere with any animal control officer while the officer is lawfully engaged in the performance of his/her duties.

5-4-24: DISTURBING THE PEACE:

It is unlawful for any owner of a canine to fail to exercise the reasonably necessary proper care and control of his/her animal in order to prevent it from disturbing the peace and quiet of the neighborhood by barking, whining or making loud or unusual noises, or by running through or across cultivated gardens or lawns not the property of the owner.

5-4-25: NUISANCES:

A. Running at Large: Any canine found in the city, either without a license or running at large in violation of the provisions of this chapter, is declared to be a nuisance and shall be impounded as herein provided.

B. Public Buildings: It is unlawful for any person to permit, allow, keep or carry any animal in, upon or within a public transportation facility, or any other public building or facility, particularly a building or facility in which food or drink is prepared or stored, except that a blind or partially blind person, a person with impaired hearing, or any severely disabled person who requires a guide canine shall not be denied the use of any common carrier or public transportation facility or admittance to any other public building or place within the city by reason of his being accompanied by a seeing eye or guide canine specially trained for such purposes. It is the intent of this chapter to permit and authorize a blind person, partially blind person or disabled person who requires a guide canine to have a seeing eye or guide canine with him in such place and while using such facilities without being required to pay any additional charges for the canine, but such blind person shall be liable for any damage or disturbances caused by such canine.

C. Livestock within City: No horses, cattle or livestock of any kind shall be allowed within the city except when such an animal is kept confined in a vehicle or trailer, being specifically used as a mode of transportation during such time in the city, has grandfather rights on the property or as approved on a per case basis by the City Council.

5-4-26: CANINE IMPOUNDING:

A. Apprehension Of Animal Running At Large: It shall be the duty of the animal control officer, animal control director, and peace officers of the city to apprehend any canine found running at large or disturbing the peace contrary to the provision of this chapter, and to impound such canine in the animal shelter or other suitable place; provided, that if any fierce, dangerous or vicious canine found running at large cannot be safely taken up and impounded, such canine may be slain by any peace officer or animal control officer.

B. Record of Animals Impounded or Destroyed: The animal control officer or police officer so impounding or slaying any canine shall record a description of the canine, whether licensed or not, in a book kept for that purpose.

C. Recovery of Impounded Canines: The owner of any canine impounded may recover possession of same upon payment of all required fees which include impound fee, rabies voucher, license and board fees as they appear in the most current fee schedule approved by resolution. If the owner or representative of the owner of any canine impounded shall fail to pay the required fees within twenty four (24) hours after actual notice to the owner or representative of the owner, or within five (5) working days, excluding Saturdays, Sundays and holidays, after reasonable or diligent effort to notify the owner or representative of the owner, the animal shelter may dispose of a canine either through adoption, provided the new owner shall pay the required fees, or through euthanasia.

D. Impounding and Recovery of Unlicensed Canines: It shall be the duty of the animal control officer and animal shelter director to hold, for a period of five (5) working days excluding Saturdays, Sundays and holidays, any unlicensed canine impounded under the provisions of this chapter. The owner of any unlicensed impounded canine may recover possession of an impounded canine upon payment of the required fees. Any such unlicensed canine not redeemed within five (5) working days, excluding Saturdays, Sundays and holidays, may be sold or disposed of in a humane manner under the direction of the animal control director.

E. Diseased Animals; Destruction: Any animal impounded and suffering from serious injury or disease, may be euthanized at the discretion of the animal control officers.

F. Traps: Animal control officers are authorized to place humane animal traps on public or private property upon request and permission of the owner. Such traps shall be checked daily by the animal control officers.

G. Freeing of Impounded Animals, Canines And Poultry Prohibited: It shall be unlawful to break open or in any manner directly or indirectly aid or assist in the breaking open of any pen or enclosure with the intent of releasing any animal or poultry.

H. Release of Impounded Animals: It shall be unlawful for any person, except those responsible for the enforcement of this chapter, to release any canine without the consent of the owner to release his/her own or any other canine from the county animal shelter or from any other place where an animal, canine or poultry may be held for observation. (Ord. 384, 8-9-1994)

I. Owner Turn in of Canines: An owner may turn in their canine to the city for adoption or disposal by filling out an "owner turn in" form and paying an impound fee as provided on the most current City Clerk Fee Schedule.

5-4-27: CANINE IMPOUND FEES:

The city shall be entitled to charge a fee for the keeping and selling of any animal, which fees shall be retained by the city as payment toward the costs and expenses incurred in the keeping and selling of such animal. The fees which may be charged by the city for impounding, keeping and selling any animal, to be paid upon redemption or sale of such animal shall be listed on the most current City Clerk Fee Schedule as approved by resolution of the City Council

5-4-28: IMPOUNDING OF LIVESTOCK:

A. Livestock Running at Large: If any animals shall be found running at large contrary to the provisions of this chapter, it is hereby made the duty of the animal control officer or any other peace officer of the city to take up and confine the same in the animal shelter, livestock yard or location at the discretion of the animal control officer. That, in the case of an animal disturbing the peace, there shall be made an attempt to contact the owner at his home and a warning issued. If the owner is not present or does not heed the warning, the animal may be impounded in accordance with this chapter. Such animal taken up and confined shall not be released until the owner or person entitled to have possession thereof shall pay all fees including all expenses incurred in boarding such animal so impounded.

B. Impounded Livestock Redemption: Any animal impounded because it was found running at large may be redeemed by the owner prior to the sale or destruction of such animal, by paying all charges against the same. The animal control shelter is entitled to charge a board fee as listed on the most current City Clerk Fee Schedule and any hauling fee applicable for the keeping of any animal, which fees shall be retained by the animal shelter as payment toward the costs and expense incurred in the transporting and keeping of such animal. The fees which may be charged by the animal shelter for impounding and keeping of any animal are to be paid upon redemption of such animal.

5-4-29: SALE OF ANIMAL:

A. Notice of Sale: At any time after any horse, mule, any kind of cattle, hog or any stock animal shall have been impounded, and after notification of the brand inspector, the animal shelter shall give notice of sale by posting a notice at the city hall, describing the animal impounded, and notifying the owner by certified or

registered mail, if the owner is known, to pay the charges thereon and remove same prior to the time fixed for sale thereof; and that, otherwise, the animal will be sold at public sale at a time and place named in said notice, which time shall not be less than fifteen (15) days from the date of the posting of such notices.

B. Revenue from Sale: In case any animal sold pursuant to the provisions of this chapter be sold for more than is sufficient to pay the fees and charges aforesaid, such excess shall be deposited with the animal shelter who shall pay such excess to the owner of such animal or animals or to the person entitled to possession of the same upon claim and proper proof of ownership within six (6) months from date of said sale. If, after six (6) months, such excess is not claimed, the excess fees shall be disposed of in accordance with Idaho Code section 25-2312.

5-4-30: CANINE ADOPTION:

A. Adoption Fee: Canines licensed or unlicensed which have been held for five (5) working days, excluding Saturdays, Sundays and holidays, may be adopted from the animal shelter, after due notification to the owner (if known), upon payment of an adoption fee and fee for licensing the dog.

5-4-31: POULTRY AT LARGE:

(Ord. 580, Repealed, 6/14/2011)

5-4-32: RABBITS:

(Ord. 580, Repealed, 6/14/2011)

5-4-33: OTHER ANIMALS AT LARGE:

No owner or keeper of any fowl or animals, other than cats, shall permit or fail to prevent such fowl or animals to run at large within the corporate limits of the city. Any owner or keeper found violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with section 5-4-34 of this chapter.

5-4-34: VIOLATION; INFRACTION:

A. Unless specifically provided otherwise, violations of the provisions of this chapter shall be an infraction, the penalty for which shall be fifty dollars ($50.00), excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars ($100.00) and for which no period of incarceration may be imposed. There is no right to trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

B. Any person violating any of the provisions of this Chapter for a third or subsequent time within two (2) years shall be deemed a misdemeanor punishable by a fine not to exceed three hundred dollars ($300.00) for any one offense and/or confinement in the Canyon County jail for a period not to exceed ten (10) days for any one offense, or both fine and imprisonment.

C. Each day any person commits or permits a violation of this Chapter to continue, the same shall constitute a separate offense and shall be punishable as such hereunder.

5-4-35: SEVERABILITY CLAUSE:
Should any provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this chapter, in whole or in part thereof, other than the part so declared to be unconstitutional or invalid.

(Ord. 599, Amending, 2-11-2014; Ord. 580, Repealed, 6-14-2011; Ord. 557, Amended, 6-9-2009; Ord. 552, Amended, 2-10-2009; Ord. 551, Amended, 2-10-2009; Ord. 526, Amended, 12-11-2007; Ord. 508, Amended, 9-12-2006; Ord. 468, Amended, 3-12-2002; Ord. 458, Amended, 4-10-2001; Ord. 392, Amended, 1-10-1995; Ord. 384, Enacted, 8-9-1994)

Title 5, Chapter 5
FIREWORKS

5-5-1: DEFINITIONS:
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5-5-7: PENALTY:

5-5-1: DEFINITIONS:
DANGEROUS FIREWORKS: Includes any of the following:

A. Firecrackers, cannon crackers, giant crackers, salutes, silver tube salutes, cherry bombs, mines, ground bombardments, grasshoppers and other explosive articles of similar nature;

B. Blank cartridges;

C. Skyrockets and rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;

D. Roman candles, including all devices which discharge balls of fire into the air;

E. Chasers and whistles, including all devices which dart or travel about the surface of the ground during discharge;

F. Snakes and hats containing bichloride of mercury;

G. Sparklers more than ten inches (10") in length or one-fourth inch (1/4") in diameter or made with other than iron wires;

H. All articles for pyrotechnic display such as aerial shells, salutes, flash shells, sky battles, parachute shells, mines, dago bombs and similar devices;

I. All torpedoes which explode by means of friction, or which contain arsenic, and all other similar fireworks devices including cracker balls;

J. Fire balloons or balloons of any type which have burning material of any kind attached thereto.

FIREWORKS: Includes blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have burning materials of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, fountains, wheels, dago bombs, sparklers and other fireworks of a like construction, and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, deflagration, explosion or detonation.

Exempted from this definition are all toy pistols, toy cannons, toy canes and toy guns and similar devices such as party poppers or party favors in which paper caps containing not more than twenty-five hundredths (0.25) grain of explosive compound per cap are used and such caps whether single, roll or tape type.

SAFE FIREWORKS: Includes any of the following:

A. Cone fountains with pyrotechnic composition not exceeding fifty grams (50 g) each;

B. Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy five grams (75 g) each and inside tube diameter not exceeding three-fourths inch (3/4");

C. Sparklers and "dipped sticks" not more than ten inches (10") in length or one-fourth inch (1/4") in diameter made on steel or iron wire and Suzuki and morning glories with pyrotechnic composition not exceeding four grams (4 g) each;

D. Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two grams (2 g) each;

E. Wheels with pyrotechnic composition not exceeding sixty grams (60 g) for each driver unit or two hundred forty grams (240 g) for each complete wheel. The inside tube diameter of driver unit shall not exceed one-half inch (1/2");

F. Whistles, without report and which do not dart or travel about the ground during discharge with pyrotechnic composition not exceeding six grams (6 g) and containing no picric or gallic acid. (Ord. 321, 5-13-1986;amd. 1986 Code)

5-5-2: PERMIT REQUIREMENTS:

A. Permit Required:

1. It shall be unlawful for any person in the city to import, export, offer for sale, sell, possess, keep or store or permit the keeping or storing of any dangerous fireworks for any use or purpose, except that a person holding a dangerous fireworks permit issued pursuant to the terms and conditions of this chapter may use dangerous fireworks for a safely supervised and conducted public display of fireworks, and said fireworks may be stored for a period not exceeding fourteen (14) days immediately preceding the

date of said public display, provided the fireworks are to be used exclusively for the public display.

2. It shall be unlawful for any person, without having a valid safe fireworks permit issued pursuant to the terms and conditions set forth in this chapter, to import, export, possess for the purpose of sale, offer for sale or sell any safe fireworks for any use or purpose.

B. Application For Permit: Any reputable person in reasonable pursuit or furtherance of any legitimate personal, business or charitable purpose, desiring to engage in the sale of safe fireworks within the city, shall first make written application to the city clerk for a safe fireworks permit; and any reputable person in reasonable pursuit or furtherance of any legitimate personal, business or charitable purpose, desiring to make a public display of dangerous fireworks, shall first make written application to the city clerk for a dangerous fireworks permit. Each applicant for a safe fireworks permit or a dangerous fireworks permit shall show the following:

1. Name and address of applicant;
2. The purpose for which the applicant is primarily existing and for which it was organized;
3. The names and addresses of the officers, trustees and/or directors, if any, of the applicant;
4. The location where the applicant requests permission to sell safe fireworks or display dangerous fireworks. The applicant shall submit evidence of consent by the owner or individual in control of said location to the selling of safe fireworks or display of dangerous fireworks on said location with the application;
5. When and where the applicant was organized and established or, if a natural person, the applicant's age;
6. The location of the applicant's principal and permanent meeting place or places, or principal place or places of business;
7. The applicant's state sales tax permit number;
8. If the applicant is an entity other than a sole proprietorship, the names and a general description of the business activities of each parent or subsidiary company, business or entity, and a general description of the ownership organization of each parent or subsidiary, if any;
9. Such other information as the city clerk may require on a standard form submitted to all applicants and which is reasonably necessary to protect the public health, safety and morals.

C. Fees: A ten dollar ($10.00) fee shall be required for a safe fireworks permit. No fee shall be required for a dangerous fireworks permit.

D. Investigation of Applicant: The city council shall cause an investigation to be made of each application and applicant by the fire chief, and he shall submit a written report of his findings and recommendations for or against the issuance of the permit, together with his reasons therefor, to the city council.

E. City Council To Grant Or Deny Permit: The city council shall have the power, in its discretion, to grant or deny any application subject to such reasonable conditions, if any, as it shall prescribe, so long as the denial of the application or any conditions imposed on the granting of the application are reasonably necessary for protection of the public health, safety and morals.

F. Validity of Permit: A safe fireworks permit or a dangerous fireworks permit issued pursuant to this chapter shall be valid only within the calendar year in which issued. A permit shall be valid only for the specific premises or location designated in the permit. However, subject to reasonable conditions necessary for protection of the public health, safety and morals, an applicant may be granted permits for more than one site or location within the city. No permit shall be transferable or assignable. (Ord. 321, 5-13-1986; amd. 1986 Code)

5-5-3: TIME OF APPLICATION:
Each application for a permit to sell safe fireworks at retail shall be filed with the city clerk on or before May 1 of the calendar year for which the permit is sought. Variances may be granted to said filing date under extenuating circumstances subject to two-thirds (2/3) vote of the city council. (Ord. 321, 5-13-1986; amd. 1986 Code)

5-5-4: INSURANCE REQUIREMENTS:
Each applicant for a safe fireworks permit or for a dangerous fireworks permit shall have filed with the city clerk, prior to the issuance and validity of any permit, a policy or a certified true copy thereof, of public liability and products liability insurance, including both accident and occurrence coverage.

A. Safe Fireworks Permit Coverage: For a safe fireworks permit, the insurance coverage limits for both public liability coverage and for products liability coverage shall be at least fifty thousand dollars ($50,000.00) per person per occurrence bodily injury, one hundred thousand dollars ($100,000.00) per occurrence aggregate bodily injury and ten thousand dollars ($10,000.00) per occurrence aggregate property damage.

B. Dangerous Fireworks Permit Coverage: For a dangerous fireworks permit, the insurance coverage limits for both public liability coverage and for products liability coverage shall be at least one hundred thousand dollars ($100,000.00) per person per occurrence bodily injury, five hundred thousand dollars ($500,000.00) per occurrence aggregate bodily injury and five hundred thousand dollars ($500,000.00) per occurrence aggregate property damage.

Each policy of insurance shall be in form and substance acceptable to the council, and shall name as insured parties under the terms of the policy the city, all officials of the city in performance of official functions regarding all operations under or pertaining to said permit, any licensee or licensor of the applicant, and all vendors of the fireworks covered by the permit to be issued to the applicant. Said policy of insurance shall be so written that it cannot be cancelled without at least ten (10) days' prior written notice to the city from the underwriting insurance company. The policy of insurance shall be underwritten

through or by a qualified and duly licensed insurance company or companies doing or authorized to do insurance business in Idaho. (Ord. 321, 5-13-1986; amd. 1986 Code)

5-5-5: TIME OF SALE:
No safe fireworks shall be sold or offered for sale except from twelve o'clock (12:00) noon on June 28 to twelve o'clock (12:00) midnight on July 5 of each year. (Ord. 321, 5-13-1986; amd. 1986 Code)

5-5-6: TEMPORARY FIREWORKS STANDS AND BUSINESS STRUCTURES:
All retail sales of safe fireworks shall be permitted only from within a temporary fireworks stand and approved business structures.

A. Temporary stands shall be subject to the following provisions:

1. No fireworks stand shall be located within one hundred feet (100') of any gasoline station;
2. All stands shall meet the structural stability requirements of the building ordinance of the city, and all lighting circuits and other electrical equipment shall meet the requirements of the electrical ordinance of the city;
3. No stand shall have a floor area in excess of seven hundred fifty (750) square feet;
4. Stands shall have exit doors at least thirty inches (30") wide at both ends of the structure and one additional door for each twenty five feet (25') of rear wall in excess of twenty four feet (24'). All doors shall open outward from the stand and all doorways shall be kept free and clear from all supplies and materials at all times;
5. Each stand shall be provided with two (2) 21/2-gallon "soda and acid" type fire extinguishers, in good working order, and easily accessible for use in case of fire;
6. There shall be at least one supervisor, eighteen (18) years of age or older, on duty at all times;
7. No person employed as a watchman shall be permitted to remain inside of any stand when it is not open for business;
8. "No Smoking" signs shall be prominently displayed, both inside and outside the stand. No smoking shall be permitted within the stand or within fifteen feet (15') of the stand;
9. No stand shall be erected before June 10 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than twelve o'clock (12:00) noon on July 26;
10. No fireworks shall be discharged in or within twenty five feet (25') of any fireworks stand;
11. No person shall allow any rubbish to accumulate in or around any fireworks stand or permit a fire nuisance to exist;
12. No fireworks shall remain unattended, at any time, regardless of whether the fireworks stand is open for business or not. If any fireworks are stored,

they shall only be stored at such places as are approved for storage of fireworks by the city fire inspector.

B. Permanent business structures from which safe fireworks are to be sold shall be subject to the following provisions:

1. All such buildings shall meet the structural stability requirements of the building regulations of the city, and all lighting circuits and other electrical equipment shall meet the requirements of the electrical regulations of the city;
2. The building shall have exit doors at least thirty inches (30") wide at both ends of the structure and shall otherwise conform to the exit regulations established by the city building regulations for structures of the size and nature of said building. All doors shall open outward and all doorways shall be kept free and clear from all supplies and materials at all times;
3. Each building shall be provided with such number of fire extinguishers as the fire chief of the city shall deem adequate, but, in all cases, the number shall be not less than two (2). The fire extinguishers shall be two and one-half (21/2) gallon "soda and acid" type extinguishers or other types approved by the fire chief. The fire extinguishers shall be in good working order, easily accessible for use in case of fire, and kept in immediate proximity to the location where the fireworks are retailed;
4. There shall be at least one supervisor, eighteen (18) years of age or older, on duty at all times. All fireworks shall be screened or otherwise effectively segregated from any kind of self-service by the public and shall be placed in a location which is unavailable and inaccessible to members of the public in capacities other than as legal customers;
5. No person employed as a watchman shall be permitted to remain inside the screened or otherwise segregated area when it is not open for business;
6. "No Smoking" signs shall be prominently displayed both inside and outside the screened or otherwise segregated area. No smoking shall be permitted within the screened or otherwise segregated area or within fifteen feet (15') of such area;
7. No fireworks shall be discharged in or within twenty five feet (25') of the screened or segregated area where fireworks are kept;
8. No person shall allow any rubbish to accumulate, or permit a fire nuisance to exist in or around the area where fireworks are sold;
9. If fireworks are stored, they shall only be stored in such places as are approved for storage of fireworks by the fire chief;
10. No building where alcoholic beverages are sold for consumption on the premises shall be used for the retail sale of safe fireworks;
11. The city council may establish other regulations for permanent structures where fireworks are to be sold so long as said regulations are reasonably necessary to protect the public health, safety and morals and apply uniformly to all applicants. (Ord. 321, 5-13-1986; amd. 1986 Code)

5-5-7: PENALTY:

It shall be the duty of every person issued a fireworks permit to comply with all the provisions of the state fireworks law3 and this chapter. The violation of the aforesaid state fireworks law or of any of the provisions of this chapter by the person, or by any of his agents, employees or officers, shall constitute a cause, in and of itself, to deny any subsequent application for a permit. Any person found guilty of violating the provisions of this chapter shall be guilty of a misdemeanor and punishable by fine not to exceed five hundred dollars ($500.00) for each offense and/or thirty (30) days in jail. (Ord. 321, 5-13-1986; amd. 1986 Code)

Title 5, Chapter 6
CITY PARKS

5-6-1: PURPOSE:
5-6-2: PARK LANDS DESCRIPTION:
5-6-3: HOURS:
5-6-4: RESERVATION OF FACILITIES:
5-6-5: ANIMALS IN CITY PARKS:
5-6-6: VIOLATION:

5-6-1: PURPOSE:
The Council finds that overnight use of the Wilder City Parks, hereinafter described, is contrary to the health and welfare of the residents of the City due to the noise and also due to the fact that the parks are not equipped for overnight accommodations and that use of the parks at certain hours proposes a security concern to the neighborhoods in which the parks are situated.

5-6-2: PARK LANDS DESCRIPTION:
City parks of the City are herein described as the following real properties situated in the city as follows:

Lots 1 and 2, Block 2, of the Original Townsite of Wilder, Canyon County, Idaho, according to the plat thereof filed June 16, 1911, in Book 4 of the Plats at page 48, in the office of the County Recorder, Canyon County, Idaho, also designated as Parcel No. W940500-2001A.

All that part of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) Section Fourteen, Township 4 North, Range 5 West of the Boise Meridian, described as follows:

BEGINNING at a point on the South boundary line of said Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) 330 feet West of the South Quarter corner of said Section 14 and run thence West on said South line 330 feet; thence North on a line parallel with the East boundary line of said Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) a distance of 225 feet; thence East on a line parallel with said South boundary line a distance of 250 feet; thence North on a line parallel with the East boundary line of said Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) a distance of 50 feet; thence East on a line parallel with said South boundary line a distance of 80 feet; thence South 275 feet to the real point of beginning.

5-6-3: HOURS:
No person shall remain or loiter or be upon the city parks of the city, hereinabove described, between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M.,

Sunday through Thursday and the hours of twelve o'clock (12:00) A.M. to six o'clock (6:00) A.M., Friday and Saturday.

5-6-4: RESERVATION OF FACILITIES:

A. Non-Refundable Reservation Fees and Security Clean-up Deposit: The Mayor and City Council shall, by resolution, after notice and hearing, adopt fees for the use of park facilities in order to recover some of the City's costs for processing applications and a portion of the maintenance costs of the picnic shelters, picnic tables, and other park facilities. This includes Special Events held in the Park, unless specifically sponsored by the City of Wilder.

B. Application Required; Record Kept: Persons, associations, corporations, and other entities desiring to use facilities in City parks shall apply at the City Clerk's Office for the use of a facility, reserve a time of use of the facility, if that time is available, and pay the appropriate fee. The City Clerk's Office shall keep a record of the scheduled times and fees paid for reservations.

C. Reservation Required; Removal From Facility: If persons, associations, corporations, and other entities using a facility have not reserved the time and paid the appropriate fee, and are using the facility at a time that has been reserved for another person, association, corporation, or other entity, they shall be asked to vacate the facility. If they refuse to vacate the facility, they may be subject to section 5-6-6 of this chapter.

D. Reservation List Maintained: A list of reservations for a particular facility shall be maintained to inform the public who has reserved the facility and the time, or times, for which the facility has been reserved.

E. Security Clean-Up Deposit: The security clean-up deposit will be refunded and returned to the applicant, at the request of the applicant, once verification has been provided to the City Clerk's Office that the reserved facility has been sufficiently cleaned and there has been no damage to the facility or City property. If it is determined that the park facility was not sufficiently cleaned or damage was done, the entire deposit will be forfeited and any additional cost for damage will be assessed to the applicant. If the applicant fails to request the security clean-up deposit within sixty (60) days of the reservation, the deposit will be forfeited to the City.

5-6-5: ANIMALS IN CITY PARKS:

A. Dogs running at large are prohibited in City parks unless written permission is obtained in advance from the City to have a dog or dogs at large. This prohibition does not apply to any designated "off leash" area during designated times.

B. No person owning, harboring, controlling or keeping any dog shall permit the dog to deposit fecal material on any property unless the material is immediately removed.

C. Horses or other livestock are not permitted in City parks unless written permission is obtained in advance from the Public Works Superintendent.

5-6-6: VIOLATION:

A. A violation of any of the provisions of this chapter shall be an infraction, the penalty for which shall be fifty dollars ($50.00), excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars ($100.00) and for which no period of incarceration may be imposed. There is no right to trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

B. Any person violating any of the provisions of this Chapter for a third or subsequent time within two (2) years shall be deemed a misdemeanor punishable by a fine not to exceed three hundred dollars ($300.00) for any one offense and/or confinement in the Canyon County jail for a period not to exceed ten (10) days for any one offense, or both fine and imprisonment.

C. Each day any person commits or permits a violation of this Chapter to continue, the same shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 586, Amended, 7-10-2012; Ord. 461, Amended, 7-10-2001; Ord. 352, Enacted, 7-10-1990)

Title 5, Chapter 7
PUBLIC DISTURBANCES

5-7-1: NOISE:

5-7-1: NOISE:

A. It is an infraction for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

1. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
3. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;
5. Sound from motor vehicle sound systems, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the vehicle itself;
6. Sound from audio equipment, such as tape players, radios, or compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the source, and if not operated upon the property of the operator.

The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

B. Any person violating the provisions of this section shall be punished by a fine in a sum not exceeding one hundred dollars ($100.00). (Ord. 446, 3-14-2000)

Title 6, Chapter 1
NUISANCE ABATEMENT

6-1-1: **TITLE:**
6-1-2: **DEFINITIONS:**
6-1-3: **NUISANCE DECLARED UNLAWFUL:**
6-1-4: **ENFORCEMENT; NOTICE OF OFFENSE:**
6-1-5: **REQUEST FOR HEARING:**
6-1-6: **CITY MAY ABATE NUISANCE, ASSESS PROPERTY:**
6-1-7: **GRANT OF AUTHORITY TO EMPLOY LABOR:**
6-1-8: **INTERFERENCE WITH AUTHORIZED CITY OFFICER:**
6-1-9: **ADDITIONAL NUISANCES:**
6-1-10: **PENALTY**

6-1-1: TITLE:
This chapter shall be referred to and known as the NUISANCE ABATEMENT ORDINANCE.

6-1-2: DEFINITIONS:
As used in this chapter, "nuisance" shall mean:

A. Any condition or use of a premise which:
   1. Creates a fire hazard; and/or
   2. Creates a condition for the harborage of rodents and insects; and/or
   3. Is otherwise injurious to the health, safety and welfare of the inhabitants of the city; and/or
   4. Any condition or use of a premises which involves the depositing and keeping of:
      a. Lumber, paper, junk, trash, boxes or debris;
      b. Abandoned, discarded or unused objects, personal property and/or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, tools or parts of personal property;
      c. Partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicles or parts thereof; and/or
      d. Personal property [objects] in an untidy and/or overfilled manner [clutter].
   5. Involves the presence of any noxious or invasive weed, as defined by the Idaho State Department of Agriculture pursuant to the noxious weed rules in the Idaho Administrative Procedure Act "IDAPA" 02-06-22 Section 100 or any amendment or recodification thereof.

B. A nuisance shall not include:
   1. Any material hereinabove defined as a "nuisance" enclosed within a building or so located upon the premises as to not be readily visible from any public place or from any surrounding private property;

2. Partially dismantled, wrecked, junked or discarded or otherwise nonoperating motor vehicle or parts thereof which are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed salvage yard or junk dealer, or when storing or parking is necessary to the operation of lawfully conducted business or commercial enterprise, so long as that private property, business or commercial enterprise is located within a zone in which the conducting of said business is lawful.

C. The keeping upon any premises of inscriptions of figures, designs or words on rocks, walls, fences, sidewalks or like structures (commonly known as graffiti) which inscriptions are not placed there by the owner or a person entitled to possession at the time the inscriptions were made and which inscriptions do not serve any purpose for the owner and/or person entitled to possession in relationship to the occupancy and/or ownership of the premises.

6-1-3: NUISANCE DECLARED UNLAWFUL:

A. Time Limit: It shall be unlawful for any person owning, leasing, occupying or having charge or possession of any premises or real property to create, cause or maintain any "nuisance", as herein defined, to remain on such property longer than ten (10) days. Said ten (10) day period shall commence to run after written notice is served as hereinafter provided in section 6-1-4 of this chapter.

B. Separate Offense: It shall be considered a separate offense to maintain, keep and/or allow any nuisance for every day after ten (10) days that said nuisance remains or continues

6-1-4: ENFORCEMENT; NOTICE OF OFFENSE:

A. Enforcement by Chief of Police: The Chief of Police, and the Public Works Superintendent or their duly authorized representative, have the authority to enforce this chapter.

B. Notice of Offense:

1. Written notice of the ten (10) day period, referred to in subsection 6-1-3A of this chapter, shall be served upon any adult occupying the real property upon which the nuisance is located, or upon the owner of such real property, if known. If no occupant of such real property or the owner thereof cannot be located, then a written notice shall be affixed to any building on the real estate and, in the event there is no building on the real estate, then in a place conspicuous so as to be reasonably discovered by anyone occupying the premises. In the event the owner is known but has not been personally served, a notice in addition to the posted notice shall be sent to said owner by registered or certified mail to the last known mailing address.
2. Said notice shall constitute notice to the owner and/or occupant of the real property.

3. No additional or further notice will be required for continuing violations. No additional or further notice will be required for subsequent occurrences of the same nuisance within ninety (90) days after the ten (10) day period from the written notice; as such nuisances may be considered a continuing violation.

C. Contents: The notice of nuisance shall contain the following:

1. A general description of the nuisance.
2. The date of the posting of the notice and giving notice that if the nuisance remains upon the property longer than ten (10) days, it shall be punishable by the penalties as described within this Chapter.
3. In the event the city intends to cause the nuisance to be abated, it shall specify in the notice that the expense of such abatement shall be assessed against the real property involved as general taxes, and collectible as other state, county, and municipal taxes; and, in the event the city intends to abate the nuisance, the owner or occupant shall be advised in the notice that they may petition the city council for a hearing, pursuant to the administrative procedures act, which hearing must be requested within ten (10) days of the date of the posting of the notice.

6-1-5: REQUEST FOR HEARING:

In the event notice is given of the city's intent to cause a nuisance to be abated, the owner and/or occupant of real property may petition the city council for a hearing pursuant to the administrative procedures act within ten (10) days of the date of the service of the notice, as provided in section 6-1-4 of this chapter; and, upon so filing, the matter shall be considered a "contested case" under the definitions of section 1-8-2 of this code, and a hearing to determine the validity of the notice of nuisance shall be held in accordance with the provisions of the administrative procedures act3. From the date a petition is filed before the city council until the day a decision is made, the running of the ten (10) day period referred to in subsection 6-1-3A of this chapter shall be tolled, but shall commence to run five (5) days following a decision by the city council.

6-1-6: CITY MAY ABATE NUISANCE, ASSESS PROPERTY:

The mayor and city council may, after notice and/or in the event of a contested case and in addition to the filing of a complaint for violation of this chapter, after finding that a nuisance does in fact exist, cause the abatement of said "nuisance" as hereinabove defined. Pursuant to the authority of Idaho Code section 50-334, the expense of such abatement shall be assessed as a special assessment against the real property involved and shall be due and payable to the city treasurer and, if not paid within thirty (30) days after mailing of notification of assessment, shall be declared delinquent and be certified to the tax collector of the county by the city clerk, not later than August 1, and shall be by said tax collector placed upon the tax roll and collected in the same manner and subject to the same penalties as other city taxes. All money received on these special assessments shall be held by the city treasurer as a special fund to be applied to the payment or reimbursement of the expenses for the abatement of the nuisance.

6-1-7: GRANT OF AUTHORITY TO EMPLOY LABOR:
The mayor and city council are hereby given the power and authority to employ such labor as is necessary to carry out the provisions of this chapter and allow the bills therefor.

6-1-8: INTERFERENCE WITH AUTHORIZED CITY OFFICER:
It shall be unlawful and a misdemeanor for anyone to interfere with any authorized city officer in the enforcement of this chapter, which interference shall include, but not be limited to, the removal of any notices posted pursuant to this chapter.

6-1-9: ADDITIONAL NUISANCES:

A. Slaughtering Animals: It shall be unlawful for any person to slaughter (to kill) any animal, which shall include all species of animal classified in the kingdom Animalia as Vertebrata classes of Mammalia and birds within the city limits.
   1. This subsection does not apply in the event a person kills an animal in self-defense or in the defense of another animal who or which is being attacked when such action is necessary in order to protect the person and/or the animal from injury; and
   2. This subsection does not apply to the killing of mice, rats and/or other vermin.

B. Keeping of Certain Animals Prohibited:
   1. No person shall keep in any pen, yard, corral or enclosure within the city limits any animal except, unless otherwise in this subsection prohibited, dogs, cats, gerbils, guinea pigs, hamsters, birds, pet fish or the equivalent of similar sized domesticated animals.
   2. No person shall keep within the city limits more than three (3) chickens none of which may be roosters, and/or two (2) ducks, and/or two (2) rabbits or the equivalent of similar sized domesticated animals.
   3. No person shall keep any fowl within the corporate city limits unless the fowl are enclosed in a pen, yard or coop.
   4. It shall be unlawful for any person to allow any chickens, ducks, turkeys, geese or other fowl owned by him to run at large upon the streets, alleys or other public places of the City, or upon the property of any person without the consent of the owner.

C. Horses or Other Animals: No person shall picket or tie any horse or other animal in the streets, alleys or other public places or allow any animal to run loose within the city for the purpose of feeding the same or allowing it to graze or feed upon the plants growing upon or near such streets, alleys or public places.

D. Unhealthful Substances: No person shall cast, leave or keep in or upon any portion of the city any bones, putrid, unsound, unwholesome refuse or flesh of any kind of animal, fish or fowl; any unsound, putrid or unwholesome substance; the carcass of any animal; any offal, garbage or other offensive matter; or any stagnant or impure water.

E. Stagnant Water, Refuse: No person shall permit or suffer to accumulate in or upon any yard, lot or premises within the city any stagnant or impure water, refuse vegetables, decayed or decaying matter, or garbage or filth of any kind.

F. Penalty: Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed three hundred dollars ($300.00) and/or a jail term not to exceed thirty (30) days.

6-1-10: PENALTY:

A. Any person violating any of the provision of this Chapter shall be deemed guilty of an infraction and shall be assessed a fixed penalty of One Hundred Dollars ($100.00) not including court costs and fees.

B. Any person violating any of the provision of this Chapter for a second time within two (2) years shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed three hundred dollars ($300.00) and/or a jail tern not to exceed thirty (30) days or both fined and imprisoned.

C. Each day any person commits or permits a violation of this Chapter to continue, the same shall constitute a separate offense and shall be punishable as such thereunder.

(Ord. 606, Amended, 10/14/2014; Ord. 580, Amended, 6/14/2011; Ord. 547, 12-9-2008; Ord. 531, Amended, 1-8-2008; Ord. 397, Amended, 7-11-1995; Ord. 353, Amended, 8-14-1990; Ord. 317, Amended, 3-11-1986; Ord. 307, Enacted, 2-12-1985)

Title 6, Chapter 2
PREMISES CONTROL

6-2-1: NUISANCE DECLARED:
6-2-2: REMOVAL REQUIRED:
6-2-3: NOTICE TO REMOVE, NONCOMPLIANCE:
6-2-4: PENALTY:

6-2-1: NUISANCE DECLARED:
It shall be a nuisance and is unlawful for the owner, agent of such owner, tenant and/or occupant of any real property within the city to permit or allow upon said real property, or upon any sidewalk abutting same, or upon the alleys abutting the same to the center thereof, any noxious, deleterious, harmful and/or unhealthy growths of weeds which exceed eight inches (8") in height; and/or rubbish, trash, litter, debris, garbage or other waste substances. (1986 Code)

6-2-2: REMOVAL REQUIRED:
All occupants, tenants, owners and agents of such owners of real property within the city are required to remove all rubbish, trash, litter, debris, garbage or other waste substances and to remove and/or cut and chop into small pieces any noxious, deleterious, harmful and/or unhealthy growths of weeds which exceed eight inches (8") in height and are located on said real property. (1986 Code)

6-2-3: NOTICE TO REMOVE, NONCOMPLIANCE:
A. The city clerk, or other duly authorized representative, is authorized and empowered to give actual notice to the owner, agent of such owner, tenant or occupant of real property to comply with sections 6-2-1 and 6-2-2 of this chapter; provided, however, if actual notice is not possible, the city clerk shall give written notice by registered mail, addressed to said owner, agent of owner, tenant or occupant at his last known address.

B. Upon failure, neglect or refusal of any such owner, agent of owner, tenant or occupant to comply with said sections, the designated official is authorized and empowered to pay for and employ labor for the removal of the waste substances and/or the cutting and chopping of the weeds mentioned in said sections. The reasonable value of the services rendered in removing the waste substances and/or the cutting and chopping of the weeds, plus accrued interest computed thereon at the legal rate from the date of completion of said work, if not paid by the owner, agent of such owner, tenant or occupant of said real property within thirty (30) days after completion, shall be assessed against there property; and, if not paid within thirty (30) days thereafter and within thirty (30) days after mailing a notice of assessment, the amount shall be declared delinquent and shall be certified to the tax collector of the county by the city clerk, and shall be, by said tax collector, placed

upon the tax roll and collected in the same manner and subject to the same penalties as other city taxes. (1986 Code)

6-2-4: PENALTY:

A. The failure, neglect or refusal of a tenant, occupant, owner or agent of such owner to comply with sections 6-2-1 and 6-2-2 of this chapter shall constitute a misdemeanor.

B. Each and every ten (10) days any such owner, agent of owner, tenant or occupant fails, refuses or neglects to comply with provisions of sections 6-2-1 and 6-2-2 of this chapter shall constitute a separate and distinct offense, and each of such separate offenses shall be punishable as a misdemeanor. (1986 Code)

Title 6, Chapter 3
GARBAGE AND REFUSE

6-3-1: DEFINITIONS:
6-3-2: RESPONSIBLE AUTHORITY:
6-3-3: COMPULSORY USE OF THE SYSTEM:
6-3-4: REFUSE COLLECTION SYSTEM:
6-3-5: COLLECTION FEES:
6-3-6: DISPOSAL SITE:
6-3-7: INSPECTION:
6-3-8: LICENSING AND CONTRACTING:
6-3-9: RULES AND REGULATIONS:
6-3-10: PROHIBITED ACTS:
6-3-11: OPEN BURNING:
6-3-12: FAILURE TO ABATE NUISANCE:
6-3-13: ABATEMENT OF NUISANCES BY CITY:
6-3-14: PENALTY:

6-3-1: DEFINITIONS:
As used in this chapter:

BAGS: Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag and its contents shall not exceed thirty five (35) pounds.

BIN AND BOX: Metal receptacles designed to be lifted, transported and emptied mechanically for use at commercial and industrial units.

BULKY WASTE: Stoves, refrigerators, water tanks, washing machines, furniture and other waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers for residential customers and in bins for commercial and industrial customers.

BUNDLE: Tree, shrub and brush trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding thirty five (35) pounds in weight or four feet (4') in length.

COMMERCIAL AND INDUSTRIAL REFUSE: All bulky waste, construction debris, garbage, rubbish and stable matter generated by a producer at a commercial and industrial unit.

COMMERCIAL AND INDUSTRIAL UNIT: All premises, locations or entities, public or private, requiring refuse collection within the corporate limits of the City not a residential unit.

CONSTRUCTION DEBRIS: Waste building materials resulting from construction, remodeling, repair or demolition operations.

CONTAINER: A receptacle with a capaCity of greater than twenty (20) gallons, but less than thirty two (32) gallons constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting and having a tight fitting lid capable of preventing entrance into the container by vectors. The mouth of a container shall have a diameter greater than or equal to that of the base. The weight of a container and its contents shall not exceed seventy (70) pounds.

CONTRACTOR: The person, corporation or partnership performing refuse collection and disposal under contract with the City.

DEAD ANIMALS: Animals or portions thereof equal to or greater than ten (10) pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

DISPOSAL SITE: For the purpose of the protection and preservation of the health and welfare of the inhabitants of the City, such places and locations as the Council may from time to time designate by motion or order, and shall be known and the same is hereby designated as the City disposal site.

GARBAGE: Any and all dead animals of less than ten (10) pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers, and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract files or rodents); except (in all cases) any matter included in the definitions of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

HAZARDOUS WASTE: Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous" as that term is defined by or pursuant to Federal or State Law.

INSPECTOR: The authorized employee or employees of the City or some individual designated by the Council as having the duty of the enforcement of this chapter.

PRODUCER, COMMERCIAL AND INDUSTRIAL: An occupant of a commercial or industrial unit who generates refuse.

PRODUCER, RESIDENTIAL: An occupant of a residential unit who generates refuse.

REFUSE, COMMERCIAL AND INDUSTRIAL: Commercial and industrial refuse to be collected and disposed of pursuant to contract unless otherwise required.

RESIDENTIAL UNIT: A dwelling within the corporate limits of the City occupied by a person or group of persons comprising not more than four (4) families. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of four (4) or less contiguous or separate single-family dwelling units, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit shall be billed separately as residential unit.

ROLL OUT CART: A two (2) wheel refuse container approximately ninety (90) gallons or more.

RUBBISH: All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials not included in the definitions of "bulky waste", "construction debris", "dead animals", "garbage", "hazardous waste" or "stable matter".

STABLE MATTER: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure and resulting from the keeping of animals, poultry or livestock.

6-3-2: RESPONSIBLE AUTHORITY:
The Superintendent of Public Works, or such other persons as may be appointed by the Mayor and Council, shall be responsible for the enforcement of the provisions of this chapter and other duties as the Council may prescribe, and there shall be designated a sanitary inspector who shall enforce the same at the direction of the Mayor and Council.

6-3-3: COMPULSORY USE OF THE SYSTEM:
Every owner and occupant of a premises [inclusive of, but not be limited to, a residential producer, commercial and industrial producer, and a residential unit, 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 in accordance with this regulation all rubbish and garbage that is of such nature that it is perishable or may decompose or may be scattered by wind or otherwise; provided further that where in sparsely populated areas of the City the collection of garbage and refuse on the schedules hereinafter set forth would be impracticable, the Council may issue a special permit altering the time and extent of collection.

A. Every owner and/or occupant of the premises who is a residential producer is required to use a roll out cart furnished by the contractor and may only use containers, bags and bundles in addition when the roll out cart is filled.

1. In the event there is an owner and/or occupant of a premises who is the only occupant and over the age of sixty five (65) years and has been granted an exemption on or before August 14, 2012, that exemption shall continue, but no other exemptions shall be granted.
2. The owner and/or occupant of a premises is responsible to assure the roll out cart is maintained upon the premises with reasonable care.
3. Damaged or lost roll out carts will be replaced by the contractor.
4. The owner and/or occupant of a premises will be charged a roll out cart replacement fee when replacement is due to the failure of the owner and/or occupant to maintain the same on the premises or the owner and/or occupant has not used reasonable care in the use of the roll out cart.

6-3-4: REFUSE COLLECTION SYSTEM:

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

A. Residential Collection:

1. Service Provided: Contractor shall provide curbside collection service for the collection of residential refuse to each residential unit once per week. Roll out carts, containers, bags and bundles shall be placed at curbside by seven o'clock (7:00) A.M. on the designated collection day. The contractor shall provide for the special collection from residential units of bulky waste, construction debris and stable matter. Also, the contractor may provide for the special collection of dead animals and hazardous waste at residential units at its sole discretion and upon such terms as contractor shall specify.
2. Location of Roll Out Carts, Containers, Bags and Bundles For Collection: Each roll out cart, container, bag and bundle shall be placed at curbside for collection. Curbside refers to that portion of the right of way adjacent to paved or traveled City roadways (including alleys). Roll out carts, containers, bags and bundles shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right of way, roll out carts, containers, bags and bundles shall be placed as close as practicable to an access point for the collection vehicle. Contractor may decline to collect any roll out cart, container, bag and bundle not so placed.
3. Hours of Operation: Collection of refuse shall not start before seven o'clock (7:00) A.M. or continue after nine o'clock (9:00) P.M. Exceptions

to collection hours shall be effected only upon the mutual agreement of the City and contractor, or when contractor reasonably determines that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances.

4. Routes of Collection: Collection routes shall be established by the contractor. Contractor shall submit a map designating the collection routes to the City for its approval, which approval shall not be unreasonably withheld. City shall post, in at least five (5) conspicuous places within the City, at least once each calendar year, a map of such collection routes. The posted notice and map shall be of such size to clearly show all pertinent information. The contractor may from time to time propose to City for approval changes in routes or days of collection, which approval shall not be unreasonably withheld. Upon the City's approval of the proposed changes, the City shall promptly give written notice to the affected residential units.

B. Commercial and Industrial Collection:

1. Service Provided: The contractor shall provide curbside collection service for commercial and industrial refuse in accordance with schedules submitted in the proposal. The contractor may from time to time provide for the special collection of dead animals and hazardous waste at commercial and industrial units at its sole discretion and upon such terms as contractor shall specify.
2. Location of Bins for Collection: The contractor shall provide bins and boxes for commercial and industrial units whenever customers request their use. Each bin or box shall be placed in an accessible outside location on a hard surface according to individual agreement. The contractor may decline to collect refuse in bins or boxes not so placed.
3. Hours of Operation: Collection of commercial and industrial refuse shall take place according to individual agreement.
4. Routes of Collection: Commercial and industrial unit collection routes shall be established by the contractor at its sole discretion.
5. Notification to City: The contractor shall notify the City of the rates and any change in rates of all commercial and industrial customers, which rates shall be subject to the approval of the Mayor and City Council.

C. Collection Period: Collectors shall collect refuse for residential units once each week through the twelve (12) months of the year, or as may otherwise be provided by the rules and regulations of the City Council.

6-3-5: COLLECTION FEES:

A. Fees Set by Resolution: Fees and rates for the collection of refuse shall be set by rules and regulations of the City Council adopted by resolution. Provided, further, that where the enforcement of the provisions of this chapter will work a financial hardship, or where the amount of refuse is such small amount as to not warrant

the collection of the full charges as herein provided, the Mayor and City Council may issue a special permit altering the provisions of this chapter.

B. Method of Fee Collection: Fees shall be carried on the water and/or sewer bill, and the same shall be paid with the water and/or sewer bills, and the water and sewer department is authorized to discontinue service to any premises if the entire water and/or sewer and garbage bill shall not be paid, said charges to become delinquent as provided for in water and/or sewer charges, and shall be subject to the same penalties provided for in the case of water and/or sewer collections.

C. Sanitary 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 surpluses remaining therein at the end of each fiscal year may be transferred by the City Council to the general fund of the City.

6-3-6: DISPOSAL SITE:
For the purpose of the protection and preservation of the health and welfare of the inhabitants of the City, there is hereby established, at such places and locations as the City 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 is hereby designated as the City disposal site. (Ord. 308, 5-14-1985)

6-3-7: INSPECTION:
The Mayor shall designate the Superintendent of Public Works, or any other person concerned with the enforcement of laws, who shall have the right of ingress or egress to any premises for the purpose of inspecting all places and containers where rubbish and garbage is accumulated or kept.

6-3-8: LICENSING AND CONTRACTING:
A. Authority: The Mayor or City 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 licenses of contractors.

The City 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.

B. Emergency Provision: In common recognition that the public health, safety and welfare may be endangered by any failure of the solid waste collection system, as herein established, it is hereby ordained that any failure on the part of the collector or collectors for hire to perform required services for any reason whatsoever shall entitle and be legally incumbent upon the Mayor and City

Council to declare a public emergency, by resolution only, and then to have performed solid waste collection, transportation and disposal services for the public as a utility, utilizing any or all of the vehicles, equipment, devices, facilities and employees of the collector or collectors, and/or City forces in lieu thereof, without special compensation to the collector, until such time as the collector or collectors satisfactorily demonstrate to the Mayor and City Council, as confirmed by resolution of the City Council, his or their ability to render service at the level required by this chapter. The Mayor and City Council shall have the sole authority to make any determinations herein to be made. Any contract or other authorization granted by the City for collection services shall embody the provisions of this section.

6-3-9: RULES AND REGULATIONS:

The City clerk or Superintendent of Public Works may make or prescribe such rules and regulations as he shall deem advisable, such to be enforced after approval of the Mayor and Council by resolution. Said rules and regulations may cover the following:

A. Charges for services for periods less than one month;

B. Applications for exemptions from charges when house or building is unoccupied when water service is furnished;

C. Application for a single fee or rate for the collection of refuse from a single location for adjacent properties owned by the same owner;

D. Application for exemption of property where the owner owns more than one piece of property within the City and the property for which an exemption has been applied generates less than the average of twenty (20) gallons of garbage per week for a year, and the owner applying is paying a collection fee for other property owned by him within the City limits.

6-3-10: PROHIBITED ACTS:

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.

B. Burning, Dumping: No person shall burn, incinerate, bury, dump, collect, remove or in any other manner dispose of rubbish or garbage except as hereinafter provided. Nothing herein contained shall be construed to prohibit the use of outdoor fireplaces, barbecue pits or grills in preparing food or for recreational purposes.

C. Throwing or Discarding: No person shall throw, discard or deposit any rubbish, garbage or refuse in or upon any street, alley, sidewalk or vacant ground or in or upon any canal, irrigation ditch, drainage ditch or other watercourse.

D. Materials not Acceptable for Collection: Dirt or earth debris from construction or lawn renovation, rocks, stones, automobile bodies and parts, dead animals, 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.

6-3-11: OPEN BURNING:

A. Restrictions on Burning: No person shall cause or maintain any open burning upon any real property within the City limits without first having obtained a permit pursuant to this section.

1. Barbecuing on a barbecue grill manufactured by a professional barbecue manufacturer is permitted without a permit.

B. Open Burning by Permit: The City Council may provide, by resolution, designated days upon which persons may apply for and obtain a permit for open burning. All permits shall be issued by the Superintendent of Public Works or his duly authorized agent who, before issuing said permit, shall inspect the premises upon which the proposed burning is to take place to ensure that such burning can be conducted safely and without hazard to persons and/or property in the immediate vicinity, all in accordance with the provisions of the International Fire Code, 2006 Edition, with appendices thereto, published by the International Code Council, Inc., and such later editions as may be so published and adopted by the State Fire Marshal. If it is determined by the Wilder Public Works Superintendent or his duly designated agent that such burning cannot be conducted with reasonable safety or in accordance with the International Fire Code, said determination shall be grounds for denial of a permit.

C. Burning of Rubbish in Vacant Lots: Burning of rubbish may be conducted in vacant lots by the owner thereof upon obtaining a permit from the Superintendent of Public Works or his duly designated agent who, before issuing said permit, shall inspect the vacant lot where the proposed burning is to take place to ensure that such burning can be conducted safely and without hazard to persons and/or property in the immediate vicinity. If it is determined that such burning cannot be conducted with reasonable safety, said determination shall be grounds for denial of a permit.

6-3-12: FAILURE TO ABATE NUISANCE:

The failure of any occupant to immediately abate a nuisance as the same is determined by the proper enforcement authority, as herein set forth, is hereby declared to be unlawful, and each day the determined nuisance persists shall be considered a distinct and separate unlawful act.

6-3-13: ABATEMENT OF NUISANCES BY CITY:
Nothing contained herein or elsewhere shall limit the power of the City to cause or effect abatement of any determined nuisance by notifying the occupant, in writing, to remove the same within ten (10) days (or sooner if deemed expedient), following the receipt of such notice. In default of this being done, the City is hereby empowered to remove and abate the nuisance at the expense of the occupant creating, causing, committing or maintaining the same, and to levy a special assessment, as provided in Idaho Code Section 50-1008, on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the City for the cost of abating the same.

6-3-14: PENALTY:
A violation of any provision of this chapter shall be a misdemeanor, and, upon conviction thereof, punishable as provided by Law.

(Ord. 556, Amended, 6-9-2009; Ord. 525, Amended, 9-11-2007; Ord. 504, Amended, 10-11-2005; Ord. 308, Enacted, 5-14-1985)

Title 7, Chapter 1
WATER AND SEWER SYSTEMS REGULATIONS

ARTICLE A.
WATER SYSTEM

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7-1A-11: FIRE HYDRANTS:
7-1A-12: PROHIBITED ACTS:
7-1A-13: PENALTIES:

7-1A-1: PURPOSE:
It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of the city; for the purpose of controlling the use and connection to; for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the entire municipal water system which includes the water supply, water storage and water distribution facilities of the city; to charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the municipal water system of the city; and to provide for the control, use and administration of the installation of private domestic water systems where a public water system is not available. The system and facilities consist generally of all wells, storage reservoirs, transmission mains, structures, buildings, chlorination facilities, pumps, pump houses, distribution mains, water lines, fire hydrants, valves, service connections, fittings, mechanical equipment and all other facilities as required for the furnishing and distribution of water as a public system to the citizens of the city.

7-1A-2: DEFINITIONS:
Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

CITY: The city of Wilder, Canyon County, Idaho, or its authorized or designated agent, representative or deputy thereto.

CITY WATER SERVICE LINE: That portion of an individual water service line that runs from its connection with the public water main to and including the corporation stop and valve box that is installed in the service line. It will usually be installed within the limits of the public right of way or utility easement and, after installation, it is to be owned and maintained by the city.

EQUIVALENT CONNECTION: The service to a typical residential house on an individual lot that is occupied by an average family is designated as one equivalent connection. All other connections are prorated in relation to equivalent connections based on the estimated usage of or benefit derived from the service.

MULTIPLE-BUILDING DEVELOPMENT: Includes the various types of developments that would have common or joint ownership areas such as mobile home parks or courts, shopping centers, etc.

MUNICIPAL WATER SYSTEM: Includes all components and facilities of the public water system that is owned, operated and maintained by the city for domestic and other uses.

OWNER: The property owner, or his duly authorized representative such as tenant, developer, lease holder, etc., that is served or is to be served by the municipal system.

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

PRIVATE FIRE SERVICE CONNECTION: A separate and independent connection from the municipal water main that connects directly to a sprinkler system that has been, or is to be, installed in any building for the purpose of fire control within that specific building and said connection is to be for no other purpose.

PRIVATE WATER SERVICE LINE: The portion of the water service line that runs from a point five feet (5') outside the limits of the building being serviced to the point of connection with the city water service line at the city right of way line.

PRIVATE WATER SYSTEM: Any water system for domestic use that is not owned, operated and maintained by the city of Wilder, Idaho.

PROPERTY: All property, whether privately or publicly owned, within the service limits of the municipal water system excluding therefrom lands that have been dedicated for public street or highway rights of way.

PUBLIC WATER SERVICE LINE: See definition of City Water Service Line.

SHALL OR MAY: "Shall" is mandatory; "may" is permissive.

SPRINKLER IRRIGATION: Any system for the purpose of watering lawns, gardens, shrubs, trees, etc., as they are normally grown in the out of doors or open spaces.

WATER MAIN: Any pipeline owned by the city for the purpose of transportation and/or distribution of water to serve more than one water service line or user.

7-1A-3: APPLICABILITY:
The provisions of this article shall apply to all property within the corporate limits of the city, and any special users outside the corporate limits of the city including all property owned or occupied by the United States of America, the state of Idaho and Canyon County.

7-1A-4: POWERS AND AUTHORITY OF CITY AUTHORIZED REPRESENTATIVE:
The city, through its authorized representative bearing proper credentials and identification, shall be permitted:

A. To enter, at proper and reasonable hours of the day, all properties, premises or buildings to which water is furnished from the municipal water system for testing or for any other purpose necessary for the proper administration of the water system in accordance with the provisions of this article.

B. Also, to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, repair and maintenance of any portion of the municipal water system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7-1A-5: INSPECTIONS:
All connections to or extensions of the service line, as previously installed by the city, shall be made in accordance with the requirements of the state of Idaho plumbing code1 for such an installation. The connection of the service line shall be inspected by the city before the installation is backfilled and before the water is turned on for use at the premises.

7-1A-6: WATER MAIN EXTENSIONS:
A. Property Owner's Responsibility: The extending of the municipal water system to serve undeveloped areas within the existing corporate limits, newly annexed areas or areas outside the corporate limits shall be the responsibility of the property owner(s) or his agent.

B. Extension of Water Main: The property owner(s) shall be responsible for extending the water main in accordance with the water system preliminary engineering report.

C. Installation Of Necessary Equipment: It shall also be the property owner's or his agent's responsibility to install all necessary fire hydrants, water valves, water service lines, water meter vaults, meter setters, water meters and city water service lines for all extensions of the municipal water system at no expense to the city. Unless a special permit is granted by the city, all municipal water system extensions, including the city water services, into newly developing areas, shall be installed prior to the construction of any new streets.

D. Plans for Extensions: The plans for all extensions to the municipal water system shall be prepared and signed by a registered professional engineer as per the licensing requirements of the Idaho Code, and three (3) copies of the said plans shall be filed with the city. In approving a plan for extension to the municipal water system, the city reserves the right to stipulate other requirements such as a special permit fee, right of way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond and other similar measures as may be required to protect the public. No work shall commence on any such extensions of the municipal water system until the extension project has been approved by the city and the state of Idaho department of health and welfare, division of environmental quality.

E. Professional to Certify Extensions: After the construction of the municipal water system extensions, it shall be the obligation of the owner or his agent to have a registered professional engineer certify to the city that the said system extensions were installed according to the approved plans and specifications on file in the office of the city clerk. Following certification by the registered professional engineer and acceptance by the city, the entire extension of the municipal water system, including the city water service lines, shall become the property of the city and it shall be the city's responsibility to maintain and operate the system thereafter.

F. Payment of Installation Charge: If it is necessary for the city to provide a city water service line after the extension has been accepted by the city, the owner or his agent shall be required to pay the standard installation charge as well as the standard permit and inspection fee.

G. Conformance to Standards: All new water system construction shall conform to the latest edition of the Idaho standards for public works construction, the American Waterworks Association standards and the state of Idaho drinking water standards.

H. Late Comer Fees: The city may enter into water system extension and reimbursement agreements with property owners who extend and/or oversize the water main extension to serve a benefited area in addition to the property owner's property, which agreements may provide that subsequent connectors to the water main extension during a prescribed period of time, not to exceed ten (10) years, will be charged with a proportional late comer's fee based upon area served.

1. The city may then charge subsequent connectors to the water main extension late comer fees in addition to the connection fees and user charges normally assessed to a user in accordance with an extension and

reimbursement agreement due to the fact that the subsequent connector has not contributed to the costs of the extended line; and

2. The city may then reimburse the property owner(s) in accordance with the extension and reimbursement agreement with collected late comer fees (less administrative costs) for the costs of the water line extension and/or oversized portion of the water line extension.

I. Conditions: The conditions under which the city may extend its domestic water service outside of the city limits are as follows:

1. An agreement must be entered into with the property owner(s) who seek(s) the domestic water service and the city of Wilder, which agreement provides that:
    a. Complete identification of the land and lots to receive domestic water services that are the subject of the agreement; and
    b. Identification of the costs of the water main extension project, a projection on density and the number of residential and/or other units to be served in the development as well as those outside the development projected to be served by the oversized line with a projection on the rate of development and a cut off on the term in which late comer fees will be paid; and
    c. In the event the city requires oversizing of the water main extension, the agreement may provide for the payment of late comer fees and for the remittance of late comer fees (less administrative costs) to the property owner(s) for a stated period of time; and
    d. All costs of the extension and/or oversizing of domestic water service shall be borne by the developer or his agent; and recovery costs shall be divided on the basis of acres served; and
    e. The ordinances, policies and regulations of the city which govern its domestic water utility apply to the subject real property to which domestic water service will be provided; and
    f. The developer and subsequent purchasers of the subject real property consent to the real properties annexation into the city of Wilder and enter into an annexation agreement with the city of Wilder.
2. The agreement is to be recorded.

7-1A-7: WATER SERVICE CONNECTION AND WATER SERVICE LINE:
All materials and workmanship in the installation of private water service lines and connections to the city water service line shall conform to the following regulations:

A. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any municipal water main, city water service line or appurtenance thereof without first obtaining a written permit from the city. The permit is not to be issued until all water installation charges and fees have been paid in full.

B. Permit Application; Fees: There shall be five (5) classes of city water service lines. To obtain municipal water service, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. A permit and inspection fee, adopted by resolution of the city council, shall be paid to the city at the time the application is filed. Also, the owner or his agent shall pay to the city, at the time the application is filed, a service connection fee. The property owner shall be responsible for all costs to install water service lines, water service vaults, and meters.

C. Service Connection Fees: In addition to any inspection fees, the owner shall be required to pay a service connection fee. The amount of the service connection fee shall be in accordance with the rate schedule adopted by resolution of the city council. A copy of the current service connection fees for various meter sizes will be on file in the public works director's office.

D. Private Lines: Old private water service lines may be used in connection with new buildings only when they are found, on examination and being tested as required by the city, to meet all requirements of this article.

E. Materials And Methods: The materials of construction of the private water service line and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the state of Idaho plumbing code.

F. Specifications:

1. The private water service line from the building to the connection with the city water service line shall not be smaller than a three-fourths inch (3/4") inside diameter pipe and shall be laid in a trench of such depth so that the minimum cover over the pipe from finished grade shall be three feet (3').
2. The alignment of the private water service line from the outlet of the building to the city water service line shall be reasonably straight and shall be located such that the distance between the water service line and the sewer service line shall be a minimum of ten feet (10').

G. Cross Connections: No person shall make or permit the cross connection of any private water supply to a water line that is served by the municipal water system.

H. Private Connection: The private water service connection to the city water service line shall conform to the requirements of the state of Idaho plumbing code.

I. Inspection: The applicant for the city water service line permit shall notify the city when the connection of the private water service line to the city water service line is ready for inspection.

J. Excavations: All excavations for the private water service installation shall be adequately guarded with barricades and lights so as to protect the public 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.

K. Fire Service Connections: The installation of a private fire service connection shall comply in all respects to the requirements for a city water service line with the exception that instead of the standard installation charge the owner or his agent will be required to pay all costs for connection and extension of the facility from the municipal water main.

L. Licensed Plumber: The connection of the private water service line to the public water service line and the connection of a private fire service connection to the municipal water main shall be made by a plumber holding a valid state plumber's license.

7-1A-8: REJECTIONS OR DISAPPROVALS:
The city may reject any material or workmanship for cause and, upon such order, the rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances such as excavations, backfilling and other work items.

7-1A-9: BACKFILLING:
Backfilling and surface repair of the service connection and the city service line installation from the water main to the corporation stop and valve box shall be the responsibility of the city. All other backfill and/or surface repair within the limits of the public rights of way or easements shall be the responsibility of the water user and shall conform to special specifications promulgated by the city for water line installation and shall be subject to inspection by and approval of the city.

7-1A-10: UNAVAILABILITY OF MUNICIPAL WATER SYSTEM; PRIVATE WATER SYSTEMS:
Where the municipal water system is not available under the provisions of this article, a private water system may be installed subject to its compliance with the provisions of this article and subject to compliance with the provisions of Idaho Code section 30-801.

7-1A-11: FIRE HYDRANTS:
It shall be unlawful for any person, except one duly authorized as provided by policy adopted by resolution of the city council, to open, close, operate, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant or auxiliary valve belonging to the city. Further, it shall be unlawful for any unauthorized person to obstruct the access to any fire hydrant by any means or to willfully or carelessly injure the same. Charges for authorized use of domestic water service from a fire hydrant shall be established pursuant to section 7-1C-2 of this chapter.

7-1A-12: PROHIBITED ACTS:
A. Injury to Municipal Water System: No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any

structure, pipeline, fire hydrant, fitting, connection, appurtenance or equipment which is a part of the municipal water system.

B. Malicious or Willful Waste of Water: It shall be unlawful for any water user to waste water or allow it to be wasted by imperfect water stops, valves, leaky joints or pipes that are not under the jurisdiction of the city, or to permit the malicious or willful consumption of water, having no beneficial purpose, from the municipal water system. Likewise, it shall be unlawful to allow a constant flow of water for animal consumption but, rather, a quantity of water shall be allowed which will supply the actual needs of the animals having access thereto. Further, it shall be unlawful to permit a continuous stream of water to flow from hydrants, faucets, washbasins, water closets, urinals or other fixtures when, in the opinion of the city, it serves no useful purpose.

C. Illegal Connections:

1. It shall be unlawful for any person to make or cause to be made any connection with the city water main or to introduce or cause to be introduced water from the city water main into any connection made therewith unless a permit has been first duly issued for such purpose by the building inspector in compliance and conformity with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established therefor; or to cause a connection to become in noncompliance with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established; or to interfere with or injure any hydrant, pipe connection, meter or any property of the city water system. Violation of this provision shall be a misdemeanor.
2. The city, by and through the building inspector, shall give notice, in writing, to the owner and/or occupant of any premises connected to and served by the city water main in all cases in which said connections are illegal. Said notice shall state the violation and require that the violation be cured within thirty (30) days from notice thereof or water service will be discontinued.
3. In the event that said illegal connection continues beyond the thirty (30) day period, the city is authorized to discontinue water service to said premises without further notice and until said illegal connection is discontinued.

D. Unlawful to Inhabit Building without Domestic Water Service: It shall be unlawful and no person shall inhabit any building, whether residential or otherwise, unless it is receiving service from either the municipal domestic water system or a private domestic water system.

7-1A-13: PENALTIES:

A. Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit, but, in any event, not to exceed ninety (90) days, for the satisfactory correction

thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for hereinabove shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding three hundred dollars ($300.00) or imprisonment not exceeding thirty (30) days or both such fine and imprisonment for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Ord. 554, Amended, 4-14-2009; Ord. 541, Amended, 9-9-2008; Ord. 438, Amended, 12-8-1998; Ord. 420, Amended, 11-12-1996; Ord. 220, Enacted, 1-9-1973, eff. 2-1-1973)

ARTICLE B.
SEWERAGE SYSTEM

7-1B-1: PURPOSE:
7-1B-2: DEFINITIONS:
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7-1B-1: PURPOSE:

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of the city; for the purpose of controlling the use and connection to; for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the entire sewerage system which includes the sewer collection system and sewage disposal facilities of said city; to charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the sewerage system of the city; and to provide for the control, use and administration of the installation of private sewage disposal systems where a public sanitary sewer is not available. The system and facilities consist generally of all pipelines, conduits, manholes, cleanouts, sewer mains, intercepting sewers, outfall sewers, lift stations, pumps, structures, mechanical equipment and facilities for the treatment and disposal of sewage or sewage byproducts.

7-1B-2: DEFINITIONS:

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

BOD OR BIOCHEMICAL OXYGEN DEMAND: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a 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 (5') outside the inner face of the building wall.

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

CITY: The city of Wilder, Canyon County, Idaho, or its authorized or designated agent, representative or deputy thereto.

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

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 liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MULTIPLE-BUILDING DEVELOPMENT: Includes the various types of developments that would have common or joint ownership areas such as mobile home parks or courts, shopping centers, etc.

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

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

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

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 (1/2") in any dimension.

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

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

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

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

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWER: A pipe or conduit for carrying sewage.

SEWER USER: Any individual, firm, company, association, society or corporation or group who has connected to the sewerage system.

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

SHALL OR MAY: "Shall" is mandatory; "may" is permissive.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration of flows during normal operation.

STORM DRAIN OR STORM SEWER: A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted water such as cooling water.

SUSPENDED SOLIDS: 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.

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

7-1B-3: APPLICABILITY:
The provisions of this article shall apply to all property within the corporate limits of the city, and any special users outside of the corporate limits of the city, including all property owned or occupied by the United States of America, Canyon County and the state of Idaho.

7-1B-4: REQUIRED USE OF SEWERS:
The owner or occupant of any house, building or property situated within the city used for residential, commercial, industrial, governmental or recreational use, or other purpose, which is abutting on or having a permanent right of access to any street, alley or

right of way in which there is located a public sewer of said city is hereby required to cease using any other method of disposing of sewage, waste or polluted water and, at his expense, to connect such building directly with the public sewer in accordance with the provisions of this article, within one hundred eighty (180) days after date of official notice from the city to do so; provided, however, that said sewer is within one hundred feet (100') of any property line of the building to be served or common property line in a multiple building development.

7-1B-5: PROHIBITED DISCHARGES OR DEPOSITS:

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

7-1B-6: REGULATIONS FOR DISCHARGES:

The use of the public sewers of the city shall be in accordance with the following regulations:

A. Water Discharges: No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

B. Storm Sewer: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city, to a storm sewer or natural outlet.

C. Waters Or Wastes Prohibited In Public Sewer: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with the wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment lagoon, including, but not limited to, cyanides in excess of two milligrams per liter (2 mg/l) as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. Prohibited Substances, Materials: No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the city, that such wastes can harm either 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. In forming its opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of fifty milligrams per liter (50 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32°) and one hundred fifty degrees Fahrenheit (150°F) (0 and 65°C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the city.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting any excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. City's Option:

1. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection D of this section, and which, in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

   a. Reject the wastes;

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

   c. Require control over the quantities and rates of discharge; and/or

   d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of section 7-1C-3 of this chapter.

2. If the city 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 city and subject to the requirements of all applicable codes, ordinances and laws.

F. Interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city, and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Treatment Facilities: Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

H. Manhole; Other Appurtenances: When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. Measurements, Tests, Analyses: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article 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, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

J. Special Agreements: No statement contained in this article 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, subject to payment therefor by the industrial concern.

K. Violation: Any property owner or sewer user violating the provisions of this section shall, upon notice by the city, immediately install such preliminary treatment through separators, traps and/or chemical, physical or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this article.

7-1B-7: PERMISSION TO DISCHARGE OBJECTIONABLE WASTE OR WATER:

The admission into the public sewers of any water or wastes having: a) biochemical oxygen demand (BOD) greater than three hundred milligrams per liter (300 mg/l), or b) suspended solids in excess of three hundred milligrams per liter (300 mg/l), shall be subject to the review and approval of the city. Where necessary, in the opinion of the city, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the BOD to three hundred milligrams per liter (300 mg/l) and the suspended solids to three hundred milligrams per liter (300 mg/l). Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city and of the state of Idaho, department of health, and no construction of such facilities shall be commenced until said approvals are obtained, in writing.

7-1B-8: BUILDING SEWERS AND SERVICE CONNECTIONS:

All materials and workmanship in the installation of building sewers and service connections shall conform to the following regulations:

A. Permit Required: No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city. The permit is not to be issued until all sewer connection charges and fees have been paid in full.

B. Classes of Permits: There shall be two (2) classes of building sewer permits: 1) one for residential and commercial sewer service; and 2) one for sewer service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. A permit and inspection fee, adopted by resolution of the city council for a residential or commercial sewer service, shall be paid to the city at the time the application is filed. The amount of the permit and inspection fee for an industrial waste sewer service will vary with each permit and shall be established by the city at the time of the application.

C. Owner Responsible for Costs: All costs and expenses incident to the installation and connection of the building sewer and service connection shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and the making of the service connection for same to the public sewer.

D. Separate Connection: A separate and independent building sewer and service connection shall be provided for every building; except where one building stands at the rear of another on an interior lot and no separate sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are found, on examination and being treated as required by the city, to meet all requirements of this article.

F. Materials, Methods Used: The materials of construction of the building sewer and service connections and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building code as is or may be adopted by the city, and of the Idaho state plumbing code.

G. Grades and Alignment:

1. The building sewer from the building drain to the public sewer and the service connection thereto shall not be smaller than four inch (4") diameter sewer pipe. The minimum grade or slope of the building sewer shall be as follows:

a. Four inch (4") diameter sewer pipe shall be laid on a grade of not less than one-fourth inch (1/4") per foot.
b. Six inch (6") diameter sewer pipe shall be laid on a grade of not less than one-eighth inch (1/8") per foot.
c. Eight inch (8") diameter sewer pipe shall be laid on a grade of not less than four feet (4') per one thousand feet (1000').

2. The alignment of the building sewer from the outlet of the building drain to the public sewer connection shall be straight, with no bends, warps or sags permitted except with the permission of the city. The trench bottom shall be cut to proper grade so that when the pipe is laid, the body or barrel of the pipe shall be on solid material. Bell holes are to be excavated in the trench bottom at all pipe joints.

H. Surface Runoff; Ground Water: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

I. Building Code Requirements: The service connection to the public sewer shall conform to the requirements of the building code as adopted by the city, and to the requirements of the Idaho state plumbing code. In addition, the materials and workmanship of the service connection shall meet the following requirements:

1. A precast service connection tee shall be fitted onto the sewer pipe line at the appropriate point and near the center of a length of the public sewer pipe to avoid breaking the bell or the spigot end of the sewer pipe. The service connection tee shall be installed as a watertight connection to the outside of the public sewer, care being taken not to extend the building sewer line into the public sewer line, therefore creating a possible restriction. The invert of the building sewer line at the service connection tee shall be at an elevation above the invert of the public sewer at least equal to two-thirds (2/3) of the diameter of the public sewer. All foreign material shall be removed from the sewer pipe and there shall be a permanent connection which is gastight and watertight between the public sewer line and the building sewer line.
2. The building sewer tee connection to reinforced sewer pipe lines shall be made as specified under subsection I1 of this section, except that in cutting a hole in a reinforced pipe for installation of the service tee, extreme care shall be exercised to avoid damage to the pipe. The hole for the tee shall be carefully chipped first to expose the reinforcing steel and the steel cut by torch or saw. No chisel cutting of the reinforcing steel of any character will be permitted.
3. In lieu of a standard tee service connection, a riser service connection may be made to sewer lines that are deep below ground surface. The branch or riser shall be connected the same as a tee, except that it shall be set vertically over the public sewer pipe and extended vertically upward such

that the top of the riser is not to be less than five feet (5') below the surface of the ground.

J. Inspection; Connection: The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer.

K. Barricades; Lights: All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public properties disturbed in the course of the work shall be restored in a manner satisfactory to the city.

L. Connection by Plumber: The connection of the building sewer to the public sewer shall be made by a plumber holding a valid state plumbing permit

7-1B-9: POWERS AND AUTHORITY OF CITY AUTHORIZED REPRESENTATIVE:

A. The city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The city shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers or natural waterways.

B. While performing the necessary work on private properties referred to hereinabove, the authorized representative of the city shall observe all safety rules applicable to the premises established by the sewer user and the sewer user shall be held harmless for injury or death to any city authorized representative, and the city shall indemnify the sewer user against loss or damage to its property by any authorized city representative and against liabilities, claims and demands for personal injury and property damage asserted against the sewer user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the sewer user to maintain safe conditions as required by this article.

C. The city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7-1B-10: INSPECTIONS:

No connection of any kind to a public sewer line shall be made and no sewage shall be permitted to flow through such connection except pursuant to inspection of and approval issued by the city.

7-1B-11: REJECTIONS OR DISAPPROVALS:
The city may reject any material or workmanship for cause and upon such order, rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances, excavation, backfilling and other work items.

7-1B-12: BACKFILLING:
Backfilling of building sewers and service connections within the limits of public rights of way or easements shall conform to special specifications promulgated by the city for sewer installation and shall be subject to inspection by and approval of the city.

7-1B-13: SEWER SERVICE CONNECTION FEE; COMPLETION OF WORK:
A. In addition to any sewer permit and inspection fees, the owner shall be required to pay a service connection fee. The amount of the service connection fee shall be in accordance with the rate schedule adopted by resolution of the city council. A copy of current sewer service connection fees for various connections will be on file in the office of the public works director.

B. All work on a sewer service connection shall be completed, including approval by the city, within one hundred eighty (180) days of the date of the issuance of the permit and, in the event the work is not completed and approved within such time, the permit shall lapse. In the event the permit for sewer connection lapses, the owner can reapply and the public works director can credit to the owner a reasonable amount depending upon the extent of the completion of the connection which is the subject of the permit for the new inspection fee and sewer service connection fee shall also be credited so long as the reapplication is made within one year of the issuance of the original permit.

7-1B-14: UNAVAILABILITY OF PUBLIC SEWER; PRIVATE DISPOSAL SYSTEMS:
Where a public sanitary sewer is not available under the provisions of this article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

A. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the city. The application for said permit shall be made on a form furnished by the city, which the applicant shall supplement by plans, specifications and other information as may be deemed necessary by the city. A permit and inspection fee of ten dollars ($10.00) shall be paid to the city at the time the application is filed.

B. A permit for a private sewage disposal system shall not be effective until the installation is completed to the satisfaction of the city. The city shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the city when the work is ready for final inspection and before any

underground works are covered. The inspection shall be made by the city within forty eight (48) hours after receipt of notice from applicant.

C. The type, capacity, location and layout of a private sewage disposal system shall comply with all of the rules, regulations and recommendations of the state department of health. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

D. At such time as a public sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspool or similar private sewage disposal facility shall be abandoned and filled with suitable material.

E. The owners shall operate and maintain the private sewage disposal facility in a sanitary manner at all times and at no expense to the city.

F. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state department of health.

7-1B-15: PRIVIES, CESSPOOLS AND SEPTIC TANKS:
A. Construction of Facilities: Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

B. Unlawful to Inhabit Building without Sewer Service: It shall be unlawful and no person shall inhabit any building whether residential or otherwise unless it is receiving service from either the public sanitary sewer or a private sewage disposal system complying with the provisions of this article.

7-1B-16: INJURY TO SEWERAGE SYSTEM PROHIBITED:
No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. It shall be unlawful for any person to deposit any garbage, rubbish, dead animal or any substance having a tendency to obstruct the flow of the sewer in any manhole, cleanout or sewer opening.

7-1B-17: LATE COMER FEES:
The city may enter into sewer system extension and reimbursement agreements with property owners who extend and/or oversize the sewer main extension to serve a benefited area in addition to the property owner's property which agreement may provide that subsequent connectors to the sewer main extension during a prescribed period of time, not to exceed a ten (10) year period, will be charged with a proportional late comer's fee based upon area served.

A. The city may then charge subsequent connectors to the sewer main extension late comer fees in addition to the connection fees and user charges normally assessed to a user

in accordance with an extension and reimbursement agreement due to the fact that the subsequent connector has not contributed to the costs of the extended line; and

B. The city may then reimburse the property owner(s) in accordance with the extension and reimbursement agreement with the collected late comer fees (less administrative costs) for the costs of the sewer line extension and/or oversized portion of the sewer line extension.

7-1B-18: CONDITIONS:
The conditions under which the city may extend its domestic sewer service outside of the city limits are as follows:

A. No extension of the city's domestic sewer service and its sewer mains outside of the city shall be commenced until an agreement is entered into with the property owner(s) who seek(s) the domestic sewer service and the city of Wilder, which agreement provides:

1. Complete identification of the land and lots to receive domestic sewer services that are the subject of the agreement; and
2. The agreement in the provisions for late comer fees shall include the identification of the costs of the sewer main extension project and a projection on density and the number of residential and/or other units to be served in the development as well as those lands outside the development projected to be served by the sewer line extension and/or oversized line, with a projection on the rate of development and a cut off, not to exceed a ten (10) year period, on the term in which late comer fees will be paid.
3. In the event the city requires oversizing of the sewer main extension, the agreement may provide for the payment of late comer fees and for the remittance of late comer fees (less administrative costs) to the property owner(s) for a stated period of time.
4. The agreement would include that:
    a. All costs of the sewer main extension and/or oversizing be borne by the developer or his agent; and recovery costs shall be divided on the basis of acres served; and
    b. The ordinances, policies and regulations of the city which govern its sewer utility apply to the subject real property to which domestic sewer service will be provided; and
    c. The developer and subsequent purchasers of the subject real property consent to the real properties annexation into the city of Wilder and enter into an annexation agreement with the city of Wilder.
5. The agreement be recorded.

7-1B-19: PENALTIES:
A. Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit, but, in any event, not to exceed ninety (90) days, for the satisfactory correction

thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for hereinabove shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not exceeding three hundred dollars ($300.00) or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

D. Any person who discharges or causes to be discharged any substance, whether liquid or solid, whether human or animal excrement, garbage or other waste into the sewage disposal system or the public sanitary sewer of the city, other than by means of a service connection, and/or any person violating sections 7-1B-5, 7-1B-6, 7-1B-15 and/or 7-1B-16 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars ($300.00) or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

(Ord. 542, Amended, 9-9-2008; Ord. 438, 12-8-1998; Ord. 421, 11-12-1996; Ord. 372, Amended, 1-12-1993; 1986 Code Amendment; Ord. 221, 1-9-1973, Enacted, 2-1-1973)

ARTICLE C.
WATER AND SEWER RATES AND CHARGES

7-1C-1: **MONTHLY WATER USER CHARGE:**
7-1C-2: **RATES:**
7-1C-3: **DOMESTIC WATER SERVICE TURN-ON FEE:**
7-1C-4: **CUSTOMER UTILITY DEPOSIT:**
7-1C-5: **DEPOSITS BY TENANTS:**
7-1C-6: **UNLAWFUL DOMESTIC WATER CONNECTION:**
7-1C-7: **USER CHARGES OR FEES, WHEN DUE AND PAYABLE:**
7-1C-8: **DELINQUENCY, NOTICE:**
7-1C-9: **SPECIAL WATER AND SEWER USER CHARGES FOR OUTSIDE THE CORPORATE LIMITS:**
7-1C-10: **WATER AND SEWER REVENUE FUND:**
7-1C-11: **LATECOMER FEES:**
7-1C-12: **PENALTIES:**

7-1C-1: MONTHLY WATER USER CHARGE:

A. Purpose of Monthly Water User Charge: The monthly water user charge or fee is established to cover operation and maintenance costs of the system, and to provide a fund, when necessary, to pay for capital improvement costs, additions to the system or redemption of bonds that have been used to finance system improvements, all as a part of the city's responsibility to provide adequate domestic water service and facilities for the city. For new connections, the water user charge is to begin when the connection to the city service line has been inspected and approved or within sixty (60) days after the city service line has been installed, whichever is the earliest.

B. Application for Services: All new property owners or users of utility services, including water, sewer, garbage and/or irrigation, shall file a written application for services to establish an account with the city of Wilder before utility services will be provided. The city clerk shall provide a residential service application form which has been approved by the Wilder city council.

C. Property Owner/Agent Agreement And Authorization Form: All property owners must file a written request on the "Property Owner/Agent Agreement and Authorization For City Services" form to transfer the utility service account into a property management company's or renter's name. The form must be signed by the property owner and notarized with proof of ownership attached before services will be transferred to another name. A separate form must be filed for each property to be transferred.

7-1C-2: RATES:

A. Domestic Water Service User Rates: All charges for domestic water service, including authorized use of a fire hydrant, shall be established by resolution of the city council pursuant to the authority of this section. Domestic water service connection and user rates

shall be charged against the property for which the city water service line is connected, except for authorized use of a fire hydrant, in which case the person or entity authorized shall be charged.

1. Meter Sizes and Hookup Fees: Table 7-1C-2A1 of this section shall be used to calculate water and sewer user equities and hookup fees based upon the size of meter installed. Hookup fees shall be set by resolution of the city council.

TABLE 7-1C-2A1: HOOKUP FEES

	Diameter	**Area (Square Inch)**	**Multiplier**
Base meter size	0 .75	0 .44	1
Meter size	1	0.79	1.8
Meter size	1.5	1.77	4
Meter size	2	3.14	7
Meter size	3	7.07	16
Meter size	4	12.57	28
Meter size	6	28.27	64
Meter size	8	50.27	114

2. Duplexes and Multi-Unit Buildings: Rates for duplexes and multi-unit buildings shall be charged one minimum monthly water user charge for each living unit within the building.
3. Minimum Water User Fee: The minimum monthly water user connection charge or fee per user/unit shall be the same as one equivalent connection regardless of the classification of the user.

B. Sewer Service User Rates: All rates for sewer service shall be established by resolution of the city council pursuant to the authority of this section. Sewer service user rates shall be charged against the property for which the city sewer service line is connected.

1. New Sewer Connections; Deposit: A deposit will be required for all new service lines, which shall be established by resolution of the city council pursuant to the authority of this section.
2. Sewer Connections Charges:
   a. Residential Sewer Charges: For new residential sewer connections, a water consumption estimate of five thousand (5,000) gallons per household shall be established as the assumed "wintertime water consumption" to be charged in addition to the basic fee, as established by resolution of the council, until the new service connection has established an actual water consumption history that the rate can be based upon. Thereafter, each service

connection shall be adjusted annually to base the sewer charges on the actual historical usage of water.

b. Multi-Unit Sewer Charges: Multi-unit buildings shall be charged the residential sewer charge, as outlined in subsection B2a of this section, for each living unit.

c. Commercial and Industrial Charges: An average water consumption estimate for new commercial and industrial building connections shall be established by the city engineer on a case by case basis to be used as the "wintertime water consumption" to be charged in addition to the basic fee, as established by resolution of the council, until the new service connection has established an actual water consumption history that the rates can be based upon. Thereafter, each service connection shall be adjusted annually to base the sewer charges on the actual historical usage of water.

d. Minimum Sewer Connection Fee: A Minimum Sewer Connection Fee shall be charged against the property for which the city sewer service line is connected for which service has been shut off.

7-1C-3: DOMESTIC WATER SERVICE TURN-ON FEE:

Any service that becomes delinquent and has had the domestic water service shut off for nonpayment shall pay a turn-on fee as established by resolution of the city council. The water shall not be turned on and service resumed until all delinquent fees plus the water turn-on fee is paid in full.

7-1C-4: CUSTOMER UTILITY DEPOSIT:

A. In the event there is a new domestic water service and/or sewer service, or a change in ownership of real property served by domestic water and/or sewer service, the owner or tenant shall pay a customer utility deposit, which is refundable as herein provided, in amounts as established by resolution of the city council. The customer utility deposit shall be collected, managed and refunded through the city's water fund.

B. If an owner or a tenant, as the case may be, moves from the real property served by a domestic water and/or sewer service and the customer utility deposit is inadequate to pay the balance then owing, the owner of record of the real property served is liable for that amount, which must be paid before domestic water service is resumed. In the event a depositor leaves an unclaimed balance in the account, that amount shall be kept for six (6) months, after which it shall revert to the general fund of the city after notice to the owner. When an escrow contract purchaser becomes owner of record, the deposit will be applied to subsequent water charges.

7-1C-5: DEPOSITS BY TENANTS:

An owner of record or the owner's authorized agent may, by written request, authorize the city clerk to require a customer utility deposit of tenants or escrow contract purchasers for specific pieces of property. A separate request is to be made for each property. Upon properties so designated, a deposit will be required before domestic water and/or sewer service will be provided. This deposit will be refundable to the depositor or

his agent with satisfactory identification upon termination of occupancy and by the payment of any outstanding bills. The domestic water service will be turned off and not turned on again until the owner of record or subsequent occupant has paid a deposit.

7-1C-6: UNLAWFUL DOMESTIC WATER CONNECTION:
It is unlawful for any person other than authorized city personnel to turn domestic water on and/or reconnect city domestic water service to any premises, and a violation of this section shall be punishable as prescribed in section 1-4-1 of this code.

7-1C-7: USER CHARGES OR FEES, WHEN DUE AND PAYABLE:
All sewer or water charges or fees shall be due and payable to the city clerk between the first and the fifteenth days of each month; and, upon failure to pay the same as prescribed, each user shall pay, in addition to the amount due, a delinquent fee in an amount as established by resolution of the city council and listed in the most recent fee schedule.

7-1C-8: DELINQUENCY, NOTICE:
A. No Service: No building or improvement shall receive water and/or sewer service in the event the water and/or sewer and/or garbage fees are delinquent.

B. Statements, Due Dates, And Delinquent Fees: Statements as a bill and notice of the amount due for all water, sewer, and garbage user fees shall be mailed on the first business day of each month. The bill shall state that "Payment is due on the 15th of each month"; "Bills are delinquent on the 16th of each month at which time a delinquent fee will be assessed"; "Shut off date is the 21st of each month"; and "This is the only notification you will receive". The amounts billed shall be due on the 15th day of each month and shall become delinquent on the 16th day of each month. On the 16th day of each month, or the next business day thereafter if the 16th falls upon a weekend or holiday, the clerk shall charge each delinquent user a "delinquent fee". Any delinquent account not paid in full by the end of the day on the 20th of each month shall have the water shutoff on the 21st day of the month or the next Monday if the 21st falls on a Friday. Meters shall be read as close to the 25th day of each month as possible.

C. Delinquent Roll And Water Service Shutoff: On the 21st day of each month, or the following Monday if the 21st falls on a Friday, the clerk shall make up a delinquent roll listing the names of those delinquent and the charges against each delinquent account, including the delinquent fee provided for in subsection B of this section. The water service shall be shut off for all delinquent accounts on this delinquent roll.

D. Services Resumed: The city water and sewer service shall not be resumed to any delinquent account until all delinquent fees have been paid in full and the customer utility deposit fee has been paid up to the current deposit amount as established by resolution of the city council.

7-1C-9: SPECIAL WATER AND SEWER USER CHARGES FOR OUTSIDE THE CORPORATE LIMITS:

The city may provide service from the municipal water system to individual properties that are partially or entirely outside the corporate limits of the city. The city may also permit the use of sewerage works by individual properties, other than those in a sewer district or another city, that are partially or entirely outside the corporate limits of the city. Each request for such services must be approved by the city council and all regulations of this chapter must be complied with by such special water and sewer users. The water user and/or sewer user will be considered a special user as long as the property being served remains outside the corporate limits of the city. The special water user may be charged a connection charge and a monthly user charge or fee, the same to be set by council action. In addition to all other charges and fees as are required to be paid by any sewer user, the special sewer user shall be charged a monthly user charge set by the city council.

7-1C-10: WATER AND SEWER REVENUE FUND:
All fees and charges received and collected under authority of this article shall be deposited and credited to a special fund to be designated as the water and sewer revenue fund. The accounts of said fund shall show all receipts and expenditures for the maintenance, operation, upkeep and repair of the domestic water system and the sewerage works and any payments into a sinking fund established for the purpose of paying the principal of and interest on water and sewer revenue bond indebtedness of the city, which shall, from time to time, be outstanding. As provided by law, when budgeted and appropriated, the funds and credits to the account of the water and sewerage system fund shall be available for the payment of the requirements for the maintenance, operation, repair and upkeep of the domestic water system and the sewerage works of the city and, to the extent legally available, for payment into a sinking fund established for the payment of the principal of and interest on the water and sewer revenue bond indebtedness of the city which shall, from time to time, be outstanding. The foregoing shall be subject to the provisions of Ordinance 217 of the city.

7-1C-11: LATE COMER FEES:
In the event the city has entered into a water and/or sewer system extension and reimbursement agreement with property owner(s) which provides as a condition of the extension a requirement by the city to oversize the water and/or sewer main extension to serve a benefited area in addition to the property owner's property, which agreement will provide that subsequent connectors during a prescribed period of time, not to exceed a ten (10) year period, will be charged with a proportional late comer's fee based upon the area served.

A. The city will then charge to subsequent connectors to the water and/or sewer main extension late comer fees in addition to the connection and user charges normally assessed to a user in accordance with the extension and reimbursement agreement; and

B. The city shall then make reimbursement to the property owner(s) in accordance with the extension and reimbursement agreement with the collected late comer fees (less administrative costs).

7-1C-12: PENALTIES:

A. Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit, but, in any event, not to exceed ninety (90) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding three hundred dollars ($300.00) or imprisonment not exceeding thirty (30) days or by both such fine and imprisonment, and the continuation of each such violation shall be deemed a separate offense.

C. Any person violating any of the provisions of this article shall be liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Ord. 622, Amended, 8-13-2019; Ord. 611, Amended, 12-13-2016; Ord. 554, 4-14-2009; Ord. 544, Amended, 11-17-2008, eff. 2-1-2009; Ord. 543, 9-9-2008; Ord. 221, Amended, 1-9-1973, eff. 2-1-1973; Ord. 220, Enacted, 1-9-1973, eff. 2-1-1973)

ARTICLE D.
CROSS CONNECTION PREVENTION

7-1D-1: DEFINITIONS:
7-1D-2: CROSS CONNECTIONS PROHIBITED:
7-1D-3: BACKFLOW PREVENTION DEVICES:

7-1D-1: DEFINITIONS:

BACKFLOW: The flow other than the intended direction of flow of any foreign liquids, gases or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION DEVICE: A device to counteract back pressure to prevent back siphonage.

CROSS CONNECTION: Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains or may contain contaminated water, sewage or other waste or liquids of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of the backflow.

7-1D-2: CROSS CONNECTIONS PROHIBITED:

The installation or maintenance of a cross connection which will endanger the water quality of the potable water supply of the city is prohibited. Any such cross connection now existing or hereafter installed is hereby declared a nuisance and shall be abated. The water supply will be discontinued to any premises for failure to comply with the provisions of this section and will not be reestablished until compliance is approved by the city public works superintendent.

7-1D-3: BACKFLOW PREVENTION DEVICES:

Service from the city water system to any premises shall be contingent upon the installation of a backflow prevention device meeting all the standards and regulations required by the appropriate agency of the state and the city public works superintendent for the protection of the city water supply from backflow.

(Ord. 277, Enacted, 10-14-1980)

ARTICLE E.
REQUIREMENTS FOR CONNECTION TO CITY OWNED MUNICIPAL WATER AND/OR SEWER SYSTEMS

7-1E-1: CONNECTION REQUIREMENTS:

7-1E-1: CONNECTION REQUIREMENTS:
Every building or structure within the corporate limits of the city shall be separately and independently connected by a separate building sewer line and/or water line to the municipal sewer and/or water system where a municipal sewer line and/or water line is adjacent to the lot, tract or parcel of land on which the building or structure stands.

A. No more than one building may be connected to a single service unless approved by the city, which approval shall be an exception, not a rule, and only based upon overwhelming evidence that such a connection is the only practical method by which the buildings can be connected to the municipal water and/or sewer system and the ownership of the combined service is clearly designated and all parties are jointly responsible for the maintenance and operation of the connection, that appropriate easements exist establishing the right of all buildings to be connected and to use that connection, the allowance of the connection will not impede the city's ability to collect fees for the services and does not impede the city's ability to apply all applicable ordinances and resolutions regarding the providing of the service and the establishment of the connection and its maintenance. The city may also deny an application when the capacity of the city's municipal water and/or sewer system might be impaired, or there are slope and/or other design issues based upon reasonable engineering standards and practices regarding such installation as it pertains to maintenance, materials used, diameter of the line, the providing of cleanouts and the relationship of the buildings to the municipal water and/or sewer system, or when water pressure is impaired to the degree that it does not meet city water pressure standards.

B. No permit shall be issued for the construction of any building or structure in the city on any lot, tract or parcel of land unless the plans and specifications show connection to the municipal water and/or sewer system where a municipal water and/or sewer system sewer line is adjacent to the lot, tract or parcel of land on which the building or structure stands.

C. Every building or structure in existence prior to the construction of a municipal water and/or sewer adjacent to the lot, tract or parcel of land on which the building or structure stands shall, upon the construction of an adjacent municipal water and/or sewer line, be connected to the municipal water and/or sewer not later than twelve (12) months from the time the municipal water and/or sewer is certified and accepted by the city, as being completed and ready to use. The city council may, based upon a justified appeal from the owner of the building or structure, extend the time for connecting to the municipal water and/or sewer. The following may be considered justified appeals:

1. A claim of financial hardship is presented by the applicant. Council may allow a time extension to connect of up to twelve (12) months.
2. A building has a functional site disposal system constructed or refurbished within the last five (5) years but prior to the time in which sewer service was available. Council may, upon presentation of satisfactory evidence as to date of construction by the applicant, allow a time extension to connect until such time as the constructed or refurbished site disposal system is five (5) years old.

D. Prohibition of Disconnection: Once any lot, tract or parcel of land within the City is connected to a municipal water and/or sewer line it shall remain so connected, even if the building or structures thereon are removed, unless the water and/or sewer line is abandoned by the City.

E. It shall be unlawful to occupy or use any building or structure that is in violation of this article, and any violation shall be punishable as a misdemeanor, and in the circumstance of a continued or immediate health risk, the city may seek injunctive relief in a court of competent jurisdiction.

(Ord. 611, Amended, 12-13-2016; Ord. 419, Enacted, 11-12-1996)

Title 7, Chapter 2
MUNICIPAL IRRIGATION SYSTEM

7-2-1: ESTABLISHED:
7-2-2: BOUNDARIES:
7-2-3: DIVERT, INTERFERE WITH WATER:
7-2-4: NO DIVERSION OF IRRIGATION WATER; ASSESSMENT ARREARAGE:
7-2-5: INTERFERENCE; OBSTRUCTION; CONNECTION:
7-2-6: WASTE OF IRRIGATION WATER:
7-2-7: FINE AND/OR PUNISHMENT:
7-2-8: CONNECTION REGULATIONS:
7-2-8-1: PERMIT REQUIRED:
7-2-8-2: CLASSES OF PERMITS:
7-2-8-3: OWNER RESPONSIBLE FOR COSTS:
7-2-8-4: SEPARATE CONNECTION FOR EACH PARCEL:
7-2-8-5: MATERIALS AND CONNECTION METHODS:
7-2-8-6: INSPECTIONS:
7-2-8-7: REJECTIONS OR DISAPPROVALS:
7-2-8-8: IRRIGATION SERVICE CONNECTION FEE (REP. BY ORD. 535, 3-11-2008):
7-2-8-9: REGULATIONS FOR CONNECTION TO MUNICIPAL IRRIGATION SYSTEM:
7-2-8-10: INJURY TO MUNICIPAL IRRIGATION SYSTEM:
7-2-8-11: PENALTIES:
7-2-9: PETITION TO EXCLUDE REAL PROPERTY FROM THE WILDER MUNICIPAL IRRIGATION SYSTEM

7-2-1: ESTABLISHED:
There is hereby established, under and by virtue of Idaho Code title 50, chapter 18, the municipal irrigation system, the exterior boundaries of which are set out in section 7-2-2 of this chapter, and, by this reference, the said Idaho Code title 50, chapter 18 is hereby made a part of this chapter as though the same were set out in full herein.

7-2-2: BOUNDARIES:
The exterior boundaries of the municipal irrigation system are as herein described, and all of the lands lying within said exterior boundaries shall be included in and be a part of said municipal irrigation system, which exterior boundaries are described as follows:

A. Parcel I: Commencing at a point on the South line of Section 15, Township 4 North, Range 5 West of the Boise Meridian, 165 feet West of the Southeast corner of said Section 15; thence West 236 feet along the

South line of said Section 15; thence North 1321.17 feet, parallel to the East line of said Section 15, to a point on the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 15; thence East to the Northeast corner of the Southeast 1/4 of the Southwest 1/4, Section 14, Township 4 North, Range 5 West of the Boise Meridian; thence South along the North and South 1/2 Section lines of Sections 14 and 23, Township 4 North, Range 5 West of the Boise Meridian to a point 100 feet South of the 1/4 corner common to said Sections 14 and 23; thence West 2633.7 feet to a point 25 feet East of the West line of said Section 23; thence South 560 feet; thence West 190 feet; thence North 660 feet to the point of beginning, excepting the lands owned by Class B School District No. 133, Canyon County, Idaho; and

B. Parcel II: Commencing at the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 4 North, Range 5 West of the Boise Meridian; thence South 89°38' West 401 feet along the North line of the said Southeast 1/4 of the Southeast 1/4 to the INITIAL POINT on the West line of Sixth Street in Mitchells Addition to Wilder, Idaho; thence continuing South 89°38' West 920.68 feet along the North line of the said Southeast 1/4 of the Southeast 1/4 to the Northwest corner thereof; thence South 0°06' East 662.3 feet along the West line of the said Southeast 1/4 of the Southeast 1/4 to the Southwest corner of the North 1/2 of the Southeast 1/4 of the Southeast 1/4; thence North 89°32' East 919.64 feet along the South line of the said North 1/2 of the Southeast 1/4 of the Southeast 1/4 to a point on the aforesaid West line of Sixth Street, thence North 0°00'30" West 660.70 feet along the said West line of Sixth Street to the INITIAL POINT; As per City Annexation Ordinance No. 211; and

C. Parcel III (SLINKER SUBDIVISION): A parcel of land being a portion of the SW1/4 of the SE1/4, Section 15, Township 4 North, Range 5 West Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at a found brass cap monument marking the Southeast corner of the said SW1/4 of the SE1/4 of Section 15, the TRUE POINT OF BEGINNING, from which the South 1/4 corner of said Section 15 bears South 89°24'26" West 1,319.64 feet; thence South 89°24'26" West (formerly South 89°26' West) 365.58 feet along the Southerly boundary line of said SW1/4, of the SE1/4, Section 15 to a point; thence leaving said Southerly boundary line North 00°35'24" West (formerly North 0°34' West) 192.18 feet to a point; thence North 89°24'26" East (formerly North 89°26' East) 150.74 feet along a line parallel to the said Southerly boundary of the SW1/4 of the SE1/4 of Section 15; thence North 00°35'34" West (formerly North 0°34' West) 191.82 feet to a point; thence North 89°17'26" E. 217.96 feet (formerly North 89°19' E. 218 feet) to a point on the Easterly boundary line of said SW1/4 of the SE1/4 of Section

15; thence South 00°07'42" East 384.46 feet (formerly South 0°06' East 384.45 feet) along the said Easterly boundary line of the SW1/4 of the SE1/4 Section 15 to the True Point of Beginning. This parcel contains 2.47 acres, more or less, as per City Annexation Ordinance No. 401.

D. Parcel IV (SEWER PONDS): Commencing at the Northwest corner of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4), Section 14, Township 4 North, Range 5 West of the Boise Meridian, the TRUE POINT OF BEGINNING;

Thence North 89°33'50" East 623.30 feet along the North line of the said Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4), Section 14 to a point;

Thence South 0°00'00" West 650.00 feet on a line parallel to and 623.20 feet East of the West line of the said Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4), Section 14 to a point;

Thence South 89°33'50" West 623.20 feet on a line parallel to and 650.00 feet South of the said North line to a point in the said West line;

Thence North 0°00'00" East 650.00 feet along the said West line to the point of beginning; as per City Annexation Ordinance 226; and

E. Parcel VII (SENIOR CITIZEN HOUSING AUTHORITY): Commencing at the Southeast corner of Lot 1, Block 5, Mitchell's Addition to Wilder, Idaho, as shown on the official plat thereof on file in the office of the Canyon County Recorder in Book 10 of Plats at Page 19, said point being the TRUE POINT OF BEGINNING;

Thence South 0°00'30" East 178.00 feet along the Westerly right of way line of Sixth Street to a point;

Thence South 89°32'00" West 178.00 feet along a line parallel to and 178.00 feet Southerly from the Southerly boundary of said Mitchell's Addition to a point;

Thence North 0°00'30" West 178.00 feet along a line parallel to and 178.00 feet Westerly from the said Westerly right of way line of Sixth Street to a point on the said Southerly boundary of Mitchell's Addition;

Thence North 89°32'00" East 178.00 feet along said Southerly boundary of Mitchell's Addition to the point of beginning;

Containing 0.73 acres, more or less;

As per City Annexation Ordinance 266.

F. Parcel VIII (WESTFIELD PLAZA II): A parcel of land situated in the SE1/4 of Section 15, T4N, R5W, BM, Canyon County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 15, marked by a brass cap; thence along the South line of said Section 15;

South 89°24'26" West 401.00 feet to THE POINT OF BEGINNING, marked by a 5/8" iron pin; thence continuing;

South 89°24'26" West 178.00 feet to a point; thence leaving the South line of said Section 15 and parallel to the East line of said Section 15;

North 0°02'19" West 482.97 feet to a point, marked by a 5/8" iron pin; thence along a line that lies 178.00 feet South of and parallel to the South line of Mitchell's Addition to Wilder;

North 89°30'28" East 178.00 feet to a point, marked by a 5/8" iron pin; thence along a line parallel to the East line of said Section 15;

South 0°02'19" East 482.66 feet to THE POINT OF BEGINNING.

Said parcel contains 1.973 acres, more or less. As per City Annexation Ordinance 435.

G. Parcel IX (ROSE HAVEN SUBDIVISION): A parcel of land consisting of approximately 10.87 acres located within the NW1/4 of the NE1/4 Section 22 Township 4 North, Range 5 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the northwest corner of said NW1/4 NE1/4; thence South 89°43'42" east along a boundary of said NW1/4 NE1/4 a distance of 501.82 feet to a point which lies on a line 158.00 feet westerly from and parallel with the east boundary of the W1/2 of said NW1/4 NE1/4; thence South 0°23'52" West along said parallel line a distance of 280.00 ft; thence South 89°43'42" East parallel with said north boundary a distance of 158.00 feet to a point on said east boundary, thence South 0°23'51" West along said east boundary a distance of 25 ft; thence South 89°43'42" East parallel with said north boundary a distance of 659.41 feet to a point on the east boundary of said NW1/4 NE1/4; thence South 0°28'29" West along said east boundary a distance of 240.00 feet; thence North 89°43'42" West parallel with said north boundary a distance of 1318.17 feet to a point on the west boundary of said NW1/4 NE1/4; thence North 0°19'13" East along said west boundary of 545.00 feet to the POINT OF

BEGINNING, containing 10.87 acres, more or less. As per City Annexation Ordinance 455.

H. Parcel X (PIONEER SUBDIVISION): A parcel of land situated in the SE1/4 of Section 15, T4N, R5W of the Boise Meridian Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southeast corner of said Section 15, marked by a brass cap; Thence along the South line of said Section 15, South 89°24'26" West 579 feet to the POINT OF BEGINNING; thence continuing South 89°24'26" West 740.64 feet to a point, marked by a brass cap, said point being the Southwest corner of the SE1/4 SE1/4 of said Section 15; thence along the West line of the SE1/4 SE1/4 of said Section 15, North 0°07'42" West 662.26 feet to a point, marked by a 1/2" iron pin, said point marking the Southwest corner of Mitchell's Addition to Wilder; thence along the South line of said Mitchell's Addition to Wilder, North 89°30'28" East 741.66 feet to a point, marked by a 5/8" iron pin; thence leaving the South line of Mitchell's Addition to Wilder and parallel to the East line of said Section 15, South 0°02'19" East 660.97 feet to THE POINT OF BEGINNING. Said parcel contains 11.257 acres, more or less. As per City Annexation Ordinance 456.

I. Reservoir Site: A portion of the Northeast Quarter of the Southeast Quarter of Section 15, township 4 North, range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING AT THE Southeast corner of the Northeast Quarter of the Southeast Quarter (South 1/16 corner) from which the Southeast corner of Section 15 bears South 00°02'17" East a distance of 1,319.93 feet; thence

South 89°36'27" West a distance of 319.71 feet along the Southerly boundary of the said Northeast Quarter of the Southeast Quarter of Section 15, the POINT OF TRUE BEGINNING; thence continuing along said Southerly boundary

South 89°36'27" West a distance of 360.63 feet to a point; thence North 00°13'20" East a distance of 150 feet to a point; thence North 89°36'27" East a distance of 150 feet parallel with said Southerly boundary to a point; thence

South 00°13'20" West a distance of 125 feet to a point; thence North 89°36'27" East a distance of 210.36 feet and a distance of 25 feet Northerly of and parallel with said Southerly boundary to a point; thence

South 00°23'33" East a distance of 25 feet to the POINT OF BEGINNING.

SUBJECT TO existing rights of way and easements of record and/or appearing on said above described parcel.

J. Rose Haven II and III: This parcel is a portion of the NW 1/4 of the NE 1/4 of Section 22, Township 4 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the southwest corner of said NW 1/4 of the NE 1/4; thence along the west boundary of said NW 1/4 of the NE 1/4,

1) N.00°19'07"E., 790.52 feet (of record N.00°19'14"E., 790.48 feet) to a point which lies 545.00 feet south of the northwest corner of the NW 1/4 of the NE 1/4 of said Section 22, said point also being the southwest corner of Rose Haven Subdivision, on file in book 33, page 3 in the Office of the Recorder, Canyon County; thence along the south boundary of said Rose Haven Subdivision,

2) S.89°43'43"E. (of record S.89°43'42"E.), 1318.17 feet to the southeast corner of said Rose Haven Subdivision, said point being on the east boundary of said NW 1/4 of the NE 1/4; thence along said east boundary,

3) S.00°28'43"W., 791.52 feet (of record S.00°28'29"W., 791.45 feet) to the southeast corner of said NW 1/4 of the NE 1/4; thence along the south boundary of said NW 1/4 of the NE 1/4,

4) N.89°41'07"W., 1315.96 feet (of record N.89°41'11"W., 1316.04 feet) to the POINT OF BEGINNING.

CONTAINING 23.92 acres, more or less.

K. Penny Lane Subdivision:

Parcel A is 80.97 acres more or less and lies adjacent and east of Huff Road, north of the extension of Avenue D and the northern boundary of the City of Wilder and is adjacent to Parcel A; and Parcel B is 20.26 acres more or less and lies adjacent and to the north of Penny Lane and is adjacent and east of Parcel B, with a total of 101.23 acres which is particularly herein legally described as follows:

Parcel A

The Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter in Section 14, Township 4 North, Range 5 West, of the Boise Meridian, in Canyon County, Idaho;

Together with all water, water rights, ditches and rights of way for ditches appurtenant thereto or in anywise appertaining;

Together with all and singular the tenements, hereditaments and appurtenances thereto.

Parcel B

The South 1/2 of Southeast 1/4 of Northeast 1/4, Section 14, Township 4 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

7-2-3: DIVERT, INTERFERE WITH WATER:
It shall be unlawful for any person to divert and/or dam and/or interfere or in any manner tamper with irrigation water in contravention with the irrigation schedule of the city.

7-2-4: NO DIVERSION OF IRRIGATION WATER; ASSESSMENT ARREARAGE:
It shall be unlawful for any person to divert or otherwise appropriate irrigation water of the city within the "boundaries", as defined by section 7-2-2 of this chapter, to any lot, pieces, or parcels or land within said boundaries when the assessment or assessments levied against said property, pursuant to Idaho Code title 50, chapter 18 or any subsequent amendments or recodifications of said section, have not been paid in full.

7-2-5: INTERFERENCE; OBSTRUCTION; CONNECTION:
It shall be unlawful for any person, except the duly authorized agent of the city, to operate, interfere with, or obstruct the access to, or connect anything with any portion of the city irrigation water system, including any lines, pipes, ditches or any other appurtenances thereto.

7-2-6: WASTE OF IRRIGATION WATER:

A. It shall be unlawful for any person who is diverting or otherwise appropriating irrigation water to waste the same or to allow the same to be wasted by unreasonably maintained water stops, valves or other leaky pipes for which the person entitled to divert or otherwise appropriate the irrigation water is responsible and, in the instance of pressurized irrigation, the application of irrigation water through such system must be by sprinkling device.

B. It shall be unlawful for any person who is diverting or otherwise appropriating irrigation water to do so in a manner as to allow said water to flow on or upon any street, alley or other public right of way of the city, or to allow said water to flow upon adjacent or adjoining property from

the property for which it has been lawfully diverted or otherwise appropriated for irrigation purposes.

7-2-7: FINE AND/OR PUNISHMENT:
It shall be a misdemeanor for any person to do any act declared unlawful in this chapter, and such misdemeanor shall be punishable by a fine of not more than three hundred dollars ($300.00) or up to thirty (30) days in jail, or both.

7-2-8: CONNECTION REGULATIONS:
The following regulations and provisions shall govern matters of connection to the municipal irrigation system.

7-2-8-1: PERMIT REQUIRED:
No unauthorized person shall make any connection with or use, alter or disturb any municipal irrigation delivery lines or ditches or appurtenance thereof without first obtaining a written permit from the city. The permit shall not be issued until all municipal irrigation charges and fees have been paid in full. A permit connection fee shall be established by resolution of the city council for the two (2) classes of permits.

7-2-8-2: CLASSES OF PERMITS:
There shall be two (2) classes of irrigation connection permits: a) gravity flow; and b) pressurized irrigation. In each case, the owner or his agent shall make application on a special form furnished by the city public works department. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the public works director. A permit inspection fee shall be established by resolution of the city council for the two (2) classes of permits and shall be paid to the city at the time the application is filed.

7-2-8-3: OWNER RESPONSIBLE FOR COSTS:
All costs and expenses incident to the installation and connection of a parcel to the municipal irrigation system shall be borne by the applicant and/or owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the irrigation connection.

7-2-8-4: SEPARATE CONNECTION FOR EACH PARCEL:
Each legal parcel shall require a separate connection and permit.

7-2-8-5: MATERIALS AND CONNECTION METHODS:
The materials for construction of the irrigation connection and the method to be used in any excavation, placing of the pipe, jointing, testing and backfilling of any trench shall conform to the requirements of the public works department of the city of Wilder.

7-2-8-6: INSPECTIONS:
No connection to the municipal irrigation system shall be made and no irrigation shall be permitted to flow into the connection except pursuant to the inspection of and approval issued by the city.

7-2-8-7: REJECTIONS OR DISAPPROVALS:
The city may reject any material or workmanship for cause and, upon such order, rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances, excavation, backfilling and other work items.

7-2-8-8: REGULATIONS FOR CONNECTION TO MUNICIPAL IRRIGATION SYSTEM:
The public works department of the city of Wilder may adopt, subject to approval of the city council by resolution, regulations regarding the manner of connection to the municipal irrigation system and prescribe the manner of the completion of the work.

7-2-8-9: INJURY TO MUNICIPAL IRRIGATION SYSTEM:
No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipeline, ditch, head gate, delivery box, appurtenance or equipment which is part of the municipal irrigation system of the city of Wilder.

7-2-8-10: PENALTIES:
Any person who violates any of the provisions of this section 7-2-8 shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed three hundred dollars ($300.00) or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment for each violation.

7-2-9: PETITION TO EXCLUDE REAL PROPERTY FROM THE WILDER MUNICIPAL IRRIGATION SYSTEM
Any person or legal entity seeking to exclude real property from the Wilder Municipal Irrigation System must file with the City Clerk a petition therefor on a form approved by the City Council and pay the fee for the processing of the petition as established by the City Council by resolution.

7.2.9.1 Upon the filing of a petition to exclude real property from the Wilder Municipal Irrigation System, the City Clerk shall:

7.2.9.1.1 Transmit a copy of the petition to the City Engineer, the Public Works Director or Watermaster, and the Wilder Irrigation District, and

7.2.9.1.2 Set the matter for public hearing; and

7.2.9.1.3 Publish a notice of hearing not less than seven (7) days in advance of the hearing and provide a copy to the petitioner, the City Engineer, the Public Works Director or Watermaster, and the Wilder Irrigation District, and

7.2.9.1.4 Obtain a copy of the then-current ad valorem tax notice for the subject property.

7.2.9.2 A public hearing shall be held at which time the City Council shall receive the reports of the City Clerk, the Public Works Director or Watermaster, the City Engineer, the Wilder Irrigation District, the Applicant and any protestant with relevant evidence.

7.2.9.3 The real property may be excluded from the Municipal Irrigation System if the following conditions have been met:

7.2.9.3.1 The applicant is the owner of the real property which is the subject of the petition; and

7.2.9.3.2 The real property description of the subject real property is verified to be correct; and

7.2.9.3.3 The real property is a parcel of greater than 5 acres; and

7.2.9.3.4 The real property is being used for agricultural purposes exclusively and the owner has no immediate plans to change the existing agricultural use; and/or

7.2.9.3.5 The irrigation allotment and/or irrigation schedule administered by the City as opposed to the irrigation allotment or irrigation schedule applicable to the real property adversely affects the agricultural use of the real property; and/or

7.2.9.3.6 The real property is not being served by the distribution system of the municipal irrigation system; and/or

7.2.9.3.7 A reason demonstrated by a preponderance of the evidence that the exclusion from the municipal irrigation system of the real property is in the best interests of the use of the real property and of the continued operation and maintenance of the municipal irrigation system.

7.2.9.4 The City Council shall make a determination on the matter as to whether to grant or deny the petition for exclusion of real property from the municipal irrigation system and shall then prepare its Findings of Fact, Conclusion of Law and Order of Decision and notify the petitioner, and any protestants who demand notice of decision, and the Wilder Irrigation District, which order shall be a final action of the City.

7.2.9.5 In the event the City Council shall determine to grant the petition for the exclusion of real property from the Wilder Municipal Irrigation System, it shall direct the City Attorney to prepare the necessary ordinance.

(Ord. 597, Amended, 8/13/2013Ord. 596, Amended, 6/11/2013; Ord. 535, Amended, 3/11/2008; Ord. 513, Amended, 8/14/2007; Ord. 383, Amended, 7/12/1994; Ord. 120, Enacted, 12/3/1915)

Title 7, Chapter 3
DRAINAGE SYSTEM

7-3-1: ADMINISTRATION OF DRAINAGE SYSTEM:
7-3-2: PENALTY:

7-3-1: ADMINISTRATION OF DRAINAGE SYSTEM:

The superintendent of public works of the city shall have the following powers and duties:

A. To keep the entire drainage system of the city in good repair, and the superintendent of public works shall have and exercise the complete control, charge and superintendency of said system subject to the orders, rules and regulations as may, from time to time, be enacted by the city council. (1986 Code)

B. It shall be the duty of said superintendent and he is hereby authorized to make connections with said system, and to make and keep a complete and accurate record and account of all connections made upon receipt of a proper permit from the city clerk so to do. (Ord. 51, 11-20-1934)

7-3-2: PENALTY:

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars ($100.00) or imprisoned for not more than thirty (30) days, or by both such fine and imprisonment. (Ord. 51, 11-20-1934)

Title 7, Chapter 4
SIDEWALKS AND CURBS

7-4-1: **COMPLIANCE REQUIRED:**
7-4-2: **MINIMUM STANDARDS:**
7-4-3: **CURBS AND GUTTERS; DIMENSIONS:**
7-4-4: **SIDEWALK AND CURB SPECIFICATIONS:**
7-4-5: **PUBLIC NUISANCES; ABATEMENT:**
7-4-6: **OBSTRUCTIONS TO PUBLIC WAYS:**
7-4-7: **CLEANING SIDEWALKS:**
7-4-8: **REMOVING SNOW FROM SIDEWALKS:**
7-4-9: **DRAINING SIDEWALKS:**
7-4-10: **PENALTY:**

7-4-1: COMPLIANCE REQUIRED:
All shade and ornamental trees to be planted, all sidewalks to be built and all curbs and gutters to be constructed in the street rights of way of the city shall be as provided in this chapter, in the "City of Wilder Street Standards and Development Procedures Manual" and in chapter 7 of this title.

7-4-2: MINIMUM STANDARDS:
All sidewalks shall conform to "City of Wilder Street Standards and Development Procedures Manual" and shall be five feet (5') in width.

7-4-3: CURBS AND GUTTERS; DIMENSIONS:
All curbs and gutters in both residential and commercial districts shall conform to division 700 of the most recent ISPWC edition.

7-4-4: SIDEWALK AND CURB SPECIFICATIONS:
All sidewalks and curbs shall be of concrete, the specifications for which shall be adopted by resolution of the city council in accordance with recommendations of the superintendent of public works and/or city engineer. All sidewalks and curbs shall be placed in strict accordance with the provisions of this chapter and under the direction and supervision of the superintendent of public works.

7-4-5: PUBLIC NUISANCES; ABATEMENT:
All sidewalks built, all trees planted and all curb lines established at distances other than set forth in this chapter, in chapter 7 of this title, and in the "City of Wilder Street Standards And Development Procedures Manual" are hereby declared to be a public nuisance and may be abated by the city and the same removed as other nuisances are abated and removed.

7-4-6: OBSTRUCTIONS TO PUBLIC WAYS:
A. Every person owning lots or parcels of land facing upon, contiguous to or abutting upon any street or alley in the city shall remove or cause to be removed and keep removed all grass, weeds, rubbish, underbrush, bushes, stumps and stones, where the same have become obnoxious, and all obstructions from such alley and from such street adjoining the premises.

B. Every person owning lots or parcels of land shall trim or cause to be trimmed all trees in front of the property so owned, so that the branches thereof overhanging the sidewalk, street or alley shall be at a distance of not less than fourteen feet (14') above such sidewalk, street or alley as shown on the city of Wilder standard drawing SD 104 in the "City Of Wilder Street Standards And Development Procedures Manual".

C. Whenever grass, weeds, rubbish, underbrush, bushes, stumps or stones, where the same have become obnoxious, and all obstructions are not removed as provided in subsection A of this section, and trees not trimmed as provided in subsection B of this section, are hereby declared to be a public nuisance and may be abated by the city and the same removed as other nuisances are abated and removed.

7-4-7: CLEANING SIDEWALKS:
Every owner or occupant or person having charge of any building or vacant lot and every person having the charge of any building or vacant lot in the City abutting upon any paved street shall daily (Sundays and holidays excepted) or more often if required, sweep up and keep clean the sidewalk in front of such premises and shall remove the dirt and sweepings there from in a manner so as not to litter either street or sidewalk and every such person neglecting or refusing to sweep and keep clean such portion of the sidewalk as is in front of his premises and to comply with the provisions of this Section shall be subject to the penalty, as outlined in this chapter.

7-4-8: REMOVING SNOW FROM SIDEWALKS:
Every owner of any building or vacant lot, and every person having the charge of any church, jail or public building in this City shall during the time snow shall be on the ground by 9:00 a.m. every morning, when necessary, clear the sidewalk and gutters in front of his property from snow, and keep conveniently free therefrom during the day, so as to allow citizens to use the sidewalks in an easy, safe and commodious manner, and every person neglecting or refusing to comply with the provisions of this Section shall be subject to the penalty, as outlined in this chapter.

7-4-9: DRAINING SIDEWALKS:
Any person having charge of or the care of any lot bordering on or adjacent to any sidewalk shall keep such sidewalk drained so as not to permit or allow water to stand thereon, and no person shall leave or allow any water hose to remain on such sidewalk during the nighttime. It shall be unlawful for any person to violate the provisions of this section.

7-4-10: PENALTY:
Any person violating any provision of this chapter shall be deemed to have committed an infraction which is subject to a penalty as provided in section 1-4-2 of this Code.

(Ord. 623, Amended, 9-10-2019; Ord. 566, Enacted, 11-9-2009)

Title 7, Chapter 5
STREET AND ALLEY CUTS

7-5-1: PERMIT REQUIRED:
7-5-2: TERMS AND CONDITIONS:
7-5-3: UNLAWFUL CUTS:

7-5-1: PERMIT REQUIRED:

It shall be unlawful for any person to cut or make cuts in any street, alley, sidewalk, shoulder, curb and/or right of way within any right of way of the city for the purpose of making sewer connections, water connections or for any other purpose without first obtaining a street cutting permit from the public works director. (Ord. 466, 3-12-2002)

7-5-2: TERMS AND CONDITIONS:

In order to obtain a permit under this chapter, an applicant must comply with the following:

A. Complete an initial application form; and

B. Pay an initial application fee of fifty dollars ($50.00); and

C. Provide a statement of purpose for the cut and proof of the easement and/or other legal right associated with the purpose for which the cut is proposed to be made; and

D. Identify the exact location(s) of the proposed cut and including an accurate description of the operations to be conducted in association with the cut and the location and depth of any structures that shall remain after the cut is made and completed, if any; and

E. Agree to restore and pay all cost of street or alley and/or right of way restoration and guarantee to the city the restoration of the cut for a period of one year following the date of the completion of the operations and that the same shall be completed in accordance with the street/alley, sidewalk, shoulder, curb and right of way construction and improvement standards or regulations prepared by the public works director and adopted by the city council pursuant to this section, which provisions shall govern the construction and repair of all streets, sidewalks, shoulders, and curbs within any street and/or alley right of way of the city; and

F. Provide a financial guarantee of performance by cash deposit, certified check, negotiable bond or irrevocable bank letter of credit with a bank eligible to be a public depository under the "public depository law" of the state of Idaho in an amount notless than five hundred dollars ($500.00) or such other sum as is determined by the public works director to be reasonable security for the performance by the applicant for the

restoration of the cut subject to this application, which financial guarantee shall be held by the city treasurer until the public works director notifies the city treasurer of the compliance by the applicant with the requirements of this chapter and the permit; and

G. The applicant agrees that the financial guarantee of performance may be applied to the cost of repair and/or restoration of any cut made by the applicant pursuant to the permit not in compliance with this chapter and/or the terms of the permit subject to written notice of noncompliance from the public works director providing fourteen (14) days to the applicant to cure the noncompliance. (Ord. 466, 3-12-2002)

7-5-3: UNLAWFUL CUTS:

It is a misdemeanor for any person to cut or make cuts in any street or in any paved alley for any purpose without first obtaining a street cutting permit from the public works director, pursuant to the terms of this chapter, and it shall be unlawful for any person who has once obtained a street cutting permit pursuant to this chapter to fail to restore any said street, alley, sidewalk, shoulder, curb and/or right of way within any right of way of the city or paved alley in accordance with the provisions of section 7-5-2 of this chapter. Upon conviction, said misdemeanor shall be punishable by a fine not to exceed three hundred dollars ($300.00) for any one offense. (Ord. 466, 3-12-2002)

Title 7, Chapter 6
PUBLIC WORKS CONSTRUCTION STANDARDS

7-6-1: FINDINGS:
7-6-2: ADOPTION OF IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION:
7-6-3: RETAINED COPY:

7-6-1: FINDINGS:
The city council finds:

A. It has authority to establish standards for public works construction; and

B. It has established a public works department as provided in title 1, chapter 12 of this code which administers the city's publicly owned treatment works, domestic water system, municipal irrigation system, drainage system, highway system, parks and city owned buildings and grounds; and

C. There is a need to establish standards for public works contracting and construction whether the public works is to be constructed by the city or constructed by a private person(s) for dedication to the city; and

D. The latest edition of the "Idaho Standards For Public Works Construction" as established and published by the Idaho standards for public works construction committee provides appropriate standards for public works contracting and construction which are recognized throughout the state of Idaho as authoritative and appropriate standards for adoption by cities and the adoption of which is in the best interests of the health and welfare of the city and its residents and property owners. (Ord. 467, 3-12-2002)

7-6-2: ADOPTION OF IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION:
The latest edition of the "Idaho Standards For Public Works Construction" as established and published by the Idaho standards for public works construction committee is hereby adopted and shall apply as relevant to all contracts and construction of public works so long as there is not another construction standard provided in this code which shall apply. (Ord. 467, 3-12-2002)

7-6-3: RETAINED COPY:
A copy of the latest edition of the "Idaho Standards For Public Works Construction" as adopted by this chapter shall be kept by the city clerk and by the public works director. (Ord. 467, 3-12-2002)

Title 7, Chapter 7
LANDSCAPING AND COMMUNITY FOREST

7-7-1: TITLE:
7-7-2: PURPOSE:
7-7-3: DEFINITIONS:
7-7-4: LANDSCAPE STANDARDS AND PROCEDURES:
7-7-5: APPLICABILITY:
7-7-6: LANDSCAPE PLAN:
7-7-7: LANDSCAPE STANDARDS:
7-7-8: LANDSCAPE MAINTENANCE:
7-7-9: PARKING LOT LANDSCAPING:
7-7-10: LANDSCAPE BUFFERS TO ADJOINING USES:
7-7-11: TREE PRESERVATION:
7-7-12: ENFORCEMENT AND PENALTIES:
7-7-13: VARIANCES AND ALTERNATIVE COMPLIANCE:
7-7-14: COMMUNITY FOREST; UNLAWFUL ACTS:
7-7-15: COMMUNITY FOREST; REMOVAL AND REPLACEMENT OF PUBLIC TREES:
7-7-16: COMMUNITY FOREST; CERTIFIED ARBORIST REQUIRED:
7-7-17: COMMUNITY FOREST; ENFORCEMENT AND PENALTIES:

7-7-1: TITLE:

This chapter shall be known and cited as the WILDER LANDSCAPING AND COMMUNITY FOREST ACT. (Ord. 538, 8-12-2008)

7-7-2: PURPOSE:

The purpose of this act is to promote appropriate landscaping and landscaping care and maintenance in the city of Wilder. Appropriate landscaping improves community livability, enhances property appearance and property values, acts as a buffer for better compatibility of adjacent uses, and promotes environmental health. This chapter is also designed to help promote, preserve, and protect the diversity and health of the Wilder community forest, all trees and shrubs within the city of Wilder. (Ord. 538, 8-12-2008)

7-7-3: DEFINITIONS:

Words and terms used in this chapter, unless the context otherwise requires, are defined as follows:

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI): A private nonprofit organization that administers and coordinates the U.S. voluntary standardization and conformity assessment system. The city relies upon the organization's standards for evaluating various landscaping applications and landscape and tree maintenance.

ARBORICULTURE: The cultivation of trees, including planting, pruning, removal or any other action that affects the growth and maintenance of trees.

BERM: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BUFFER: A combination of physical space and vertical elements, including, but not limited to, trees, shrubs, berms, fences, and/or walls that separate and screen incompatible land uses from one another.

CALIPER: A measurement of the trunk of a tree. The caliper of the trunk shall be measured six inches (6") above the ground for all trees up to and including four inch (4") caliper size and twelve inches (12") above the ground for larger sizes.

CERTIFIED ARBORIST: A person qualified as a certified arborist through certification by the International Society of Arboriculture (ISA) or accreditation by the Tree Care Industry Association (TCIA).

CLASS I TREES: In general, class I trees are smaller ornamental trees. Specifically, class I trees are fifteen feet (15') to thirty feet (30') in height and spread at maturity as determined by the "Manual Of Woody Landscape Plants" (Dirr, 1998), a copy of which is maintained at Wilder city hall.

CLASS II TREES: In general, class II trees are medium/large trees appropriate for street tree planting. Specifically, class II trees are trees that are thirty feet (30') to sixty feet (60') in height and spread at maturity as determined by the "Manual Of Woody Landscape Plants" (Dirr, 1998), a copy of which is maintained at Wilder city hall.

CLASS III TREES: In general, class III trees are very large. Specifically, class III trees are greater than sixty feet (60') in height at maturity as determined by the "Manual Of Woody Landscape Plants" (Dirr, 1998), a copy of which is maintained at Wilder city hall.

COMMON LOT: A lot separate from individual building lots. All street buffers, buffers between incompatible land uses, and open space must be on a common lot, owned and maintained by all residents or business owners within a subdivision.

COMMON OPEN SPACE: Land area exclusive of street rights of way and street buffers, except for right of way specifically dedicated for landscaping within a subdivision. Street buffers wider than the required minimum dimension may count fifty percent (50%) of the additional area as open space. Open space may include trees, natural environmental features, playgrounds, water features, swimming pools, community centers, and recreational facilities. Common open space must be on a common lot.

COMMUNITY FOREST: The sum of all trees found within the city's boundaries including both publicly and privately owned trees and shrubs.

CRITICAL ROOT ZONE: The area under a tree extending from the base of a tree in all directions to an imaginary line ten feet (10') outside of the drip line or as determined by a preliminary site inspection by an authorized city official.

DISEASED TREE: A tree or part thereof that has become blighted, defaced, or has become significantly diseased.

DRIP LINE: The line that extends from the outside edges of the tree canopy to the ground.

ENTRYWAY CORRIDORS: Arterial roadways that introduce both visitors and residents to the city of Wilder as defined by the city of Wilder comprehensive plan.

FRONTAGE: The front of the lot, measured along the street from side property line to side property line. On corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

GIRDLING: Damaging or removing the bark and cambium layer around a tree trunk in a manner that usually kills the tree.

GROSS LAND AREA: The total area of the land being developed, exclusive of required street buffers and buffers between incompatible land uses. The calculation for required open space in residential subdivisions and multi-family residential development is based on the gross land area of the land being developed.

HARDSHIP: An unusual situation on the part of an individual property owner which will not permit that owner to enjoy the full utilization of their property as is enjoyed by others in the community. A hardship can exist only when it is not self-created.

HERBICIDE: A chemical preparation or other agent for destroying or inhibiting growth of weeds or other harmful vegetation.

HIGHER INTENSITY USE: When the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended results in a greater degree of measurable noise, odor, light, vibration or other potential public nuisance than an adjacent property, it shall be deemed a higher intensity use.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration or absorption by water. It includes surfaces such as compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks and parking lots.

INJURIOUS PEST OR DISEASE: Organisms capable of seriously damaging the form or structural integrity of the tree.

LANDSCAPING: A combination of planted trees, shrubs, vines, ground covers, flowers, or lawns. The combination or design may include plant materials as well as rock and such structural features as fountains, pools, artwork, screens, walls, fences or benches, but such objects alone without natural plant materials shall not meet the requirements of this act.

MAINTENANCE: Care, repair, and effort to upkeep landscaping areas in a clean, orderly, and healthy condition. This includes, but is not limited to, mowing of lawns, weeding, removal of litter, elimination and/or replacement of dead or diseased plants, and the regular watering of all plants.

MITIGATION: An action that will moderate or alleviate the actual or potential loss of benefits provided to a site and its immediate vicinity by existing trees and landscaping.

MULCH: A protective covering placed around plants to prevent the evaporation of moisture, the freezing of roots, and the growth of weeds.

PARKWAY: Landscaped area located between the edge of a street section or curb and a sidewalk dedicated to separate pedestrian and vehicular traffic. The intent is to increase pedestrian use and safety and to improve the visual aesthetics and environmental quality of roadways.

PRUNING: The removal of plant parts, dead or alive, in a careful and systematic manner so as not to damage other parts of the plant or the tree as a whole.

SHRUB: A multiple stemmed, woody plant whose height at maturity is between three feet (3') and fifteen feet (15').

SIGHT VISION TRIANGLE: The triangular area formed by intersecting streets and roads which is to be protected from vision obstructions.

STREET TREE: Any tree located within a public right of way.

STREET TREE LIST: The list of acceptable trees located within the public right of way.

TOPPING: Severely cutting back limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Good pruning practices rarely remove more than one-fourth (1/4) to one-third (1/3) of a tree's crown. Other common terms for topping include stubbing, heading, heading back, stubbing off, tipping, lopping, or roundover. All forms of topping are prohibited.

TREE: A woody perennial plant usually having one main stem or trunk and many branches; it usually exceeds fifteen feet (15') in height at maturity.

UNIMPROVED NATURAL FEATURES: Existing wetlands, rock outcroppings, groves of trees, and other naturally occurring features may be left undeveloped in their natural state and may be counted as open space with approval of the zoning administrator.

UTILITY EASEMENT: An easement established for the placement of sewer, water, and other utility conveyances such as gas, cable, and telephone. A utility easement counts toward the percentage landscape requirement, provided no trees are planted there without permission from the utility purveyor. (Ord. 538, 8-12-2008)

7-7-4: LANDSCAPE STANDARDS AND PROCEDURES:
Landscape standards and procedures, as required by this chapter, shall be set forth and adopted by resolution in the landscape standards and procedures section of the city of Wilder street standards and development procedures manual. (Ord. 538, 8-12-2008)

7-7-5: APPLICABILITY:
The landscaping provisions of this act shall apply in the following situations:

A. Subdivisions, whether residential, commercial, or industrial;

B. Special use permits;

C. Planned unit developments;

D. Manufactured home parks;

E. Rezones;

F. Fifty percent (50%) rule: The landscaping provisions shall apply when rebuilding, remodeling, or modification occurs in an existing residential, commercial, or industrial zone, subdivision, or development and the rebuilding, remodeling, or modification exceeds fifty percent (50%) of the building area structure or building value. The fifty percent (50%) excess shall be determined by the city building inspector assigning a valuation to the building plans based on nationally recognized building valuation data and comparing that to the structure's assessed valuation as calculated by the Canyon County assessor's office. (Ord. 538, 8-12-2008)

7-7-6: LANDSCAPE PLAN:
A. Applicability: A landscape plan is required for all development, redevelopment, additions, or changes in use. A landscape plan is also required for all common lots in all subdivisions. The landscape plan is required as a part of all development applications, including, but not limited to, special use permits, preliminary and final plats, and planned unit developments. This section does not apply to a single-family dwelling that is not a part of a larger development.

B. Plan Preparation: Landscaping plans shall be prepared by a landscape architect, landscape designer, or qualified nursery person (or someone knowledgable in the field of landscape design).

C. Plan Requirements: All landscape plans shall comply with requirements for size, scale, number of copies, and contents as set forth in the application form.

D. Site Plan Use: The landscape plan may be on the same site plan used to show parking layout, setback compliance, etc.

E. Preliminary Plan Review Recommended: A preliminary landscape plan review is recommended prior to submission for all developments, but is not required.

F. Plan Review: A landscape plan will be reviewed in accord with the landscape standards and procedures, as set forth in the city of Wilder street standards and development procedures manual.

G. Landscape Plan Modification: No material changes to the landscape plan or on site are allowed without prior written approval of the planning authority. (Ord. 538, 8-12-2008)

7-7-7: LANDSCAPE STANDARDS:
Landscape standards for installation and maintenance shall be as set forth in the landscape standards and procedures section of the city of Wilder street standards and development procedures manual. The landscape standards shall at a minimum include standards for the following:

A. Approved and prohibited plant material;

B. Minimum plant sizes;

C. Plant species diversity;

D. Plant quality;

E. Planting standards;

F. Staking;

G. Mulch;

H. Curbing;

I. Utilities;

J. Erosion control;

K. Berms;

L. Water efficiency and irrigation. (Ord. 538, 8-12-2008)

7-7-8: LANDSCAPE MAINTENANCE:

A. Purpose: The regulations of this section are intended to ensure that all required landscaping is maintained in a healthy and growing condition.

B. Applicability: Landscape maintenance requirements apply to all districts and zones where landscaping is required.

C. Standards:

1. Responsibility: The property owner is responsible for maintenance of all landscaping and screening required by this chapter.
2. Maintenance: Maintenance shall include watering, weeding, pruning, mowing, litter removal, pest control, and removal/repair of vandalism as needed to prevent nuisance and maintain a neat and orderly appearance.
3. Topping Prohibited: Topping any public tree is prohibited. "Topping" is defined in this chapter as severely cutting back tree limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
4. Tree Grates: Tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.
5. Dead And Diseased Plant Materials: Plant materials that exhibit evidence of insect pest, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be removed and replaced.
6. Nuisance Trees: Diseased trees may pose a threat to the Wilder community forest and as such may constitute a public nuisance that may be abated by the city pursuant to title 6 of this code. (Ord. 538, 8-12-2008)

7-7-9: PARKING LOT LANDSCAPING:

A. Purpose: The purpose of perimeter and internal parking lot landscaping is to serve as natural buffers amidst large expanses of parking lot asphalt.

B. Applicability: Parking lot landscaping requirements shall apply to all commercial, industrial, and multi-family development. Parking lot landscaping requirement shall also apply to parking lot replacement that is greater than fifty percent (50%) of the parking area.

C. Alternative Compliance: The building official may authorize alternative compliance when compliance with the requirements of this section is prevented by existing buildings or structures, or if this section would create conflict with parking standards.

D. Standards: Standards for perimeter and internal parking lot landscaping shall be set forth in the landscape standards and procedures section of the city of Wilder street standards and development procedures manual. (Ord. 538, 8-12-2008)

7-7-10: LANDSCAPE BUFFERS TO ADJOINING USES:
A. Purpose: Buffer landscaping requirements are intended to help protect and provide appropriate land separation so as to mitigate adverse impacts between adjoining, incompatible land uses.

B. Applicability: A landscape buffer is required on parcels with nonresidential buildings or uses adjoining a residential land use. A landscape buffer is required on parcels with industrial buildings or uses adjoining a residential or a commercial land use. Compliance with the terms of this section shall be in addition to and complementary with the yard size requirements of section 9-7-2 of this code.

C. Standards: Standards for landscape buffers shall be set forth in the landscape standards and procedures section of the city of Wilder street standards and development procedures manual. (Ord. 538, 8-12-2008)

7-7-11: TREE PRESERVATION:
A. Purpose: The regulations of this section are intended to promote, preserve, and protect the trees, shrubs, and plants within the city, also known as the Wilder community forest. This includes regulations intended to preserve existing trees four inch (4") caliper or greater from destruction during development.

B. Applicability: Tree preservation requirements apply in all districts and zones.

C. Tree Preservation Standards: Preservation of existing trees will be an important component of landscape plans. Standards on tree preservation and mitigation shall be set forth in the landscape standards and procedures section of the city of Wilder street standards and development procedures manual. (Ord. 538, 8-12-2008)

7-7-12: ENFORCEMENT AND PENALTIES:
A. Inspections: All landscaping and maintenance required by this chapter may be subject to periodic inspections by city officials to determine compliance and/or to investigate complaints made against the property.

B. Enforcement: Where any property owner to which this chapter applies fails to maintain the required trees, landscaping, or screening devices, the city may issue a written notice requiring compliance with the terms and standards of this chapter.

C. Compliance Deadlines: A property owner must comply with the provisions of the written notice within thirty (30) days of the issuance of the notice. The zoning authority may grant an extension of the time for compliance due to seasonal or adverse weather conditions which make replanting or replacement impractical. Such extension, if granted, shall not exceed six (6) months.

D. Penalties: Failure of the property owner to comply with the written notice within the specific time frame shall be punishable as a misdemeanor. Every day the owner fails to comply shall be a separate and distinct offense.

E. Nuisance Option: If a property is not maintained as required in the terms of this chapter, the city of Wilder has the right and option to declare the property a nuisance and proceed with nuisance abatement, including contracting for maintenance of the property landscape, as provided under this code. (Ord. 538, 8-12-2008)

7-7-13: VARIANCES AND ALTERNATIVE COMPLIANCE:

A. Purpose: The purpose of this section is to allow for creative solutions that cannot meet the specific requirements of this chapter but meet the purposes and intent of this chapter. The city may allow for methods of alternative compliance in the event of possible landscape situations that are not anticipated by the specific regulations but can be shown to meet the purpose and intent of this chapter.

B. Conditions: Requests for alternative compliance are allowed when one or more of the following conditions are met:

1. Site conditions, such as topography, soil, or vegetation, are such that full compliance is impossible or impractical.
2. The site involves site limitations or an unusually shaped lot.
3. Due to change of use on an existing site, the required landscape buffer is larger than can be provided.
4. Alternative compliance would provide additional environmental quality improvements.
5. Alternative compliance would better provide for safety considerations.
6. Design standards of other regulatory agencies or departments having jurisdiction are in conflict with the requirements of this chapter.

C. Procedure for Requests: The following items are required to apply for alternative compliance. If a project is being submitted as a planned development, a separate application for alternative compliance is not required.

1. A written request for alternative compliance shall be submitted to the planning and zoning commission. The request shall state:
    a. The landscape requirements proposed to be modified;
    b. The project conditions that justify the proposed alternative;
    c. How the proposed alternative meets or exceeds the intent of the landscape requirements.
    d. The request shall include a conceptual site plan and other information as necessary to illustrate the proposed method of alternative compliance.
    e. An application fee as set by the Wilder city council.

D. Precedent: Alternative compliance shall be limited to the specific project under consideration and shall not establish precedent for acceptance in other cases.

E. Variance: A variance may be requested under conditions of unnecessary hardship under the procedures as set forth in title 9, chapter 11 of this code. (Ord. 538, 8-12-2008)

7-7-14: COMMUNITY FOREST; UNLAWFUL ACTS:
Public trees constitute assets that belong to every community resident. Pursuant to this chapter, it is hereby deemed unlawful and shall constitute a violation of this chapter, punishable by a misdemeanor criminal penalty and/or appropriate civil remedy, to do any of the following to a public tree:

A. Topping a public tree by improper pruning, severe cutting back of limbs within a tree's crown, or removal of the top portion of the trunk of a tree.

B. Cutting down, destroying, or materially damaging any public tree without written authorization from the city.

C. Attaching devices or structures (i.e., tree houses or signs) to, on, or within public trees.

D. Damaging a public tree, including, but not limited to, vandalizing, defacing, injuring, burning, and/or chopping a public tree. It is also unlawful to damage a public tree by harming the tree's critical root zone, including, but not limited to, dumping substances toxic to a tree in or near its critical root zone, compacting or excavating the soil within the critical root zone, and otherwise disturbing the critical root zone in a manner that would cause damage to the tree.

E. Remove or break devices such as bracing, cabling, guying, implant capsules, irrigation, stakes, or protective devices for public trees. (Ord. 538, 8-12-2008)

7-7-15: COMMUNITY FOREST; REMOVAL AND REPLACEMENT OF PUBLIC TREES:
A. Public trees shall not be damaged, cut down, or removed without prior written authorization from the city of Wilder, except in the event of an emergency.

B. The following criteria will be considered for removal of a public tree:

1. Whether the tree is sufficiently diseased or is an alternate host of an injurious disease.
2. Whether the tree is harboring injurious insects or pathogens and may cause significant potential danger to the Wilder community forest.
3. Whether the tree is dead or nearly dead and/or constitutes a public safety hazard.
4. Whether the tree interferes with utilities to such an extent as to create an irresolvable public safety hazard.
5. Any other criteria deemed to be in the public interest, such as, but not limited to, where a tree threatens to cause destruction of public sidewalks.

C. Replacement of a public tree shall be required when removal of a public tree occurs without authorization from the city, unless replacement would be contrary to the public interest. The obligation of replacement shall be in addition to other sanctions required by this chapter. Replacement may be required at a location different from the place of removal. (Ord. 538, 8-12-2008)

7-7-16: COMMUNITY FOREST; CERTIFIED ARBORIST REQUIRED:

A. Pruning of trees on public property undertaken by utilities and/or professional tree care operators (including any person or business performing tree care or pruning for a fee and/or compensation) shall be done under the supervision of a "certified arborist" as defined by this chapter. Compliance with the standards of this chapter also requires that the certified arborist visit the site of the work, prescribe the pruning to be done, and actively monitor the pruning operation.

B. This requirement does not prohibit an adjoining home or business owner from carrying out minor pruning on public trees immediately adjoining his/her property as long as such minor pruning does not alter the essential shape of the tree and does not violate any of the provisions and standards of this chapter. (Ord. 538, 8-12-2008)

7-7-17: COMMUNITY FOREST; ENFORCEMENT AND PENALTIES:

A. Misdemeanor: A violation of the community forest provisions of this chapter shall constitute a misdemeanor. Such violations may be punished by a fine or imprisonment or both, in accordance with the applicable limits for misdemeanors. Each violation, including the unauthorized removal of a public tree, may be considered a separate violation.

B. Restitution: Should any person be found guilty in a court of competent jurisdiction or otherwise plead guilty to an alleged violation hereof, the court may order restitution if the Wilder community forest is diminished or harmed as a consequence of such violation. Restitution recommendations shall follow with the replacement or appraisal value formulas established by the "Guide For Plant Appraisal", written by the Council of Tree and Landscape Appraisers, published by the International Society of Arboriculture. The city shall recommend such restitution amount to the prosecutor.

C. Civil Action: The city may undertake civil legal action to seek to enjoin conduct which violates the provisions of this chapter, or to recover the reasonable costs of actions deemed necessary to abate nuisances or bring about compliance with the requirements of this chapter. Such action may also seek restitution for damages and costs incurred to remedy the consequences of violations. (Ord. 538, 8-12-2008)

Chapter 8
PUBLIC RIGHT OF WAY CLASSIFICATION AND USE

7-8-1: FINDINGS:
7-8-2: PUBLIC RIGHT OF WAY CLASSIFICATION:
7-8-3: RECLASSIFICATION OF PUBLIC RIGHT OF WAY:
7-8-4: PUBLIC RIGHT OF WAY USE:
7-8-5: INTERFERENCE/ENCROACHMENT DECLARED PUBLIC NUISANCE:

7-8-1: FINDINGS:

The city council of the city of Wilder finds:

A. The city of Wilder is a "public highway agency" as defined by Idaho Code section 40-117(4) as this city has a functioning roads and streets department and has jurisdiction over public highway systems and public rights of way within its boundaries; and

B. The city of Wilder has established a system of highways within the city's boundaries, which highway system the city maintains and improves within the limits of the funds available in accordance with the city's statutory duty, as provided in Idaho Code sections 40-201 and 40-1311; and

C. The city of Wilder is within the boundaries of the Golden Gate highway district 3, which is a highway district now organized and existing by virtue of chapter 13 of title 40, Idaho Code, and, by virtue of the provisions of Idaho Code section 40-1323(1), the city of Wilder constitutes a separate division of said highway district, and the city council has the powers provided in chapter 13 of title 40, Idaho Code, and chapter 3 of title 50, Idaho Code.

D. The Idaho law since 1911 and as now codified at Idaho Code section 40-1313 (formerly codified as Idaho Code section 40-1616) provides that:

   The legal title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in the highway district, and shall be held by the district in trust for, and is dedicated and set apart to the uses and purposes set forth in this chapter.

E. The legal title to all property acquired by this city under the provisions of chapter 13 of title 40, Idaho Code, immediately and by operation of law vests in the city and is held by the city in trust for and is dedicated and set apart for highway and public right of way uses and purposes.

F. The city council has the exclusive general supervisory authority over all public highways, public streets, and public rights of way within the boundaries of the city and under its jurisdiction with full power to establish design standards, establish use standards, pass resolutions, and establish regulations in accordance with the provisions of title 49, Idaho Code, and control access to said public highways, public streets, and public rights of way as provided in Idaho Code sections 40-1310(8), 50-313 and 50-314.

G. The city council has the power to establish and post speed and other regulatory signs, as provided in Idaho Code section 40-1310(1).

H. The grant of powers provided in chapter 13 of title 40, Idaho Code, by the Idaho legislature to this city and to its officers and agents shall be liberally construed as a broad and general grant of powers, to the end that the control and administration of this city may be efficient, as provided in Idaho Code section 40-1310.

I. This city may hold title to an interest in real property for public right of way purposes without incurring an obligation to construct or maintain a highway within the right of way until the city determines that the necessities of public travel justify opening a highway within the right of way and the lack of an opening does not constitute an abandonment, and mere use by the public does not constitute an opening of the public right of way, as provided in Idaho Code section 40-202(2)(b).

J. Until abandonment is authorized by the city council, public use of a highway or public right of way of the city may not be restricted or impeded by encroachment or installation of any obstruction restricting public use, or by the installation of signs or notices that might tend to restrict or prohibit public use, as provided in Idaho Code section 40-203(5), and a violation of this prohibition is a misdemeanor under Idaho law.

K. There are "public rights of way" within this city's boundaries which are rights of way open to the public and under the jurisdiction of this city, where this city has no obligation to construct or maintain, but may expend funds for the maintenance of, said public right of way or post traffic signs for vehicular traffic on said public right of way, as provided in Idaho Code section 40-117(5).

L. There are "public rights of way" within this city's boundaries which are rights of way intended for development as a highway and were accepted on behalf of the public by the city in various ways such as deed of purchase in fee simple title, public right of way easement, by eminent domain, by plat or by prescriptive use all of which this city now holds title

for public right of way purposes without having incurred an obligation to construct or maintain a highway within the right of way until the city council determines that the necessities of public travel justifies opening a highway within said right of way, and the lack of an opening does not constitute abandonment, and mere use by the public does not constitute an opening of the public right of way, as provided in Idaho Code section 40-202(2)(b).

M. The Idaho law from the original Idaho revised statutes of 1887, section 860 up to the adoption by the Idaho legislature of senate bill 104 in 1953, which amended what was then codified as Idaho Code section 40-301, provided that:

By taking or accepting land for a highway, the public acquires only the right of way and the incidents necessary to enjoying and maintaining it. All trees within the highway, except only such as are requisite to make or repair the road or bridges on the same land, are for the use of the owner or occupant of the land.

Since 1953, the Idaho law was amended to provide that:

By taking or accepting land for a highway, the public acquires the fee simple title to the property. The person or persons having jurisdiction of the highway may take or accept lesser estate as they may deem requisite for their purposes.

In 1985, the Idaho legislature recodified this section to Idaho Code section 40-2302(1).

N. Commencing in 1985, the Idaho law provides at Idaho Code section 40-2302(2)(3) as follows:

(2) In all cases where consent to use the right-of-way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing conveying the right-of-way and incidents to it, signed and acknowledged by the party making it, or a certified copy of the decree of the court condemning it, must be made, filed and recorded in the office of the recorder of the county in which the land conveyed or condemned shall be particularly described. (3) No highway dedicated by the owner to the public shall be deemed a public highway, or be under the use or control of a county or highway district unless the dedication shall be accepted and confirmed by the commissioners of the county or highway district.

O. Due to the growth and development within the city, and given the number of "public rights of way" which are not in the city's highway system, it is

determined necessary and desirable to establish by ordinance the classification, regulation and administration of "public rights of way" within the city and not under the jurisdiction of the Idaho transportation department in order to provide for the city's stewardship of said "public rights of way" in a manner which will provide for the public travel and use of "public rights of way" where needed and will protect the city's property rights to the "public rights of way" which are held in trust for future public travel use and to protect against obstructions and nuisance conditions from existing within "public right of way" which are not open to public travel and to provide a policy which defines what are reasonable uses of "public right of way" not open to public travel, either by subservient estate owners or adjacent property owners and which does not unreasonably interfere with the future public travel use of the "public right of way" and to provide standards, and an administrative process related thereto. (Ord. 563, 8-11-2009)

7-8-2: PUBLIC RIGHT OF WAY CLASSIFICATION:

The city council does hereby adopt the following public right of way classifications:

A. Public Highway Right Of Way: Public right of way is classified as "public highway right of way" when it contains a highway which is accepted as part of the city's highway system for perpetual maintenance, and "public highway right of way" includes the highway and all area within the public right of way which lies under or adjacent to the highway.

B. Open Public Right Of Way: Public right of way is classified as "open public right of way" established by order of the city council and is public right of way which lies within this city and is under its jurisdiction and not a part of its highway system and which is open to the public for vehicular travel where this city has no obligation to construct or maintain, but may expend funds for the maintenance or post traffic signs for vehicular traffic.

1. "Open public right of way" shall be signed by the city as follows: "[insert designated right of way name] PUBLIC RIGHT-OF-WAY - NOT MAINTAINED" shall be erected in accordance with street name signage policy for highways in the city's highway system with black four inch (4") lettering on white background.
2. Open public right of way shall be designated on the official map of the city as "open public right of way". The criteria for open public right of way classification are:
   a. The public right of way must have existed as of the effective date hereof as a public right of way and in such a state that it will accommodate vehicular travel upon it and is presently being used for vehicular travel; or

b. The public right of way was classified as a closed public right of way and is reclassified by the city council as an open public right of way, as herein this policy provides for.

C. Closed Public Right Of Way: Closed public right of way includes all public rights of way which lie within this city and are under its jurisdiction which are not otherwise part of the city's highway system or classified as an open public right of way or public right of way subject to construction.

D. Public Right Of Way Subject To Construction: Public right of way subject to construction is public right of way within which a highway is being constructed which project has been approved by the city council.

1. Public right of way subject to construction is not open for public vehicular and pedestrian uses except local traffic uses by neighboring properties as needed; and is under the control of the contractor of the highway improvements. (Ord. 563, 8-11-2009)

7-8-3: RECLASSIFICATION OF PUBLIC RIGHT OF WAY:

The process and criteria for reclassification of public right of way are as follows:

A. Application (on a form approved by the city council) for reclassification of a public right of way may be filed by an adjacent property owner or property owners and/or a resident within the city whose property is affected by the public right of way classification status and/or seeks to construct highway improvements within the public right of way. An application may be filed with the city clerk together with the filing fee together with the costs of a survey of the public right of way. (Ord. 563-A, 1-11-2010)

B. The city public works director may initiate a process for the reclassification of a public right of way.

C. The applicant and/or public works director, as the case may be, must set forth facts to support a need for the reclassification of the right of way and/or for construction of highway improvements within the right of way.

D. The city engineer reviews the application and determines the circumstances of the application and whether or not the applicant is required to survey the subject right of way and/or present a right of way improvement plan as a condition of processing the application.

E. In the event the applicant is required by the city engineer to prepare and present a public right of way improvement plan and/or a survey, the same shall be at the applicant's expense. The public right of way improvement plan must address the needed improvements to existing conditions which

will provide for safe public use and vehicular travel affected by the reclassification and must be approved by the city engineer.

F. Upon the applicant satisfying the above requirements the city engineer and/or public works director may then recommend reclassification to the city council who shall then set a hearing date.

G. Prior to the hearing, the city clerk shall provide fourteen (14) days' prior written notice to show cause why the reclassification should not be ordered to the adjacent property owners and possessors and to the law enforcement agency, school district and its bus transport carrier, U.S. postal service, Canyon County ambulance district and to the fire district.

H. Any reclassification order under this section may include reasonable conditions related to the improvement plan and maintenance of the public right of way to assure upon its opening that it is then suitable for public vehicular travel uses.

I. Reclassification of any public right of way as public right of way subject to construction may be made by order of the public works director. (Ord. 563, 8-11-2009)

7-8-4: PUBLIC RIGHT OF WAY USE:

The city council does hereby adopt the following standards for public right of way use:

A. Public Highway Right Of Way Uses: Use of public highway right of way shall be in accordance with the currently adopted "Highway Standards And Development Procedures For The City Of Wilder", adopted amendments thereto, and/or permits/licenses entered into by the city council, and the following:

1. Public highway right of way within the roadway (i.e., the travelway and shoulders) is open for public vehicular and pedestrian uses which may not be restricted or impeded by encroachment or installation of any obstruction or by the installation of signs or notices that might tend to restrict or prohibit public use.
2. Public highway right of way outside the roadway (i.e., the travelway and shoulders) is not open for public vehicular uses, but pedestrian and vehicular uses may not be restricted or impeded by encroachment or installation of any obstruction or by the installation of signs or notices that might tend to restrict or prohibit public use.
3. The use restrictions set forth in subsections A1 and A2 of this section do not apply to regulatory, advisory, informational, and/or other highway signage of the city.

B. Open Public Right Of Way Uses: Open public right of way is open for public vehicular and pedestrian uses which may not be restricted or impeded by encroachment or installation of any obstruction restricting the public use, or by the installation of signs or notices that might tend to restrict or prohibit public use and otherwise the uses provided for under subsection A of this section.

C. Closed Public Right Of Way: Closed public right of way may be occupied by subservient real property owners (in the case city's public right of way is not held in fee simple title) in a manner that is not an unreasonable interference of the public right of way, as herein this policy set forth; and closed public right of way may be occupied by adjacent real property owners (in the case city's public right of way is held in fee simple title) in a manner that is not unreasonable interference of the public right of way, as herein this policy set forth.

1. Closed Public Right Of Way Uses: Closed public right of way is not open for public vehicular and pedestrian uses and is held in reserve for future use and development as a highway upon demonstrated need for public vehicular and pedestrian uses and in accordance with city policy for the acceptance of highways for perpetual maintenance.

2. Allowed Uses Without A Special Permit: The following uses are allowed in closed public right of way without a special permit issued pursuant to the "Highway Standards And Development Procedures Of The City Of Wilder":

   a. Landscaping Uses: Landscaping rock, drain rock or Perma-Bark®, eight inches (8") or smaller in size; bark, wood chips, or other organic materials for ground cover; landscape irrigation piping not exceeding two inch (2") diameter and sprinkler/spray heads for the purpose of irrigation of lawn or landscaping within the closed public right of way; landscaping berms or buffers constructed of soil or dirt that do not exceed a height of thirty six inches (36") above the natural grade of the surrounding ground.

   b. Fencing Uses: Fencing of a semipermanent nature constructed of wood, chainlink fabric, or wire with concrete post backfill not exceeding two (2) cubic feet per post are allowed. Fencing or walls constructed with concrete foundation are not permitted. Cattle guards incorporated at access points through the fencing are allowed. (Ord. 563, 8-11-2009)

7-8-5: INTERFERENCE/ENCROACHMENT DECLARED PUBLIC NUISANCE: The construction, maintenance, use, or occupancy of any of the following by any person within any of the public rights of way of the city as classified in section 7-8-2 of this chapter is interference and/or an encroachment, and the same is herein declared to be a public nuisance, and the city may remove the public nuisance or cause it to be removed without notice:

A. Construction Of Permanent Foundation Or Footings: Construction of a permanent foundation or footings for any structure;

B. Wells: Any well;

C. Walls Or Landscaping Walls: Walls or landscaping walls including, but not limited to, precast concrete block products, rock, cast in place concrete, or wood timbers or landscape ties;

D. Concrete: Concrete (not including removable blocks or small footings for fences);

E. Hazardous Substances: The use and/or generation and/or process and/or storage and/or disposal of, and/or release of, and/or discharge of, any hazardous substance;

F. Other Uses: Any use other than residential lawn and/or farming and/or ranching and/or recreational and/or feedlot;

G. Structures: Any residential lawn and/or farming and/or ranching and/or recreational and/or feedlot use, which includes a structure with an intended life of more than ten (10) years, which cannot be easily removed considering the use of standard highway construction equipment and/or its removal will then materially affect the suitability of the public right of way for public vehicular and right of way use.

H. Use Of Occupancy By Nonowner: Any use or occupancy of public right of way by any person who is not the owner or possessor of adjacent real property or subservient real property is an interference and an encroachment and a trespass.

I. Special Permit: Any other use or occupancy of a public right of way not herein this policy provided for by any person is an interference and/or an encroachment and the same is herein declared to be a public nuisance unless permitted by special permit.

J. Penalty: Any person violating this section shall be deemed guilty of a misdemeanor. (Ord. 563, 8-11-2009)

Title 7, Chapter 9
HIGHWAY SPECIAL USE ORDINANCE

7-9-1: DEFINITIONS:
7-9-2: UNLAWFUL TO MOVE A LARGE OBJECT ON STREETS WITHOUT A PERMIT:
7-9-3: OBJECT MOVING PERMIT ISSUANCE:
7-9-4: UNLAWFUL TO HOLD SPECIAL EVENT ON STREETS WITHOUT A PERMIT:
7-9-5: SPECIAL EVENT PERMIT ISSUANCE:
7-9-6: PUBLIC NUISANCE:
7-9-7: PERMIT FEES:
7-9-8: PENALTY:

7-9-1: DEFINITIONS: Words and phrases, as used in this Chapter, are herein defined as follows:

ALLEY	A public Minor Street providing secondary access at the back or side of a property otherwise abutting a street.
CITY	The City of Wilder, a municipal corporation organized and existing under and by virtue of the laws of the state of Idaho.
CITY STREET SYSTEM	All public Alleys, Highways, Streets, Minor Street, Highways together with the adjacent sidewalks and the public right-of-way upon which the Highways and/or sidewalks lie within the corporate limits of the City, except the State Highway System.
HIGHWAYS	Roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public.
LARGE OBJECT	A manufactured home, other building or any object which exceeds eight and one half (8 1/2) feet in width and/or fourteen (14) feet in height as loaded and as measured from the surface of the road and/or exceeds allowable weight limits as allowed pursuant to Idaho Code § 49-1001 or any vehicle and trailer individually or in combination which exceed the length as allowed pursuant to Idaho Code § 49-1010.
LARGE OBJECT MOVING PERMIT	A permit issued under this chapter to move a large object upon a Street.
MINOR STREET	A Street which has the primary purpose of providing access to abutting properties.
MOBILE VENDING CART	A movable push cart that is operated by a vendor standing on the sidewalk.
MOBILE VENDING TRAILER	A mobile trailer operated by a vendor standing on or within the frame of the trailer on the public rights-of-way between the curb lines.

MOBILE VENDING VEHICLE	A motorized vehicle operated by a vendor standing on or within the frame of the vehicle on the public rights-of-way between the curb lines.
SIDEWALK	That portion of the public right of way which is between the curb lines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians in public places of the City of Wilder.
SIDEWALK VENDING	The peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value from a mobile vending cart by a vendor to persons on the public right of way including sidewalks.
SPECIAL EVENT	The conduct of any event whether celebratory, informational, religious, political, commercial [inclusive of Street Vending] or other event involving the use and occupancy any portion of a Street.
SPECIAL EVENT PERMIT	A permit issued under this chapter to hold a Special Event upon a Street.
STATE HIGHWAY SYSTEM	U.S. Highway 95 and State Highway 19 together with the adjacent sidewalks and the public right-of-way upon which said highways and sidewalks lie within the corporate limits of the City within the City.
STREET	A public street within the boundaries of the City and is part of the City Street System and/or the State Highway System. This definition is inclusive of Highways.
STREET VENDING	The peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value inclusive of Sidewalk Vending, Street Vending, Mobile Vending Cart, Mobile Vending Vehicle, Mobile, Vending Trailer situated on or in occupancy of any portion of a Street.
VENDOR	Is defined as any person, including an employee or agent of a group of individuals, partnership, or corporation, who sells or offers to take orders or sell food, beverages, goods, or merchandise by Street Vending , or any other type of conveyance or from his or her person. The word vendor shall include the words "hauler", "huckster" and "peddler".

7-9-2: UNLAWFUL TO MOVE A LARGE OBJECT ON STREETS WITHOUT A PERMIT: It shall be unlawful for any person to move any Large Object upon a Street without an Object Moving Permit or in violation of the Permit's terms and conditions.

7-9-3: OBJECT MOVING PERMIT ISSUANCE: A Large Object Moving Permit may be issued by the City Clerk in accordance with the following:

A. The Applicant and permit holder shall be the Large Object mover; and

B. The Applicant shall make application to the City Clerk for a Large Object Moving Permit upon a form adopted by the City Council, which shall include information regarding the Applicant and Applicant's contact information, Large Object to be moved, date and time and the Street route and payment of the Large Object Moving Permit Fee; and

C. In the event there is reasonable risk that there may be damage to the City Street System or State Highway System and/or signage, the Public Works Director may require as a condition of the issuance of the permit that the Applicant post a Bond/Letter of Credit/Cash as surety for the performance of the moving of the Large Object without damage to the City Street System or State Highway System and/or signage; and

D. The time and date of the Large Object move is subject to determination by the Public Works Director considering City staff availability and traffic safety and congestion; and

E. The Highways, Street, Minor Street or Alley route of the Large Object move should be the shortest practical distance depending upon the conditions of the Street; and

F. Any change in the route and/or time of the Large Object move, as permitted and stated in the Application, will invalidate the Permit, unless 24 hours written notice of any such change is provided to the Public Works Director and the Public Works Director approves any such change in writing, which must be appended to the Large Object Moving Permit; and

G. Applicant will notify the Public Works Director by phone when the Object move is commenced and will coordinate the Large Object move with the City Police Department, and will maintain the Large Object Moving Permit in the vehicle moving the Large Object at all times during the move.

7-9-4: UNLAWFUL TO HOLD SPECIAL EVENT ON STREETS WITHOUT A PERMIT: It shall be unlawful for any person/s to conduct or hold a Special Event upon or otherwise retain occupancy of any portion of Street without a Special Event Permit or to conduct a Special Event in violation of the Permit's terms and conditions.

7-9-5: SPECIAL EVENT PERMIT ISSUANCE: A Special Event Permit may be issued by the City Clerk in accordance with the following:

A. The Applicant and permit holder shall be and is the responsible person, Vendor and/or entity for the requested Special Event and/or use; and

B. The Applicant shall make application for a permit upon a form adopted by the City Council which shall include information regarding the Applicant and Applicant's contact information, date and time, highway location/s, purpose of event and/or use, security being provided for the protection of persons and property, applicant's liability insurance coverage and arrangements, if any, which have been made with City of Wilder Police Department and the Wilder Rural Fire Protection District; and

C. In the event there is reasonable concern that there may be damage to the highway, road, street or alley and/or signage, the Public Works Director may require as a condition of the issuance of the Special Event Permit that the Applicant post a Bond/Letter of Credit/ Cash as surety for the performance of the special event or other use without damage to the City Street System or State Highway System and/or signage; and

D. Applicant shall, as a condition of the issuance of the permit, have and carry liability insurance naming the City as an additional insured for liability arising out of and/or by reason of the special event and/or other permitted use in an amount not less than the liability insurance coverage then carried by the City, and shall provide to the City Public

Works Director a certificate of insurance; and

E. The time, date and location of the special event and/or other use is subject to determination by Public Works Director considering City staff availability, traffic safety and congestion, damage to neighboring property and/or persons and traffic control; and

F. The City Council may designate and/or limit the Street/s upon which it will allow Special Events, and/or other permitted use and/or times, with primary consideration to vehicular traffic use and safety and risk of damage to City and neighboring property, and the compatibility of the Special Event or use to the use and quiet enjoyment of neighboring property; and

G. Any change in the Special Event and/or other use as permitted and stated in the Application will invalidate the Special Event Permit, unless 24 hours written notice of any such change is provided to the City Public Works Director and the Public Works Director approves any such change in writing, which must be appended to the Special Event Permit; and

H. Applicant must notify the Public Works Director by phone when the Special Event and/or other use is commenced and must coordinate, if required, the Special Event and/or other use with the Wilder City Police Department and must maintain the Special Event Permit on the site at all times during the conduct of the Special Event and/or other permitted use.

I. All special traffic signage reasonably required by the Special Event and/or other permitted use shall be under the direction and control of the City, and all expense associated therewith shall be paid by the Applicant as a condition of the issuance of the Special Event Permit in addition to the permit fee.

1. In the event the Applicant is a government subdivision of the State of Idaho, agency of the State of Idaho and/or the Federal Government, the City may not impose any Special Event Permit fee.

J. A complete list of all vendors with a general description of item being sold or distributed must be provided to the City three (3) days prior to the event.

K. The City may impose any other reasonable conditions upon the issuance of a Special Event Permit in order to assure traffic safety, protection of persons and property and orderly use of the Special Event Permit.

7-9-6: PUBLIC NUISANCE: Every occupancy and/or use of a Street by any person for which a permit is required by this Chapter without a permit or not in conformance with the permit issued is declared to be a public nuisance, and the City may abate, remove the public nuisance or cause it to be removed without notice and assess the costs of abatement or removal against the person who is in violation of this Chapter.

7-9-7: PERMIT FEES: All permit fees provided for under this Chapter shall be set by the City Council by resolution.

7-9-8: PENALTY: Any person violating this Chapter shall be deemed guilty of a misdemeanor and punishable as a misdemeanor as provided by law.

Any person, including his/her agent, employee or officer who applies for a permit under this Chapter and who has previously been found in violation of any of the provisions of this Chapter may as is relevant constitute cause, in and of itself, to deny the issuance of a permit upon any subsequent application for a permit under this Chapter.

(Ord. 584, Enacted, 02/14/2012)

Chapter 1
TRAFFIC CODE AND REGULATIONS

8-1-1: IDAHO MOTOR VEHICLE LAWS ADOPTED:
8-1-2: U-TURNS RESTRICTED:
8-1-3: USE OF AIR COMPRESSION BRAKES PROHIBITED:

8-1-1: IDAHO MOTOR VEHICLE LAWS ADOPTED:

It is hereby declared to be the intent of the governing body of the city, to aid and assist by whatever means possible the utmost consistency in traffic regulations among and between agencies of Idaho having such jurisdiction. Toward that end, adoption of the Idaho motor vehicle laws by the cities of Idaho is a necessary means of assuring maximum uniformity within the state.

There is hereby adopted for the purpose of establishing rules and regulations for the use of all streets and public thoroughfares of the city that certain code, identified as the 1969 revised edition of the Idaho motor vehicle laws, more particularly Idaho Code title 49, published by the department of law enforcement, and as the same may be hereafter revised by the Idaho legislature, or amended by the governing body, and the same is hereby adopted and incorporated as an ordinance of the city as fully as though set forth at length herein. Three (3) copies of the Idaho motor vehicle laws, together with any revisions or amendments, duly certified by the city clerk, shall be kept on file in the office of the clerk for use and examination by the public. (Ord. 200, 12-8-1970)

8-1-2: U-TURNS RESTRICTED:

No person in the operation of his motor vehicle shall make a U-turn, or a turn reversing direction of travel, on any street in the city at any place where a "No U-Turn" sign is erected. Any person convicted of having violated this chapter shall be guilty of an infraction as defined by the Idaho Code and shall be subject to a fine not to exceed one hundred dollars ($100.00). (Ord. 366, 5-12-1992)

8-1-3: USE OF AIR COMPRESSION BRAKES PROHIBITED:

The use of air compression brakes (also known as "jake brakes") by any operator of a vehicle, defined in section 49-123(2), Idaho Code, or truck, defined in section 49-121(10), Idaho Code, within the city limits of the city of Wilder is prohibited and is declared unlawful, except in circumstances of emergency where the use of air compression brakes is reasonably necessary to prevent an accident involving injury to persons or property.

A. Infraction: A violation of this section is herein declared to be an infraction and punishable as provided by the laws of the state of Idaho. (Ord. 555, 5-12-2009)

Chapter 2
PARKING REGULATIONS

8-2-1: DEFINITIONS:
8-2-2: PARKING TO OBSTRUCT SIDEWALKS:
8-2-3: PARALLEL PARKING REQUIRED FOR CERTAIN VEHICLES:
8-2-4: PARKING PROHIBITED IN INTERSECTIONS:
8-2-5: PARKING IN RESIDENTIAL AREAS:
8-2-6: PUBLIC NUISANCE:
8-2-7: INFRACTION:

8-2-1: DEFINITIONS:

Words and phrases, as used in this chapter, are defined as follows:

ALLEY: A public minor street providing secondary access at the back or side of a property otherwise abutting a street.

BUS: Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "bus" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

CITY: The city of Wilder, a municipal corporation organized and existing under and by virtue of the laws of the state of Idaho.

CITY STREET SYSTEM: All public alleys, highways, streets, public highways and improved highways, together with the adjacent sidewalks and the public right of way upon which the highways and/or improved highways and/or sidewalks lie, within the corporate limits of the city, except the state highway system.

FARM VEHICLE: Any vehicle, or combination of vehicles, which are operated over public highways and used to transport unprocessed agricultural, dairy or livestock products to market or place of storage; and shall include the transportation of any equipment, supplies or products for use, and used in the farming or ranching or feedlot operation or used in transporting agricultural products or livestock from one farming or ranching or feedlot operation to an other.

HIGHWAYS: Roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public.

MINOR STREET: A street which has the primary purpose of providing access to abutting properties.

MOTOR VEHICLE: Every vehicle, including farm vehicle, truck, bus, multipurpose passenger vehicle (MPV) and recreational vehicle, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power, electric personal assistive mobility devices and motorized wheelchairs.

MULTIPURPOSE PASSENGER VEHICLE (MPV): A motor vehicle designed to carry ten (10) or fewer persons which is constructed either on a truck chassis or with special features for occasional off road operation.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

RECREATIONAL VEHICLE: A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. It does not include pickup hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as "recreational vehicles".

STATE HIGHWAY SYSTEM: U.S. Highway 95 and State Highway 19 together with the adjacent sidewalks and the public right of way upon which said highways and sidewalks lie within the corporate limits of the city.

STREET: A public street which provides access to adjacent properties, the dedication of which has been officially accepted by the city and part of the city system and/or the state highway system and also includes the term highway.

TRAILER: Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

Fifth Wheel Trailer: A vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth wheel hitch, which is typically installed in the bed of a pickup truck.

Fold Down Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls, which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

Park Trailer: A trailer designed to be towed by a motorized vehicle, and of such size and weight as not to require a special highway movement permit. It is designed for seasonal or temporary living quarters and may be connected to utilities necessary for

operation of installed fixtures and appliances. It is built on asingle permanent chassis and constructed to permit set up by persons without special skills.

Pole Trailer: Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Semitrailer: Every vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

Travel Trailer: A vehicular unit, mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.

Utility Trailer: See definition of Utility Trailer, Idaho Code section 49-122.

TRUCK: Every motor vehicle exceeding eight thousand (8,000) pounds' gross weight designed, used or maintained primarily for the transportation of property.

TRUCK TRACTOR: Every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

UTILITY TRAILER: A trailer or semitrailer designed primarily to be drawn behind a passenger car or pickup truck for domestic and utility purposes. Utility or domestic use shall include a farm trailer while being used to haul agricultural products or livestock from farm to storage, market or processing plant, or returning therefrom.

8-2-2: PARKING TO OBSTRUCT SIDEWALKS:
No motor vehicle, trailer or utility trailer shall be so parked upon the city street system and/or the state highway system as to obstruct the free use of sidewalks within the city.

8-2-3: PARALLEL PARKING REQUIRED FOR CERTAIN VEHICLES:
It shall be unlawful for any person to park any motor vehicle, trailer or utility trailer upon a street, minor street or alley of the city street system or state highway system which has a gross vehicle weight capacity of over twelve thousand (12,000) pounds, except in a parallel position at the edge of the alley, minor street or alley.

8-2-4: PARKING PROHIBITED IN INTERSECTIONS:
It shall be unlawful for any person to park any motor vehicle, trailer or utility trailer within twenty feet (20') of an intersection of a street, minor street and/or alley of the city street system or state highway system.

8-2-5: PARKING IN RESIDENTIAL AREAS:

A. Certain Vehicles: No person shall park:

1. Any motor vehicle having a gross weight capacity in excess of twelve thousand (12,000) pounds, whether attended or unattended, upon any area of the city street system which lies within a residential (R1) district and/or within a residential (R2) district.
2. Any motor vehicle which has a licensed gross vehicle weight in excess of thirty thousand (30,000) pounds upon the city street system or state highway system except in areas of the city street system or state highway system which lie within a commercial and industrial (CI) district.
3. A trailer which exceeds twenty five feet (25') in length and/or which has a motorized refrigeration unit used in connection with a truck which is operating or trailer to be parked upon any area of the city street system which lies within a residential (R1) district and/or within a residential (R2) district.

B. Time Limit: No person shall park any motor vehicle upon the city street system or the state highway system within a residential (R1) district and/or within a residential (R2) district for a continuous period in excess of seventy two (72) hours, and any motor vehicle remaining upon the city street system or the state highway system within the same block and/or within five hundred feet (500') and within a residential (R1) district and/or within a residential (R2) district of where it was originally parked, will be considered to be a violation of this section.

C. Exceptions; Motor Vehicles: The provisions of this section shall not apply when a motor vehicle is legally parked in front of the premises of the owner of the motor vehicle and the motor vehicle is currently licensed, insured, operable, and the tires inflated.

D. Exceptions: The provision of this section shall not apply when a motor vehicle or trailer or utility trailer is parked:

1. For the purpose of loading or unloading passengers, materials,or merchandise during the period that such passengers, materials or merchandise are actually being loaded or unloaded considering reasonable progress of loading and/or unloading is in progress.
2. For any purpose incidental to any lawful construction project located within the immediate vicinity of such parked vehicle;
3. For any purpose incidental to a lawful commercial or industrial land use located within a residential (R1) district and/or within a residential (R2) district so long as the motor vehicle, trailer or utility trailer is parked upon the city street system or state highway system at a location which abuts the real property upon which the lawful commercial or industrial land use is located.

4. In the conduct of any permitted city street system or state highway system use permitted under title 7, chapter 7 of this code.

8-2-6: PUBLIC NUISANCE:
Every motor vehicle, truck, trailer or utility trailer which is parked in a manner that is in violation of this chapter is declared to be a public nuisance and the city may remove the public nuisance or cause it to be removed without notice.

8-2-7: INFRACTION:
A violation of this chapter is herein declared to be an infraction and punishable as provided by the laws of the state of Idaho. (Ord. 507, 3-14-2006)

Chapter 3
NONCONTAINED LOADS

8-3-1: TRANSPORTATION OF NONCONTAINED LOADS:
8-3-2: EXCEPTIONS:
8-3-3: PENALTIES:

8-3-1: TRANSPORTATION OF NONCONTAINED LOADS:

A. Prohibitions: No person shall:
   1. Drive or move any vehicle with any load on any public highway within the city limits of the city of Wilder unless such load is adequately covered, constructed or loaded so as to prevent any of its load from blowing, dropping, sifting, leaking or otherwise escaping from the vehicle; or
   2. Operate any vehicle with any load on any public highway within the city limits of the city of Wilder unless the load and such covering(s) is(are) securely fastened to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the public highway.

B. Cleanup: Any person who is operating a vehicle from which contents fall upon any public highway within the city limits of the city of Wilder which would then constitute an obstruction or otherwise may endanger other users of the highway shall immediately notify the city of Wilder police department and shall be liable for all expenses of clearing, cleaning and/or removing the contents.

8-3-2: EXCEPTIONS:

A. Nothing in this section may be construed to prohibit a government employee or contractor from dropping sand on a highway to enhance traction or sprinkling water or other substances to clean or maintain a highway; and

B. This chapter shall not apply to agricultural vehicles while being used for agricultural purposes.

C. This chapter shall not apply to vehicles on a public highway within the city limits of the city of Wilder that are closed to travel by the general public. However, prior to the opening or reopening of the public highway all materials that would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway must be cleaned from the public highway.

D. Any vehicle that has a vehicle bed which is designed to haul and is hauling gravel, aggregate, road mix, asphalt pavement material, or sand and is being driven on any highway within the city limits of the city of Wilder and the load is on a level plane and not higher than six inches (6") below all sides of the load bed shall be presumed to have the load securely contained.

8-3-3: PENALTIES:

A person who violates the provisions of this chapter shall be guilty of an infraction and subject to a fine of fifty dollars ($50.00). For each subsequent violation of this chapter, the fine shall be increased by twenty five dollars ($25.00) but shall not exceed one hundred dollars ($100.00). (Ord. 550, 1-13-2009, eff. 1-13-2009)

Chapter 1
TITLE, INTERPRETATION AND ENACTMENT

9-1-1: TITLE:
9-1-2: AUTHORITY:
9-1-3: PROVISIONS OF TITLE DECLARED TO BE MINIMUM REQUIREMENTS:
9-1-4: COMBINING OF PERMITS:

9-1-1: TITLE:
This title shall be known as the ZONING TITLE OF THE CITY OF WILDER.

9-1-2: AUTHORITY:
This zoning title is adopted pursuant to authority granted by Idaho Code title 67, chapter 65 and the Idaho constitution article 12, section 2, as amended or subsequently codified.

9-1-3: PROVISIONS OF TITLE DECLARED TO BE MINIMUM REQUIREMENTS:
In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this title conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern

9-1-4: COMBINING OF PERMITS:
The city is hereby required to coordinate with other departments and agencies concerning all permits which may be required in the title and previously or subsequently adopted. (Ord. 341, 12-1-1988, eff. 12-1-1988)

Title 9, Chapter 2
DEFINITIONS

9-2-1: INTERPRETATION OF TERMS OR WORDS
9-2-2: MEANING OF TERMS OR WORDS

9-2-1: INTERPRETATION OF TERMS OR WORDS:

For the purposes of this title, certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual;

B. The present tense includes the future tense, the singular number includes the plural number and the plural number includes the singular;

C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement;

D. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied"; and

E. The word "lot" includes the words "plot", "parcel" and "tract".

9-2-2: MEANING OF TERMS OR WORDS:

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOTIVE WRECKING: The dismantling or wrecking of two (2) or more used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BOARD: The board of county commissioners.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat

roofs, to the deck line of mansard roofs and the top of building walls for gable, hip and gambrel roofs.

BUILDING OFFICIAL: An official having knowledge in the principles and practices of zoning who is appointed by the council to administer this title.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

COMMISSION: The zoning, planning and zoning, joint zoning or joint planning and zoning commission appointed by the council.

COMMON ACCESS ROUTE: Private drive allowing principal means of access to individual tiny homes.

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the council including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools and other community facilities.

COUNCIL: The city council.

DAYCARE: Care and supervision provided for compensation during part of a twenty-four hour day, for a child or children less than thirteen years of age and not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. There are three types of daycare facilities, defined as follows:

Daycare center: A facility providing daycare to thirteen or more children.

Family daycare: A facility providing daycare for six or fewer children.

Group daycare: A facility providing daycare for seven to twelve children.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

Gross Density: The number of dwelling units per acre of total land to be developed, including public rights of way.

Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights of way.

DUPLEX DWELLING: Any building or portion thereof which contains two (2) dwelling units.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the International Building Code currently adopted, for not more than one family (persons related by blood or marriage to the first degree of kinship) or a congregate residence for ten (10) or less persons unless further restricted by the uniform housing code currently adopted by city ordinance.

EASEMENT: Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

GARAGE, SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, plus motor vehicle repairs made.

> Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

HEALTH AUTHORITY: The local district health department or state department of health and welfare that has jurisdictional authority.

HOME OCCUPATION: An occupation conducted entirely within a dwelling unit. (See the required performance standards1.)

JUNK BUILDINGS, JUNK SHOPS, JUNKYARDS: Any land, property, structure, building or combination of the same, on which junk is stored or processed.

KENNEL: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold, or which offers provisions for minor medical treatment.

LOFT: A floor level located more than 30 inches above the main floor and open to the main floor on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.

LOT: For the purposes of this title, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street, and may consist of:

A. A single lot of record;

B. A portion of a lot of record; and

C. A combination of complete lots of record or of portions of lots of record.

LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under the definition of "yard" in this section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this title with reference to corner lots, interior lots and through lots is as follows:

Corner Lot: A lot located at the intersection of two (2) or more streets;

Interior Lot: A lot with frontage on only one street;

Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot; and

Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

MOBILE HOME: A residential structure which has been constructed off site and does not meet the criteria defining manufactured housing.

MOBILE HOME COURT: Any site or tract of land whereupon two (2) or more mobile homes or travel trailers are placed, located and maintained for dwelling purposes on a temporary basis.

MOBILE HOME PARK: Any site or tract of land under single ownership, upon which two (2) or more mobile homes habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this title, and which does not conform to the regulations of the district in which it is situated, or an approved nonconforming use.

NURSERY, HOME FOR THE AGED: A home or facility for the care and treatment of more than five (5) pensioners or elderly people.

NURSERY, PLANT MATERIALS: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the city deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

PERFORMANCE BOND OR SURETY BOND: A financial guarantee by a subdivider or developer with the city in the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors and similar activities.

POLITICAL SUBDIVISION: Any county, city, municipal corporation, health district, school district, irrigation district, special improvement or taxing district or any other political subdivision or public corporation organized and existing by virtue of the laws of the state of Idaho.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, urban planners, architects, engineers and similar professions.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

QUASI-PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

RESEARCH ACTIVITIES: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

RIGHT OF WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features (required by the topography or treatment) such as grade separations, landscaped areas, viaducts and bridges.

SETBACK LINE: A line established by this title, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located aboveground except as may be provided in this title.

SOLAR PANELS OR COLLECTORS: A group of connected solar cells.

SPECIAL USE: A special use permitted within a district, other than a principally permitted use, requiring a permit and approval of the city. Special uses permitted in each district are listed in the "Official Schedule of District Regulations" in section 9-6-2 of this title.

STREET: A right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street.

Arterial: A street designated for the purpose of carrying fast and/or heavy traffic.

Collector: A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

Minor: A street which has the primary purpose of providing access to abutting properties.

Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feeds and grains and similar goods.

TINY HOME (HOUSE): A non-mobile residential dwelling that is 400 square feet or less in floor area excluding lofts.

TINY HOME PERMIT: A particular type of special use permit permitting the placement, alteration, or extension of a tiny home under the applicable regulations of the City of Wilder.

USE: The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE: A variance is a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, and height of buildings or other provisions of this title affecting the size or shape of a structure or the size of the lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing which sets forth by dimensions or other means the relationship of the proposed development to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four feet (4') or more in width, for pedestrian use only, whether or not along the side of a road.

WIND ENERGY CONVERSION SYSTEM (WECS): A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The wind energy conversion system includes all parts of the system, except the tower and the transmission equipment, and shall be considered as a structure.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

> Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
>
> Yard, Interior Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

ZONING PERMIT: A document issued by the building official authorizing the uses of land and structures, and the characteristics of the uses.

(Ord. 614, Amended, 12/19/2017; Ord. 593, Amended, 12/11/2012; Ord. 582, Amended, 10/11/2011; Ord. 576, Amended, 3/8/2011; Ord. 414, Amended, 8/6/1996; Ord. 374, Amended, 4/13/1992; Ord. 341, Enacted, 12/1/1988)

Chapter 3
BUILDING OFFICIAL

9-3-1: BUILDING OFFICIAL:

9-3-1: BUILDING OFFICIAL:
The council shall appoint a building official to administer this title. The building official may be provided with the assistance of such other persons as the council may direct. The city council shall outline the responsibilities of the building official. (Ord. 341, 12-1-1988, eff. 12-1-1988)

Title 9, Chapter 4
DISTRICTS ESTABLISHED

9-4-1: INTENT:
9-4-2: ZONING DISTRICTS:

9-4-1: INTENT:

The following zoning districts are hereby established. For the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as stated.

9-4-2: ZONING DISTRICTS:

R1 Residential District: The purpose of the R1 district is to permit the establishment of residential dwellings which does include manufactured housing, but does not include mobile homes nor dwellings of more than two (2) dwellings within one structure, commonly known as a duplex. Centralized water and sewer facilities are required in the R1 district in accordance with the comprehensive plan.

R2 Residential District: The purpose of the R2 district is to permit the establishment of residential dwellings, including manufactured housing and mobile homes. Centralized water and sewer facilities are encouraged in the R2 district in accordance with the comprehensive plan.

C Commercial District: The purpose of the C district is to accommodate and encourage further expansion and renewal in the historical core business area of the community.

CI Commercial and Industrial District: The purpose of the CI district is to encourage the development of manufacturing, retail and wholesale business establishments.

P Public District: The purpose of the P district is to preserve and protect public land and public improvements.

9-4-3: OVERLAY DISTRICTS:

The following overlay districts for zoning are established. Such are intended to overlay all or portions of standard zoning districts so as to provide for special or alternative development requirements within a limited area of the City.

TH Tiny Homes Overlay: The City may establish a Tiny Homes Overlay on the Official Zoning Map. The purpose of the Tiny Homes Overlay is to identify areas determined to be particularly appropriate for tiny homes development. Further the purpose of the TH Overlay is to provide for the development of tiny homes as a permitted use (rather than by special permit) within such overlay zone.

(Ord. 614, Amended, 12/19/2017; Ord. 374, Amended, 4-13-1992, Ord. 341, Enacted, 12-1-1988;)

Chapter 5
OFFICIAL ZONING MAP

9-5-1: OFFICIAL ZONING MAP:
9-5-2: INTERPRETATION OF DISTRICT BOUNDARIES:

9-5-1: OFFICIAL ZONING MAP:

The districts established in charts 1 and 2 of ordinance 341 as shown on the official zoning map, as amended, together with all explanatory matter thereon, are hereby adopted as part of this title.

9-5-2: INTERPRETATION OF DISTRICT BOUNDARIES:

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following shall apply:

A. Where district boundaries are indicated as approximately following the centerline of street lines, highway right of way lines, streams, lakes or other bodies of water, the centerline shall be construed to be such boundary;

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map; and

D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line. (Ord. 341, 12-1-1988, eff. 12-1-1988)

Title 9, Chapter 6
ZONING DISTRICT USE REGULATIONS

9-6-1: COMPLIANCE WITH REGULATIONS:
9-6-2: OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED:

9-6-1: COMPLIANCE WITH REGULATIONS:

The regulations for each district set forth by this title shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

A. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall be erected or altered:
   1. To provide for greater height or bulk;
   2. To accommodate or house a greater number of families;
   3. To occupy a greater percentage of lot area; or
   4. To have narrower or smaller rear yards, front yards, side yards or other open spaces; than herein required, or in other manner be contrary to the provisions of this title.

C. No yard or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this title shall meet at least the minimum requirements set forth herein.

9-6-2: OFFICIAL SCHEDULE OF DISTRICT REGULATIONS ADOPTED:

District regulations shall be as set forth in the official schedule of district regulations hereinafter set forth and in the performance standards set out in chapter 7 of this title.

A. The official schedule of district regulations is divided into four (4) land use groups: residential, commercial, commercial/industrial and public.

B. To determine in which district a specific use is allowed:

   1. Find the use in one of the groups;

   2. Read across the chart until either "P" or "S" appears, on one of the columns; and

   3. If "P" appears, the use is a permitted use; if "S" appears, the use is only allowed upon the issuance of a special use permit.

C. The building official shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. When several combined land uses exist or are proposed, the most intensive land use shall be considered as the primary activity.

CHART 1
OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

Land Uses	Districts				
	R1	**P**	**R2**	**C**	**CI**
Agriculture:					
Agricultural and forest uses, general		P	P	P	P
Feedlot and stockyard					
Roadside stand					S
Vet clinic				S	S
Residential:					
Dormitory			P	S	S
Duplex dwelling (2 dwelling units)	P		P	P	P
Home occupation - special use	S		P	P	P
Manufactured homes	P		P	P	P
Mobile home (not in park)			P		
Mobile home park			S		
Multi-dwelling, more than 3 dwelling units or apartments			P	S	S
One dwelling unit	P		P	P	P
Rooming-boarding house			P	P	P
Solar Panel – Roof Mounted	P	P	P	P	P
Solar Panel – Freestanding	S	S	S	S	S
Tiny home	S	S	S		

	Wind Energy Conversion System – Small (1 tower only)	P	P	P	P	P
Commercial:						
	Amusement centers, indoor only				P	P
	Auto sales, service, storage, rental				P	P
	Bakery or bakery goods store				P	P
	Bank - savings and loan				P	P
	Barber, beauty shop			S	P	P
	Bowling alley				P	P
	Building supply outlet				P	P
	Cabinet shop				P	P
	Car wash				P	P
	Cemetery					
	Church	S		S	P	P
	Cleaning, laundry agency				P	P
	College	S	P	S	P	P
	Dance, music, voice studio	S		S	P	P
	Daycare - daycare center				S	S
	Daycare - family daycare	S		S	S	S
	Daycare - group daycare	S		S	S	S
	Drive-in restaurant - food stand				P	P
	Drive-in theater				S	S
	Drugstore				P	P
	Equipment rental and sales yard				P	P
	Food store, delicatessen				P	P
	Frozen food locker				P	P

	Furniture refinishing				P	P
	Furniture shop				P	P
	Gift shop				P	P
	Hospital		P		P	P
	Hotel				P	P
	Kennel				S	S
	Laboratory - medical, dental, optical				P	P
	Laundromat - self-service cleaner				P	P
	Laundry, commercial plant				P	P
	Mortuary				P	P
	Nursery for flowers and plants			S	P	P
	Nursing home for the aged		S	S	P	P
	Office and professional office		S	S	P	P
	Parking lot, garage or facility		S		P	P
	Photographic studio			S	P	P
	Printing and blueprinting			S	P	P
	Reducing salon - masseur				P	P
	Restaurant-bar				P	P
	Retail stores				P	P
	School, elementary - high school		P	S	P	P
	Service station				P	P
	Shop for building contractor				P	P
	Sign shop				P	P
	Solar Panel – Roof Mounted	P	P	P	P	P
	Solar Panel – Freestanding	S	S	S	S	S

	Tire shop, including recapping				P	P
	Trailer, mobile home, farm implement sales yard				P	P
	Wind Energy Conversion System – Small (1 tower only)	P	P	P	P	P
	Wind Energy Conversion System – Medium (1 tower only)		P		P	P
	Wind Energy Conversion System – Medium (multiple towers)		S		S	S
	Wind Energy Conversion System – Large (1 or more towers)		S		S	S
Industrial:						
	Asphalt plant					S
	Auctions				P	P
	Beverage bottling plant				S	P
	Billboard manufacture					P
	Cement or clay products manufacturing					S
	Chemical storage and manufacturing					S
	Concrete batch plant					S
	Dairy products processing					S
	Fire station				P	P
	Food processing plant (winery) brewery					S
	Grain storage					P
	Ice manufacture - cold storage plant					P
	Junkyard					S
	Library			S	P	P
	Lumberyard - retail				P	P
	Machine shop				S	P
	Meatpacking plant					S

	Monument works, stone					P
	Petroleum storage					S
	Public utility yard					S
	Railroad yard or shops					S
	Rendering plant					S
	Sanitary landfill					S
	Solar Panel – Roof Mounted	P	P	P	P	P
	Solar Panel – Freestanding	S	S	S	S	S
	Terminal yard, trucking					S
	Truck and tractor repair					S
	Warehousing - wholesaling				S	P
	Wind Energy Conversion System – Small (1 tower only)	P	P	P	P	P
	Wind Energy Conversion System – Medium (1 tower only)		P		P	P
	Wind Energy Conversion System – Medium (multiple towers)		S		S	S
	Wind Energy Conversion System – Large (1 or more towers)		S		S	S
	Wood processing plant					S
	Wrecking yard					S

Land uses not identified in these lists are subject to special use permit requirements.

CHART 2
OFFICIAL HEIGHT AND AREA REGULATIONS
MINIMUM YARD REQUIREMENTS

District	Maximum Height (Feet)	Front (Feet)	Rear (Feet)	Interior Side (Feet)	Street Side (Feet)	Minimum Lot Area Per DU (In Square Feet)
R1	40	20	15	5	20	7,000
R2	40	20	15	5	20	5,000
C		0	0	0	0	None
CI		0	0	0	0	None
P		0	0	0	0	None

(Ord. 614, Amended, 12/19/2017; Ord. 582, Amended, 10/11/2011; Ord. 576, 3/8/2011; Ord. 414, Amended, 8/6/1996; Ord. 374, Amended, 4/13/1992; Ord. 341, Enacted, 12/1/1988)

Title 9, Chapter 7
PERFORMANCE STANDARDS

9-7-1: GENERAL:
9-7-2: SUPPLEMENTAL YARD AND HEIGHT REGULATIONS:
9-7-3: SUPPLEMENTAL GENERAL PROVISIONS:
9-7-4: PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES:
9-7-5: PROVISIONS FOR UNIQUE LAND USES:

9-7-1: GENERAL:
The purpose of performance standards is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered.

9-7-2: SUPPLEMENTAL YARD AND HEIGHT REGULATIONS:
In addition to all yard regulations specified in the official schedule of district regulations in section 9-6-2 of this title and in other sections of this title, the following provisions shall be adhered to:

A. Visibility of Intersections: On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three feet (3') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the right of way lines of such corner lots and a line joining points along said street right of way lines twenty five feet (25') from the point of intersection;

B. Fence and Wall Restrictions In Front Yards: In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard between the height of three feet (3) and ten feet (10');

C. Yard Requirements for Multi-Family Dwellings: Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear, and two (2) side yards as specified for dwellings in the appropriate district;

D. Side And Rear Yard Requirements For Nonresidential Uses Abutting Residential Districts: Nonresidential buildings or uses shall not be located nor conducted closer than forty feet (40') to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the commission is provided. Such screening shall be a masonry or solid fence between four feet (4') and eight feet (8') in height maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than twenty feet (20')

in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting;

E. Architectural Projections: Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard; and

F. Exceptions To Height Regulations: The height limitations contained in the official schedule of district regulations in section 9-6-2 of this title do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport.

9-7-3: SUPPLEMENTAL GENERAL PROVISIONS:
In addition to all other regulations as specified in this title, the following provisions shall be adhered to:

A. Conversion of Dwellings to More Units: A residence may be converted to accommodate an increased number of dwelling units if:
   1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
   2. The lot area per dwelling equals the lot area requirements for new structures in that district;
   3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
   4. The conversion is in compliance with all other relevant codes and ordinances.

B. Temporary Buildings: Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the city council.

C. Required Trash Areas: All trash and/or garbage collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or fence of at least four feet (4') in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the building official shall be provided.

9-7-4: PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES:
No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions, which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

A. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the uniform fire code1 and the national safety foundation publications;

B. Radioactivity or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

9-7-5: PROVISIONS FOR UNIQUE LAND USES:
Certain unique land uses pose special situations that may have detrimental influences on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions of this title:

A. Accessory Building:
   1. Will not be located in any required front yard area;
   2. Will not be located closer than five feet (5') from any side or rear property line; and
   3. Will not be located on any recorded easement unless allowed in easement description.

B. Animal Clinic, Animal Hospital, Veterinary Office and Kennel:
   1. Will be located at least three hundred feet (300') from any residence including motels and hotels, except for an owner or operator residence. The building official may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property;
   2. Will comply with all state and local regulations relative to such an operation, and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor; and

3. Animal clinics, animal hospitals, veterinary offices and kennels in existence at the time of adoption of this title shall be exempt from the provisions of subsection B1 of this section.

C. Animal Commercial Feedlots, Meatpacking, Processing Plant and Slaughterhouse Facilities:
   1. Will be located, when housing animals, feedlot or holding pens, not less than six hundred feet (600') from any residence, except for an owner's residence. Such facilities shall have a minimum setback of thirty feet (30') from any property line;
   2. Will be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent and surrounding properties, and to the reduction of such nuisance factors as odor; and
   3. Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the health authority requirements as to the elimination of waste materials and the maintenance of water quality controls.

D. Bulk Storage of Flammable Liquids and Gases, Aboveground and For Resale:
   1. Will be located at least three hundred feet (300') from a residential zone, a residence, motel, hotel, except for an owner's or operator's residence;
   2. Will be erected subject to the approval of the fire chief; and
   3. Will have suitable loading and unloading spaces and off street parking facilities subject to the approval of the fire chief.

E. Chemicals, Pesticide And Fertilizer Storage And Manufacturing: Will have adequate fire protection, storage area, handling and disposal as approved by the fire chief or fire marshal.

F. Contractor's Yard:
   1. Will be located a minimum distance of three hundred feet (300') from any residence except for an owner's or operator's residence;
   2. Will have a screening fence around areas utilized for storage of equipment; and
   3. Will be limited to storage, maintenance and processing incidental to contracting work. There shall be no general industrial or commercial uses.

G. Drive-In Restaurant; Convenience Store:
   1. Will have a six foot (6') high sight obscuring fence along the property lines that adjoin a residence; and
   2. Will provide for adequate trash receptacles.

H. Filling, Grading, Lagooning, Dredging or Other Earthmoving Activity:

1. Will result in the smallest amount of bare ground exposed for the shortest time feasible;
2. Will use diversions, silting basins, terraces and other methods to trap sediment;
3. Will provide lagooning in such a manner as to avoid creation of fish trap conditions;
4. Will not restrict a floodway, channel or natural drainageway;
5. Will construct and stabilize sides and bottom of cuts, fills, channels and artificial watercourses to prevent erosion or soil failure;
6. Will not have below grade excavation except for drainageways within fifty feet (50') of any lot line or public right of way; and
7. Will restore topsoil or loam to a depth of not less than four inches (4").

I. Home Occupation:

1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty percent (50%) of floor area of the dwelling unit shall be used in the conduct of the home occupation;
2. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, non illuminated and mounted flat against the wall of the principal building;
3. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this title and shall not be located in a required front yard; and
4. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

J. Mobile Home Park:

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

2. Will not be hazardous or detrimental to existing or future neighboring uses;
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
4. Will be consistent with the intent and purpose of this title and the comprehensive plan;
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
6. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance; and
7. Will meet the minimum health standards as set forth by the Idaho state department of health and welfare.

K. Outdoor Storage of Commercial and Industrial Materials:
1. Will be screened from view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street; and
2. Will not be located in any front yard setback area.

9-7-6: PROVISIONS FOR TINY HOMES:
Tiny homes present a unique and special situation for residential dwelling that falls outside of the standard residential performance standards. Applications for tiny home permits will therefore be subject to the following standards.

A. Tiny Home Permit.
1. A tiny home permit is required for the construction, installation, and/or location of a tiny home in the City.
2. A tiny home permit application must be submitted on an application form as provided by the City. Such application will be considered using the same process as a special use permit.

B. Tiny Home Standards.
1. Exception to Lot Area Regulation: The minimum lot area per DU requirements of Chart 2 of the *Schedule of District Regulations* will not apply to tiny homes.
2. Foundation: A tiny home must be secured on an appropriate solid foundation. A tiny home originally built on a trailer is required to remove all wheels/axels in order to be properly secured to a foundation.
3. Access: A tiny home must be located on a common access route or internal street and have an assigned address. A subdivision-style development of tiny homes may propose a common access route.
4. Driveway: A tiny home must have a driveway with a minimum capacity for two standard vehicles.

5. Water and Wastewater: A tiny home must be connected to City water and wastewater services. No composting toilets are permitted.
6. Building Code: A tiny home must comply with applicable portions of the adopted tiny homes building code of the City of Wilder, including passage of inspection by the Building Official.

(Ord. 614, Amended, 12/19/2017; Ord. 575, Amended, 2/7/2010; Ord. 414, Amended, 8/6/1996; Ord. 341, Enacted, 12/1/1988)

Chapter 8
SPECIAL USE PERMITS

9-8-1: GENERAL
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9-8-12: TRANSCRIBABLE RECORD
9-8-13: ISSUANCE OF SPECIAL USE PERMIT

9-8-1: GENERAL:

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specified use must be considered individually.

The commission shall hold a public hearing on each special use permit application as specified in the official schedule of district regulations in section 9-6-2 of this title. The commission may grant, conditionally grant or deny the application under the conditions as hereinafter specified and considering such additional safeguards as will uphold the intent of this title, state law and comprehensive plan of the city. (Ord. 445, 11-9-1999)

9-8-2: CONTENTS OF APPLICATION FOR SPECIAL USE PERMIT:

An application for special use permit shall be filed with the city clerk by at least one owner or lessee of property for which such special use is proposed. At a minimum, the application shall contain the following information:

A. Name, address and phone number of applicant;

B. Legal description of property;

C. Description of existing use;

D. Zoning district;

E. Description of proposed use;

F. A concept plan of the proposed site for the special use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission or city may require to determine if the proposed special use meets the intent and requirements of this title; and

G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan. (Ord. 445, 11-9-1999)

9-8-3: GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES:
The commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

A. Will, in fact, constitute a special use as established on the official schedule of district regulations in section 9-6-2 of this title for the zoning district involved;

B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title;

C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

D. Will not be hazardous or disturbing to existing or future neighboring uses;

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or

the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

I. Will not result in the destruction, loss or damage of a natural, scenic or historic features of major importance; and

J. Will not adversely impact the ability of political subdivisions, including school districts, to provide services for the proposed use. (Ord. 341, 12-1-1988, eff. 12-1-1988; amd. Ord. 374, 4-13-1992)

9-8-4: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:

A. Violation: In considering any special use, the city may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this title.

B. Nontransferable: All special use permits shall not be transferable from one person to another without approval and review by the planning and zoning commission upon application of the holder of the permit and the person to whom it is proposed to be transferred. In the event there has been substantial compliance with the terms and conditions of the special use permit by the holder, the permit may be ordered transferred, without change of the terms and special conditions, by the planning and zoning commission upon assurance of the proposed transferee that they will abide by the terms and conditions of the special use permit. If the commission finds that there has not been substantial compliance with the terms and conditions of the special use permit, it may consider the addition of additional terms and conditions in accordance with the provisions of this chapter.

C. Time Limit For Issuance Of Permit: Any order granting a special use permit shall become null and void in the event the applicant has not had a special use permit issued by the city clerk as provided in this chapter within two (2) years of the date of the commission's order. For good cause and upon a showing of due diligence, the applicant can request, and the commission can grant, a one year extension one time so long as the application is filed before the running of the two (2) year period. (Ord. 445, 11-9-1999)

9-8-5: PROCEDURE FOR HEARING, NOTICE:

A. Prior to granting a special use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to each hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper of the city1. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice shall be posted on the premises not less than one week prior to the hearing. Notice shall also be provided to property owners or purchasers of record within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission.

B. When notice is required to two hundred (200) or more property owners or purchasers of record, notice may be provided by a summary of the proposal being published in the official newspaper of the city2 at least fifteen (15) days prior to the hearing and, in addition, a notice shall also be made available to radio and television stations serving the city and the Canyon County region as per public service announcements and notice shall be posted on the premises and posted in not less than seven (7) conspicuous places located throughout the city. The applicant is responsible for all notices and publishing costs.

C. All public hearings conducted by the commission or by the city council shall be conducted as follows:

1. All persons wishing to testify either for or against the application must sign a list which will be maintained by the city clerk and/or secretary, as the case may be, and available to all those who wish to speak immediately preceding the time and at the place that the hearing is to be conducted.
2. At the time the meeting is convened for the purpose of the conduct of the public hearing, the commission and/or council, as the case may be, shall designate a person to read the application.
3. There shall be reported to the commission and/or the council, as the case may be, all materials, studies, reports or other materials which are being considered by the commission and/or the city council.
4. All persons wishing to speak on behalf of the application shall present testimony in the order assigned to them by the commission and/or council and each speaker must, at the time of giving their testimony, specify who they are, what their address is, whether or not they are speaking in favor or against the application and state their interest in the granting or denial of the application and each speaker may present any and all other relevant information that would pertain to the application.

5. Following the giving of testimony by those persons in favor of the application, the commission and/or council, as the case may be, may receive testimony from those speaking in opposition to the granting of the application in the order assigned to them by the commission and/or city council, as the case may be. All testimony received must be in accordance with the provisions hereinabove specified for those speaking in behalf of the application.
6. Following the receipt of testimony in opposition to the application, the commission and/or the city council, as the case may be, shall receive testimony from those speaking in favor of the application limiting that testimony to points brought out by those speakers speaking in opposition to the application and not redundant of information previously brought forward by those speaking in behalf of the application. All speakers testifying shall follow those procedures appertaining hereinabove set forth for those speaking in behalf of the application.
7. Following receipt of rebuttal testimony by persons in behalf of the application, the commission and/or the council may receive testimony in the order they establish by persons speaking against the application as to specific points brought forth in the rebuttal testimony of those speaking in behalf of the application. Each person testifying shall testify in accordance with those procedures hereinabove set forth for speakers in behalf of the application.
8. The commission shall have the right to restrict all testimony to relevant evidence (anything having a tendency to make the existence of any fact that is of consequence in making the determination on the application more probable or less probable than it would be without the evidence).
9. In the event the commission and/or the city council, as the case may be, shall receive additional reports or studies, those appearing either in behalf of or in opposition to the application may have an equal opportunity to address those points brought forth in those studies and/or reports in the order and in the manner hereinabove specified.
10. Following the receipt of all testimony and all studies and/or reports, the commission and/or the city council, as the case may be, shall declare the public hearing closed and proceed to deliberate and decide on the application, at which time, no further reports and/or testimony may be received without a motion duly made, seconded and carried by a majority of the commission and/or the city council to receive additional reports, studies and/or testimony. (Ord. 341, 12-1-1988, eff. 12-1-1988; amd. Ord. 374, 4-13-1993)

9-8-6: PUBLIC HEARING:

At the time set for the public hearing and the application for special use permit, the commission shall hear testimony on behalf of any person wishing to testify concerning

the merits of the application. The commission may adjourn and reconvene the public hearing from time to time as is necessary to ensure that all persons wishing to testify and provide information concerning the application have an opportunity to do so. Within ten (10) days after the conclusion of the public hearing, the commission shall, in writing, approve, conditionally approve or disapprove of the application as presented. The commission's action must be made at a regular and/or special meeting specifically scheduled for the purpose of rendering such a decision. A copy of the written decision shall be provided to the applicant and a copy is to be provided to any and all persons who would request a copy upon the condition of the payment of reasonable reproduction costs, and three (3) copies of the written decision shall be available, at all times, in the city clerk's office for review upon demand.

A. Upon approval or conditional approval of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:
   1. Minimizing adverse impact on other development;
   2. Controlling the sequence and timing of development;
   3. Controlling the duration of development;
   4. Assuring that development is maintained properly;
   5. Designating the exact location and nature of development;
   6. Requiring the provision for on site or off site public facilities or services; and
   7. Requiring more restrictive standards than those generally required in an ordinance;
   8. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. (Ord. 341, 12-1-1988, eff. 12-1-1988; amd. Ord. 374, 4-13-1993)

B. Prior to approving a special use permit, the commission and/or council may request studies from planning authorities or public agencies concerning social, economic, fiscal and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferrable from one parcel of land to another.

C. Upon approving or denying an application, the commission shall specify:
   1. The ordinance and standards used in evaluating the application;
   2. The reasons for approval or denial; and
   3. The actions, if any, that the applicant could take to obtain a permit. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-8-7: NOTIFICATION TO APPLICANT; DATE PERMIT ISSUED:
After a decision has been rendered by the commission and the applicant has been notified of the action on the request, a special use permit shall not be issued until thirty (30) days have passed since the date of the issuance of the written decision to allow for the filing of

an appeal of the decision. In the event an appeal has been duly filed with the city clerk, no special use permit shall be issued until final action has been taken by the city council as hereinafter set forth, and, in no event, shall the special use permit be issued in the event that the special use permit is issued conditionally until all of those conditions have been satisfied. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-8-8: WILDER ADMINISTRATIVE PROCEDURES ACT:
All procedure governing an application for special use permit, unless otherwise specified in this title, shall be governed by the Wilder administrative procedures act which shall also govern all appellate requests to the council from decisions made by the planning and zoning commission hereunder. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-8-9: APPEAL OF DECISION OF COMMISSION TO CITY COUNCIL:
An appeal, as a matter of right, may be taken to the city council from any written decision or action taken by the commission hereunder by either the applicant or by any "affected person" which shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the application. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-8-10: TIME FOR FILING APPEAL:
All appeals permitted or authorized under this chapter shall be taken and made by physically filing a notice of appeal with the city clerk within twenty eight (28) days from the date of the written decision of the commission being appealed. (Ord. 439, 4-13-1999)

9-8-11: PROCEDURE FOR HEARING AND NOTICE ON APPEAL TO CITY COUNCIL:
Prior to the granting or denial of the appeal of a special use permit, the city council shall conduct at least one public hearing and the notices and procedure for such hearing shall be in accordance with sections 9-8-5 through 9-8-8 of this chapter, inclusive. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-8-12: TRANSCRIBABLE RECORD:
In every case where an appeal has been undertaken hereunder, a transcribable verbatim record of the proceedings shall be made and kept for a period of not less than six (6) months after a final decision on the matter. Upon written request, and within the time herein provided for retention of the record, any person may have the record transcribed at his expense.

In addition to the transcribable verbatim record, the commission and/or the city council shall also provide for the keeping of minutes of the proceedings. These minutes shall be retained indefinitely. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-8-13: ISSUANCE OF SPECIAL USE PERMIT:
A special use permit, if granted, shall not be issued by the city clerk until all conditions, if any, have been satisfied by the applicant. (Ord. 445, 11-9-1999)

Chapter 9
NONCONFORMING USES

9-9-1: INTENT:
9-9-2: TEMPORARY USES:
9-9-3: INCOMPATIBILITY OF NONCONFORMING USES:
9-9-4: AVOIDANCE OF UNDUE HARDSHIP:
9-9-5: SINGLE NONCONFORMING LOTS OF RECORD:
9-9-6: NONCONFORMING LOTS OF RECORD IN COMBINATION:
9-9-7: NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION:
9-9-8: REPAIRS AND MAINTENANCE:
9-9-9: PROHIBITING REPLACEMENT OF NONCONFORMING MOBILE HOMES:
9-9-10: USES UNDER SPECIAL USE PROVISIONS NOT NONCONFORMING USES:
9-9-11: HEARING PROCEDURES:

9-9-1: INTENT:

It is the intent of this title to permit existing nonconforming uses to continue. It is further the intent of this title that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-9-2: TEMPORARY USES:

After determining it is in the public interest to do so, the commission may grant temporary uses for situations that would normally constitute zoning violations. The intent of allowing temporary uses is to alleviate undue economic or personal hardship. Temporary uses will not be allowed to exist permanently unless the applicant follows the provisions of this title or other ordinances to authorize permanent status.

A. The commission may issue a zoning certificate, upon application, for a lawful temporary use of property as specified in this section. Approval may be made contingent upon such conditions that are responsible or necessary to secure the public welfare. The commission shall require guarantees to assure removal of the temporary use and of any debris or refuse resulting there from so as to restore the premises to its prior condition, and shall establish the date of such removal. Temporary use permits may be issued for any time period not to exceed six (6) months. Temporary use permits may be renewed upon proper application. No temporary use shall be allowed to exist except in accordance with the provisions of this section.

B. All zoning certificates for temporary uses must be approved by the commission. The commission shall hear all requests for temporary uses at regularly scheduled city council meetings. Applicants for temporary uses shall provide information to the commission as outlined in this section. After the commission has reached a decision on the temporary use application, the applicant or real party in interest may appeal to the city council pursuant to the terms and provisions of the city administrative procedures act1.

C. The commission may also issue a zoning certificate for temporary buildings and uses incidental to the construction of a building or a group of buildings on the same or adjacent premises subject to the provisions of section 9-7-3 of this title. The commission may issue a zoning certificate for uses which, due to seasonal nature of the use, will not be continued beyond certain definable periods, including, but not limited to, the following uses: Christmas tree sales and fruit and produce sales.

D. Upon violation of any of the conditions or terms of the zoning certificates issued pursuant to this section, the building official may recommend to the commission that such certificate be revoked. Upon such recommendation, the commission shall hold a public hearing on the requested revocation with written notice of the requested revocation, including the alleged violations, being served upon the holder of the zoning certificate at least ten (10) days prior to the public hearing. The decision of the commission may be appealed to a court of competent jurisdiction. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-9-3: INCOMPATIBILITY OF NONCONFORMING USES:
Nonconforming uses are declared by this title to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use shall not be extended or enlarged after passage of this title by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-9-4: AVOIDANCE OF UNDUE HARDSHIP:
To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this title and upon which actual building construction has been carried on diligently. (Ord. 341, 12-1-1988, eff.12-1-1988)

9-9-5: SINGLE NONCONFORMING LOTS OF RECORD:
In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record (see definition of "lot of record") at the effective date of adoption or amendment of this title,

notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership2. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-9-6: NONCONFORMING LOTS OF RECORD IN COMBINATION:
If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this title, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this title and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this title, except that any two (2) contiguous twenty five foot (25') or any fifty foot (50') width lots shall be considered a conforming use. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-9-7: NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION:
If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this title that would not be allowed in the district or under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

B. No nonconforming use shall be extended to occupy any additional land area;

C. If no structural alterations are made, any nonconforming use of a structure and land may, upon the issuance of a special use permit by the commission, be changed to another nonconforming use; provided, that the city shall find that the proposed use is an equally appropriate or more appropriate change, the city may require appropriate conditions and safeguards in accord with other provisions of this title;

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-9-8: REPAIRS AND MAINTENANCE:
On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, that the cubic foot content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-9-9: PROHIBITING REPLACEMENT OF NONCONFORMING MOBILE HOMES:
A mobile home which is of nonconforming use may not be removed and replaced with another mobile home which is of nonconforming use. (Ord. 376, 4-13-1992)

9-9-10: USES UNDER SPECIAL USE PROVISIONS NOT NONCONFORMING USES:
Any use which is permitted as a special use in a district under the terms of this title shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming use. (Ord. 376, 4-13-1992)

9-9-11: HEARING PROCEDURES:
All hearings provided for by this chapter shall be in accordance with sections 9-7-5 through 9-7-8, inclusive, of this title. (Ord. 376, 4-13-1992)

Chapter 10
PLANNED UNIT DEVELOPMENTS (PUD)

9-10-1: PURPOSE:
9-10-2: PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT:
9-10-3: USES PERMITTED:
9-10-4: OWNERSHIP REQUIREMENTS:
9-10-5: COMMON OPEN SPACE:
9-10-6: UTILITY REQUIREMENTS:
9-10-7: INCREASED RESIDENTIAL DENSITY:
9-10-8: PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT:
9-10-9: CONTENTS OF APPLICATION FOR APPROVAL OF DEVELOPMENT PLAN:
9-10-10: PROCEDURE FOR HEARING NOTICE:
9-10-11: PRELIMINARY FINDINGS BY COMMISSION:
9-10-12: FINAL ACTION BY THE COMMISSION:
9-10-13: EXPIRATION AND EXTENSION OF APPROVAL PERIOD:
9-10-14: NOTIFICATION TO APPLICANT:
9-10-15: APPEAL OF DECISION OF COMMISSION TO CITY COUNCIL:
9-10-16: TIME FOR FILING APPEAL:
9-10-17: PROCEDURE FOR HEARING AND NOTICE ON APPEAL TO CITY COUNCIL:
9-10-18: TRANSCRIBABLE RECORD:

9-10-1: PURPOSE:

It shall be the policy to guide a major development of land and construction by encouraging planned unit developments (PUD) to achieve the following:

A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;

B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses, industrial uses and services;

C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;

D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and

E. A development pattern in harmony with land use density, transportation and community facility objectives of the comprehensive plan. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-2: PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT:
Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this title, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this title. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-3: USES PERMITTED:
All uses that may be allowed within the land use district are permitted within a PUD. Also, up to twenty percent (20%) of the gross land area may be directed to other commercial, industrial, public and quasi-public uses that are not allowed within the land use district; provided, there is a favorable finding by the city that:

A. The uses are appropriate with the residential uses;

B. The uses are planned as an integral part of the PUD; and

C. The uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-4: OWNERSHIP REQUIREMENTS:
An application for approval of a PUD may be filed by a property owner or a person having an existing interest in the property to be included in the PUD. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-5: COMMON OPEN SPACE:
A minimum of ten percent (10%) of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

A. The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as a common open space for parks, recreation and related uses. Public utility and similar easements and rights of way are usable as a trail or other similar purpose approved by the council.

B. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-6: UTILITY REQUIREMENTS:
Underground utilities, including telephone and electrical systems, are required within the limits of all PUDs. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-7: INCREASED RESIDENTIAL DENSITY:
To provide for an incentive for quality PUD, the council may authorize increased residential density. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-8: PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT:
When the PUD also qualifies as a subdivision, the processing of the special use permit and subdivision application shall occur at the same time. The granting of a special use permit for a PUD shall require a preapplication or concept plan, the submission of a development plan, and review and approval by the commission of a final development plan as specified within this title. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-9: CONTENTS OF APPLICATION FOR APPROVAL OF DEVELOPMENT PLAN:

A. An application for PUD shall be filed with the building official by a property owner or person having existing interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate:
   1. Name, address and telephone number of applicant;
   2. Name, address and telephone number of registered surveyor, registered engineer and/or urban planner if they are assisting in the preparation of the development plan;
   3. Legal description of property;
   4. Description of existing use;
   5. Zoning districts;
   6. A vicinity map at a scale approved by the city, showing property lines, streets, existing and proposed zoning and such other items as the city may require to show the relationship of the PUD to the comprehensive plan and to existing schools and other community facilities and services;
   7. A development plan at a scale approved by the city showing topography at two foot (2') intervals; location and type of residential, commercial and industrial land uses; layout dimensions and names of existing and proposed streets; rights of way; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the city deems necessary;

8. Proposed schedule for the development of the site;
9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan;
10. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses. The location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity and land uses considered suitable for adjacent properties;
11. Whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development, a schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development;
12. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installation; waste disposal facilities; street improvements and nature and extent of earthwork required for site preparation and development;
13. Site plan, showing building(s), various functional use areas, circulation and their relationship;
14. Preliminary building plans, including floor plans and exterior elevations;
15. Landscaping plans; and
16. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

B. The application for PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion, the PUD would be in the public interest. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-10: PROCEDURE FOR HEARING NOTICE:
The same provisions for public hearing and legal notification as required for special use permits1 shall be followed for the PUD. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-11: PRELIMINARY FINDINGS BY COMMISSION:

Within ten (10) days after the first public hearing, the commission shall, in writing, either approve or disapprove the development plan as proposed and findings shall conform with the following:

A. The proposed development can be initiated within a reasonable time frame;

B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations;

C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;

D. Any proposed commercial development can be justified at the locations proposed;

E. Any exception from standard district requirements, if warranted by the design and other amenities, are incorporated in the development plan, in accordance with the PUD and the adopted policy of the council;

F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;

G. The PUD is in general conformance with the comprehensive plan; and

H. The existing and proposed utility services are adequate forthe population densities and nonresidential uses proposed. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-12: FINAL ACTION BY THE COMMISSION:

After having made the preliminary findings, the commission shall establish a date for a second public hearing which shall be no more than forty five (45) days from the date of the first hearing. The applicant shall be responsible for all required notices and publishing costs associated with the first and second public hearings.

A. The hearing shall be held with the commission, and the commission shall either approve, conditionally approve, or disapprove the application as presented. The commission may, after receiving public testimony, delay their decision pending submission of additional information. Upon granting or denying the application, the commission shall specify:

1. The ordinances and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

B. If the application is either approved or approved with conditions, the commission shall direct the building official to issue zoning permits only in accordance with the approved development plan and the supplementary conditions attached thereto. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-13: EXPIRATION AND EXTENSION OF APPROVAL PERIOD:
The approval of a development plan for a PUD shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be void. An extension of the time limit or modification of the approved development plan may be approved if the commission finds that such extension or modification is not in conflict with the public interest. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-14: NOTIFICATION TO APPLICANT:
Within ten (10) days after a decision has been rendered by the council, the building official shall provide the applicant with a written notice of the action on the request. The PUD permit will not be issued until all conditions have been satisfied and the appeal period has expired. (Ord. 341,12-1-1988, eff. 12-1-1988)

9-10-15: APPEAL OF DECISION OF COMMISSION TO CITY COUNCIL:
An appeal, as a matter of right, may be taken to the city council from any written decision or action taken by the commission hereunder by either the applicant or by any "affected person", which shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the application. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-16: TIME FOR FILING APPEAL:
All appeals permitted or authorized under this chapter shall be taken and made by physically filing a notice of appeal with the city clerk within twenty eight (28) days from the date of the written decision of the commission being appealed. (Ord. 439, 4-13-1999)

9-10-17: PROCEDURE FOR HEARING AND NOTICE ON APPEAL TO CITY COUNCIL:
Prior to the granting or denial of the appeal of a special use permit, the city council shall conduct at least one public hearing and notice shall be given pursuant to the provisions of section 9-10-10 of this chapter; the council's decision must be pursuant to the criteria and findings set forth in sections 9-10-11 and 9-10-12 of this chapter. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-10-18: TRANSCRIBABLE RECORD:

In every case where an appeal has been undertaken hereunder, a transcribable verbatim record of the proceedings shall be made and kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time herein provided for retention of the record, any person may have the record transcribed at his expense. (Ord. 341, 12-1-1988, eff. 12-1-1988)

Chapter 11
APPEAL, VARIANCE AND ACTION BY AFFECTED PERSONS

9-11-1: VARIANCE:
9-11-2: APPLICATION AND STANDARDS FOR VARIANCES:
9-11-3: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:
9-11-4: PROCEDURE FOR HEARING, NOTICE:
9-11-5: NOTIFICATION TO APPLICANT:
9-11-6: WILDER ADMINISTRATIVE PROCEDURES ACT:
9-11-7: APPEAL OF DECISION OF COUNCIL:

9-11-1: VARIANCE:
The commission may authorize, in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance unless approved by the commission. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-11-2: APPLICATION AND STANDARDS FOR VARIANCES:
A variance from the terms of this title shall not be granted by the commission unless and until a written application for a variance is submitted to the building official and the commission containing:

A. Name, address and phone number of applicant(s);

B. Legal description of property;

C. Description of nature of variance requested; and

D. A narrative statement demonstrating that the requested variance conforms to the following standards:
   1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
   2. A literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of thistitle;
   3. The special conditions and circumstances do not result from the actions of the applicant; and

4. Granting the variance requested will not confer on the applicant any special privileges that are denied by this title to other lands, structures or buildings in the same district.

E. A variance shall not be granted unless the commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-11-3: SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:
Under no circumstances shall the commission grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-11-4: PROCEDURE FOR HEARING, NOTICE:
Prior to granting a variance, at least one public hearing in which interested parties shall have an opportunity to be heard shall be held. The hearing will be held with the commission which will either approve, conditionally approve or deny the application within ten (10) days after the public hearing. At least fifteen (15) days prior to each hearing, notice of the time and place shall be published in the official newspaper1 or paper of general circulation within the jurisdiction. Notice shall also be provided to neighboring property owners and/or residents adjoining the external boundaries of the land being considered. The applicant is responsible for all notices and publishing costs. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-11-5: NOTIFICATION TO APPLICANT:
Within ten (10) days after a decision has been rendered by the commission, the building official shall provide the applicant with written notice of the action on the request. The variance will not be issued until all conditions have been satisfied and the appeal period has expired. (Ord. 346, 4-11-1989)

9-11-6: WILDER ADMINISTRATIVE PROCEDURES ACT:
All procedures governing an application for special use permit, unless otherwise specified herein, shall be governed by the Wilder administrative procedures act2 which shall also govern all appellate requests to the city council from decisions made by the planning and zoning commission hereunder. (Ord. 346, 4-11-1989)

9-11-7: APPEAL OF DECISION OF COUNCIL:
The applicant or any other real party in interest shall have twenty eight (28) days from the date of the mailing of the notice of decision by the commission, in the event of an appeal to the city council, within which to appeal the decision of the commission to a court of competent jurisdiction. (Ord. 439, 4-13-1999)

Chapter 12
ENFORCEMENT

9-12-1: ZONING PERMITS REQUIRED
9-12-2: CONTENTS OF APPLICATION
9-12-3: APPROVAL OF ZONING PERMIT
9-12-4: EXPIRATION OF ZONING PERMIT
9-12-5: CERTIFICATE OF OCCUPANCY
9-12-6: TEMPORARY CERTIFICATE OF OCCUPANCY
9-12-7: RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY
9-12-8: FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY
9-12-9: CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES
9-12-10: COMPLAINTS REGARDING VIOLATIONS
9-12-11: PENALTIES
9-12-12: SCHEDULE OF FEES, CHARGES AND EXPENSES

9-12-1: ZONING PERMITS REQUIRED:

No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefor issued by the building official. Zoning permits shall be issued only in conformity with the provisions of this title. Zoning permits in the commercial and industrial zone shall only be issued after the applicant has furnished to the city a reasonable estimate of the quantity and quality of water demand and sewage effluent generated by the proposed development. The city may deny development requests if undue burdens are placed on the city services as a result of the proposed development request. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-2: CONTENTS OF APPLICATION:

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not been substantially completed within one year or as stipulated by the planning and zoning commission and/or the city council. At a minimum, the application shall contain the following information:

A. Name, address and phone number of applicant;

B. Legal description of property;

C. Existing use;

D. Proposed use;

E. Zoning district;

F. Plan, drawn to scale, showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot (if any) and the location and dimensions of the proposed building(s) or alteration;

G. Building heights;

H. Number of dwelling units;

I. Proposed sewer and water facilities; and

J. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this title. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-3: APPROVAL OF ZONING PERMIT:
Within ten (10) days after the receipt of an application, the building official shall either approve or disapprove the application in conformance with the provisions of this title. All zoning permits shall, however, be conditional upon substantial completion of work within one year or as stipulated by the commission. One copy of the plans shall be returned to the applicant by the building official after the building official has marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the building official. If stipulated by the commission, the building official shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this title. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-4: EXPIRATION OF ZONING PERMIT:
If the work described in any zoning permit has not been substantially completed within one year from the date of issuance thereof, or as stipulated by the commission, said permit shall expire; it shall be revoked by the building official and written notice thereof shall be given to the persons affected. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-5: CERTIFICATE OF OCCUPANCY:
It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof thereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the building official stating that the proposed use of the building or land conforms to the requirements of this title and with all conditional provisions that may have been imposed. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-6: TEMPORARY CERTIFICATE OF OCCUPANCY:
A temporary certificate of occupancy may be issued by the building official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-7: RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY:
The building official shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished upon request to any person. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-8: FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY:
Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this title. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-9: CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES:
Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the building official authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this title. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-10: COMPLAINTS REGARDING VIOLATIONS:
Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the building official. The building official shall properly record such complaint, immediately investigate and take action thereon as provided by this title. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-11: PENALTIES:
The city attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title. Penalties for failure to comply with or violations of the provisions of this title shall be as follows:

Violation of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the commission or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this title or of the Idaho Code. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-12-12: SCHEDULE OF FEES, CHARGES AND EXPENSES:

The city council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, special use permits, plan approvals and other matters pertaining to the administration and enforcement of this title requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the commission, and may be altered or amended only by the city council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. (Ord. 341, 12-1-1988, eff. 12-1-1988)

Chapter 13
AMENDMENTS

9-13-1: GENERAL:
9-13-2: INITIATION OF ZONING AMENDMENTS:
9-13-3: CONTENTS OF APPLICATION:
9-13-4: TRANSMITTAL TO COMMISSION:
9-13-5: COMMISSION PUBLIC HEARING:
9-13-6: RECOMMENDATION BY COMMISSION:
9-13-7: ACTION BY COUNCIL:
9-13-8: RESUBMISSION OF APPLICATION:
9-13-9: ZONING UPON ANNEXATION:

9-13-1: GENERAL:

Whenever the public necessity, convenience, general welfare or good zoning practices require, the council may, by ordinance, after receipt of recommendation thereon from the commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classifications of property. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-13-2: INITIATION OF ZONING AMENDMENTS:

Amendments to this title may be initiated in one of the following ways:

A. By adoption of a motion by the commission;

B. By adoption of a motion by the council; or

C. By the filing of an application by a property owner or a person who has existing interest in property within the area proposed to be changed or affected by said amendment. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-13-3: CONTENTS OF APPLICATION:

Applications for amendments to the official zoning map adopted in section 9-5-1 of this title shall contain at least the following information:

A. Name, address and phone number of applicant;

B. Proposed amending ordinance, approved as to form by the commission;

C. Present land use;

D. Present zoning district;

E. Proposed use;

F. Proposed zoning district;

G. A vicinity map at a scale approved by the building official showing property lines, thoroughfares, existing and proposed zoning and such other items as the building official may require;

H. A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being considered;

I. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities and compatibility with the surrounding area; and

J. A fee as established by the council. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-13-4: TRANSMITTAL TO COMMISSION:
Zoning districts shall be amended in the following manner:

A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction; and

B. If the request is in accordance with the adopted comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and

C. If the request is not in accordance with the adopted comprehensive plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction of the city, the request shall be submitted to the planning and zoning commission which shall recommend and the council may adopt or reject an amendment to comprehensive plan under the notice and hearing procedures provided in Idaho Code section 67-6509. After the comprehensive plan has been amended, this chapter may then be amended as hereinafter provided. (Ord. 374, 4-13-1992)

9-13-5: COMMISSION PUBLIC HEARING:
The commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

A. Zoning Ordinance Text Amendment: The commission, prior to recommending a zoning ordinance text amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper1 or paper of general circulation within the jurisdiction; if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendations to the council.

B. Zoning Map Amendment: The commission, prior to recommending a zoning map amendment that is in accordance with the comprehensive plan to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place of the hearing and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Additional notice shall be provided by mail to property owners and residents within three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears ten (10) days prior to the public hearing. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-13-6: RECOMMENDATION BY COMMISSION:

Within thirty (30) days from the receipt of the proposed amendment, the commission shall transmit its recommendation to the council. The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with the comprehensive plan and established goals and objectives. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-13-7: ACTION BY COUNCIL:

The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission, may conduct at least one public hearing using the same notice and hearing procedures as the commission. If the council chooses to hold a public hearing and if following such hearing, the council makes a material change from

what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

A. The council shall accept the recommendation of the commission's report unless rejected by a vote of one-half (1/2) plus one of the members.

B. Upon granting or denying an application to amend this title, the council shall specify:
   1. The ordinance and standards used in evaluating the application;
   2. The reasons for approval or denial; and
   3. The actions, if any, that the applicant could take to reverse the decision.

C. In the event the council shall approve an amendment, such amendment shall thereafter be made a part of this title upon the preparation and passage of an ordinance. (Ord. 573, 7-13-2010)

9-13-8: RESUBMISSION OF APPLICATION:
No application for a reclassification of any property which has been denied by the council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action unless there is an amendment in the comprehensive plan which resulted from a change in conditions as applying to the specific property under consideration. (Ord. 341, 12-1-1988, eff. 12-1-1988)

9-13-9: ZONING UPON ANNEXATION:
Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the planning and zoning commission on the proposed comprehensive plan and zoning ordinance changes for the unincorporated area. Each commission and the city council shall follow the notice and hearing procedures previously identified in this chapter. Concurrently or immediately following the adoption of an ordinance of annexation, the council shall amend the comprehensive plan and zoning ordinance, if necessary. (Ord. 341, 12-1-1988, eff. 12-1-1988)

Chapter 14
NOTICE OF PUBLIC HEARING

9-14-1: NOTICE OF PUBLIC HEARING REQUIRED:

9-14-1: NOTICE OF PUBLIC HEARING REQUIRED:
In the exercise of the city's authority under Idaho Code sections 67-6511 and 67-6512, when a notice of any public hearing is required by the provisions of this title to two hundred (200) or more property owners or purchasers of record, notice shall be published twice in the official newspaper of the city at intervals no less than one week apart, with the first publication not less than fifteen (15) days before the hearing, and notice shall also be posted at the city hall, and at two (2) other public locations designated by the planning and zoning commission in lieu of posted and mailed notice. (Ord. 523, 10-9-2007)

Chapter 15
DEVELOPMENT AGREEMENTS

9-15-1: AUTHORIZED:
9-15-2: CREATION:
9-15-3: CONTENTS:
9-15-4: SIGNING:
9-15-5: RECORDATION:
9-15-6: MODIFICATION:
9-15-7: ENFORCEMENT:
9-15-8: TERMINATION OF CONDITIONAL COMMITMENTS:
9-15-9: BINDING UPON SUBSEQUENT OWNERS:

9-15-1: AUTHORIZED:
The city council does hereby exercise its authority as provided by Idaho Code section 67-6511A to establish and provide, by this chapter, to require or permit, as a condition of rezoning, that an owner or developer make a written commitment concerning the use or development of the real property which is the subject of the rezoning request. (Ord. 505, 12-13-2005)

9-15-2: CREATION:
Development agreements may be required, as a condition of any application for annexation and zoning designation and/or for rezoning, when there is a proposed development. (Ord. 505, 12-13-2005)

9-15-3: CONTENTS:
Development agreements shall provide:

A. As the parties to the agreement, the city and the owner of the real property, and in appropriate circumstances, a developer who has made the application; and

B. Conditions governing the use and/or the development of the real property, which conditions are based upon the use and development of the property in accordance with the then currently adopted comprehensive plan and the general standards applicable to zoning amendments; and

C. When applicable as a development condition, a compliance period within which the development is to be completed; and

D. Provisions for the consent of the owner and/or owner and developer, when appropriate, that the commitment may be terminated and the zoning designation then reversed upon the failure to comply with the requirements in the development agreement after a reasonable time, as determined, and as set forth in the development agreement or as otherwise

determined by the city council, and after compliance with the notice and hearing provisions of Idaho Code section 67-6509; and

E. Shall take effect after the adoption by the city council of the rezoning ordinance; and

F. Shall be substantially in the form established by council resolution, a copy of which shall be on file in the city clerk's office. (Ord. 505, 12-13-2005)

9-15-4: SIGNING:
All development agreements shall be signed by the owner or the owner and developer, as the case may be, prior to the city council's final passage of the annexation and zoning ordinance or rezoning ordinance. (Ord. 505, 12-13-2005)

9-15-5: RECORDATION:
All development agreements shall be recorded by the city clerk with the office of the county recorder in whose boundaries the subject real property is located. (Ord. 505, 12-13-2005)

9-15-6: MODIFICATION:

A. A development agreement can only be modified by permission of the city council after complying with the provisions for the notice and public hearing set forth in Idaho Code section 67-6509.

B. No development agreement may be modified in less than one year unless entered into under a mutual mistake of fact, or there is a complete frustration of purpose by subsequent events, and/or to correct an error or changes in conditions of the immediate area adjacent to the real property subject to the development agreement. (Ord. 505, 12-13-2005)

9-15-7: ENFORCEMENT:
The planning and zoning administrator, and/or public works director, and the city attorney have the authority to enforce the provisions of development agreements in accordance with the terms and conditions of the development agreement, this chapter, and the laws of the state of Idaho. (Ord. 505, 12-13-2005)

9-15-8: TERMINATION OF CONDITIONAL COMMITMENTS:
The termination of conditional commitments in a development agreement shall be governed under the provisions governing development agreement modification, and are to be granted only in those circumstances when the conditional commitments are no longer applicable to the use or development of the subject real property. (Ord. 505, 12-13-2005)

9-15-9: BINDING UPON SUBSEQUENT OWNERS:

Development agreements shall be binding upon subsequent owners and persons acquiring an interest in the subject real property. (Ord. 505, 12-13-2005)

Title 9, Chapter 16
WILDER SIGN ORDINANCE

9-16-1: TITLE:
9-16-2: PURPOSE:
9-16-3: UNIFORM SIGN CODE ADOPTED:
9-16-4: DEFINITIONS:
9-16-5: PROHIBITED SIGNS:
9-16-6: EXEMPTED SIGNS:
9-16-7: NONCONFORMING SIGNS:
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9-16-1: TITLE:
This chapter may be known and cited as the WILDER SIGN ORDINANCE.

9-16-2: PURPOSE:
The purpose of this chapter is to promote the health, safety and welfare of the residents, property owners and persons found and traveling within and through the city of Wilder and in that regard to establish standards to facilitate traffic safety, aesthetics within the city, compatibility with adjacent land uses, stewardship of signs once established, and to facilitate public safety in sign placement and construction in all the zoned districts within the city. Specific standards contained within this chapter are meant to:

A. Ensure that signs erected within the city are constructed of safe, durable materials and secured in a manner adequate to withstand physical stresses.

B. Eliminate possible confusion or conflict between commercial signage and traffic control signals, signs or devices.

C. Reduce the potential visual obstruction signs may cause to the view of pedestrians, visibility of other signs and building facades when such signs are inappropriately located or designed.

9-16-3: UNIFORM SIGN CODE ADOPTED:
The uniform sign code, current edition, is hereby adopted to supplement the standards set forth in this chapter. If any conflict exists between these standards and the uniform sign code these standards shall govern. All signs allowed, including those which do not require permits, must be in conformance with the uniform sign code and all other applicable building codes and city regulations.

9-16-4: DEFINITIONS:
BLANKETING: The partial or complete obscuring of the face of one sign by another.

DISPLAY: The visual information shown on a sign, including text, graphics, pictures, lights and background.

SIGN: Any communication device intended to attract attention to and advertise a business, service, activity or product. Such definition includes any letters, figures, symbols, trademarks or other copy meant to aid in such advertisement. A sign is not considered to be a building. This definition includes, but is not limited to, the following signs:

Combination: A sign incorporating any combination of the features of ground, projecting and roof signs.

Construction: An informational sign which identifies the architect, engineers, contractors, and other individuals of firms involved with the construction of a building, or announcing the character of the building or enterprise or even future tenants, which is erected during the building construction period.

Directional, Off Premises: Off premises signs designated to guide and direct pedestrians and vehicular traffic to an area, places of business or convenience.

Directional, On Premises: On premises signs designated to guide or direct pedestrians or vehicular traffic to an area, places of business or convenience.

Electric: Any sign containing electrical wiring, but not including signs illuminated by an exterior light source (e.g., a floodlight).

Electric Changing Or Flashing Sign: A sign containing a display that can be changed by electrical, electronic and/or a computerized process.

Fin: A sign which is supported wholly by a one-story building of an open air business, or by poles placed in the ground, or partly by such pole or poles and partly by a building or structure.

Flashing Sign/Display: A sign display that appears for less than one and one-half (11/2) consecutive seconds.

Floodlighted (Indirect Light): A sign illuminated only by devices which reflect or project light upon it.

Ground Or Freestanding: A billboard or similar type of sign which is supported by one or more uprights, poles or braces in or upon the ground other than a "combination", "fin" or pole sign, as defined by this definition.

Height (Of Sign): The vertical distance from the ground underneath a sign to the highest point of a sign or any vertical projection thereof, including its support columns, or the vertical distance from the relative ground level in the immediate vicinity.

Home Occupation: A sign advertising any occupation or profession or home occupation being run in a single-family residential unit or apartment as a home occupation.

Illuminated: A sign which has characters, figures, designs or outlines illuminated by incandescent lamps or luminous tubes on the surface of or in the interior of the sign with transparencies which allow light to come to the exterior of the sign.

Inflatable Object: An inflatable object larger than eighteen inches (18") in diameter, such as a blimp, large air balloon or inflatable sports equipment, used to attract attention to a special event or grand opening.

Marquee or Canopy: A sign which is attached parallel to the faces of or suspended below the ceiling or roof of a marquee or canopy, except signs painted directly on the outward face of the marquee, canopy or awning.

Monument: A ground mounted fixed sign with a base of solid construction (which base is not included in the calculation of sign area). While still considered a form of "freestanding" sign, it is distinct from a pole sign as it lacks one or more support poles but rather is a polygon form (e.g., a rectangle) mounted directly on top of another polygon form.

Nameplate: A sign indicating the name of or person(s) residing in the premises.

Nonconforming: A sign which does not conform to the regulations of this chapter.

Off Premises: A sign that advertises a business, activity, use, merchandise, product or service located more than two hundred feet (200') from the building and located off the immediate property served by the sign, including billboard type signs.

On Premises (Business): A sign that advertises a business, activity, use, merchandise, product or service located within two hundred feet (200') of the building and located on the immediate property served by the sign.

Opaque Faced: A sign whose background is nontransparent or nontranslucent with only its letters, figures, symbols, trademarks, or other copy meant to aid in such advertisement, lighted.

Permanent or Permanently Affixed: A sign which is designed and constructed to resist the wind and seismic forces specified in the "design and construction" chapter of the current edition of the uniform sign code whose supporting structure is set firmly in or below the ground surface. This definition includes signs attached to buildings and signs

attached to poles and/or bases placed in the ground. This does not include portable signs attached to structures and/or bases set on the ground.

Portable Sign: A-frame (sandwich), sidewalk, curb and reader board signs that are not permanently affixed to a structure or the ground and may be moved from place to place intended to be displayed for a temporary period of time.

Projecting: A sign, other than a wall sign, which projects from and is supported by and attached to a wall of a building or structure.

Reader Board: A sign display which is characterized by copy or illustration which may be modified/replaced at periodic intervals, regardless of the method.

Real Estate: Any sign pertaining to the sale, lease or rental of land or buildings.

Roof: A sign erected upon or above a roof, canopy, porte cochere, or parapet of a building or structure.

Scrolling: The vertical movement of a static message or display on an electronic sign.

Subdivision: Signs used to identify a subdivision of residential, commercial, industrial or agricultural nature.

Temporary: A sign that is not permanently affixed and may be moved from place to place, including all devices such as banners, pennants, flags, searchlights, balloons or other air or gas filled figures as well as A-frame (sandwich), sidewalk, curb and reader board signs intended to be displayed for a limited period of time.

Traveling: The horizontal movement of a static message or display on an electronic sign.

Wall: Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, including signs painted directly on the face of a wall.

Window: Any interior structural sign placed inside or upon an outward facing window surface of a building or structure and directed to be viewed from the exterior.

SIGN AREA: The entire area of a sign on which copy is to be placed (signs with advertising display surfaces on both sides facing in opposite directions shall be considered as 1 sign). The structure supporting the sign is not included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module/cabinet or background containing the advertising copy or graphic symbols. Sign area includes only one face of a double faced sign where the faces of the sign are parallel. If any face is offset from parallel by more than five degrees (5°), such face shall be counted as a separate sign surface. Surface area of a sign with more than two

(2) faces, such as a cube or pyramid, shall be calculated as the sum of the surface areas of all faces, divided by two (2). In the event of an irregular, three-dimensional object that serves as signage, where the surface area is not readily measurable, the surface area shall be calculated by the largest area of the three-dimensional object visible from any one viewing angle.

SIGN STRUCTURE: Any structure which supports, has supported or is capable of supporting a sign. A sign structure may be a single pole or may or may not be an integral part of a building.

STATIC (DISPLAY): Sign graphics, copy, display, etc., that are not moving but rather at rest, inactive or stationary.

VISION TRIANGLE: That area defined by measuring from the intersection of the edges of two (2) adjacent roadways, forty feet (40') along each projected future curb line and connecting the two (2) points with a straight line.

9-16-5: PROHIBITED SIGNS:
The following types of signs are prohibited except as otherwise provided by this chapter:

A. Miscellaneous Banners And Posters: Banners, flags, portable temporary signs, pennants or posters which are visible from a public right of way and are tacked, nailed, pasted, posted, painted, chained or attached in any way to any curb, telephone pole, newspaper or similar stand, mailbox, traffic sign, bus bench, electric light or power pole, traffic signal pole, building wall, fence, post, fire hydrant, or tree. This prohibition shall include all signs placed on or in public property or the public right of way without first obtaining written consent from the public works director of the city of Wilder.

B. Off Premises Advertising Signs (Billboards): New billboards, whether poster panels or painted bulletins, after the effective date hereof shall not be allowed.

C. Hazardous Or Unsafe Signs: Any sign that, in the opinion of the building official, public works director, or city engineer, creates a hazard to vehicular or pedestrian traffic or a hazard to the public in general, including, but not limited to, the following reasons:
   1. Design and construction.
   2. Similarity to or causing confusion with or obstruction of official traffic signs.
   3. Location which creates a vehicular or pedestrian hazard or is within a public right of way.

D. Abandoned Signs: Signs located on property which becomes vacant and unoccupied for a period of thirty (30) days or more, or any sign which pertains to a time, event, or purpose which no longer applies.

E. Unsightly Signs: Any sign which is in whole or in part weak, unsafe or constructed of broken, unsightly, inferior or old, worn material.

9-16-6: EXEMPTED SIGNS:
The following signs are exempt from the provisions of this chapter except for those provisions related to traffic safety and regulation of signs within the public right of way:

A. Construction signs having an area not in excess of fifty (50) square feet, provided that such signs are erected no more than sixty (60) days prior to the construction, are confined to the site of construction, and are removed not more than thirty (30) days after completion and prior to occupancy.

B. Direction or instructional signs which do not advertise a business, but which identify restrooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs and those of similar nature.

C. Governmental signs for traffic control, for direction to public facilities, or for regulatory notice, warning, or other public purposes.

D. Holiday decorations and signs of a decorative nature, incidental and commonly associated with any national, local or religious holiday, provided vision triangles are maintained.

E. House numbers, nameplates, "no trespassing", "beware of dog" or "no dumping" signs.

F. Memorial tablets or tablets containing the name, date erected and use of buildings, when built into the walls of the buildings and constructed of bronze, brass, marble, stone or other noncombustible materials.

G. Standard real estate signs provided they are removed within seven (7) days of the sale, rental or lease of the subject property.

H. Window signs, except in residential zones, provided the total copy area of such signs occupies no more than twenty five percent (25%) of the total window area.

I. Political signs, provided such signs shall be posted no more than sixty (60) days before an election, removed within two (2) weeks following election day, not be destructive to public property upon posting or removal, not posted in any public right of way or on any utility pole, and that vision triangles are maintained.

J. Picket signs, provided they are hand carried.

K. Private traffic signs such as are reasonably necessary to direct traffic on private property and that comply with the size parameters set forth in the most recent edition of the uniform traffic control manual.

L. Temporary signs pertaining to drives or events of civic, philanthropic, educational or religious organizations provided said signs are not placed more than thirty (30) days prior and removed within seven (7) days of the end of the drive or event.

M. Other "temporary" business signs, as defined under section 9-16-4 of this chapter, not exceeding three feet (3') in height or more than three feet (3') in width. Not more than one such sign shall be permitted per business, and such signs shall only be displayed during regular business hours, shall not interfere with vision triangles, and shall not be located on sidewalks, streets, or other public rights of way.

9-16-7: NONCONFORMING SIGNS:
Nonconforming signs shall not be replaced, relocated or be structurally altered unless every portion of such sign is made to conform to all city regulations governing signage.

A. Schedule of Amortization: Signs not in conformance with the requirements of this chapter but which met requirements in effect at the time of their installation shall be amortized. Thus, such signs shall be removed or made code compliant (including being removed from any city right of way) at such time as the use of the structure and/or property to which such signs are pertinent is developed, changed, or expanded.

9-16-8: GENERAL PROVISIONS AND REQUIREMENTS:
The following shall apply to signs in all zoning districts:

A. Location: All signs shall be and are required to be located on private property except as otherwise herein specified. No signs (whether permanent or temporary) shall be placed within any utility or access easement or public right of way (or projected future right of way area as determined by the public works director and the city engineer).

B. Projection Over Public Right Of Way: Permanent sign and sign structures may, to a limited extent, project over right of way (or future right of way where known or determined by the city engineer) only with approval from the city, provided that:

1. No permanent sign or sign structure shall project over or past the curb line of a public or private street where said sign is proposed to be located within fifty feet (50') of the intersection of the existing curb lines (or projected future curb lines) of two (2) intersecting streets.
2. Permanent signs proposed to be located more than fifty feet (50') away from an intersection may project over the public right of way. They shall not, however, project beyond two feet (2') of a line/plane drawn perpendicularly upward from the back of an existing curb line (or a projected future curb line as determined by the public works director and

the city engineer), or more than six feet (6') over the public right of way in any event.

3. In order to allow any projection over the public right of way it must be determined by the city engineer that said projection shall not constitute a future traffic hazard or conflict with existing or future utilities or street signing.

4. Any signs that project over public right of way shall provide at least twelve feet (12') of clearance from a sidewalk or finished grade underneath the sign cabinet, except that the bottom of a marquee or awning may be eight feet (8') from/above the top surface of a sidewalk, or, absent a sidewalk or similar walkway, eight feet (8') over the finished grade.

5. As noted in this chapter, no person shall construct, erect, alter, repair, paint or remove any sign or sign structure of any design or description which is now or may hereafter be erected within three feet (3') of or on or over any public sidewalk, street or alley right of way, and no sign permit shall be issued unless said person shall have on file with the planning department, a public liability policy of insurance or surety bond providing limits of not less than twenty five thousand dollars ($25,000.00) on account of injury to or death of one person, and not less than fifty thousand dollars ($50,000.00) on account of injury to or death of two (2) or more persons in any accident. The policy of insurance or surety bond shall be conditioned on and save harmless the city and its officers, agents, servants and employees against any and all damages, losses, claims and demands, expenses and costs on account of any accident.

C. Vision Triangle: No sign shall be located in a vision triangle of an intersection of public streets, a private service drive, driveway or private street into a public street or other private service drive, driveway or private street unless an exception is granted in accordance with other applicable city ordinances.

D. Blanketing of Signs: To prevent blanketing of signs, signs that will be erected in the same horizontal plane with other signs must be reviewed and approved by the public works director to ensure spacing sufficient to prevent blanketing.

E. Highway Signs: Signs along highways shall conform to federal and state transportation department regulations as well as city standards. Notwithstanding, applicants are responsible for ensuring their compliance with any federal or state regulations as the city will not evaluate signs in accordance with those entities' rules.

F. Sign Maintenance and Repair: Nothing in this chapter shall relieve the owner or user of any sign or owner of property on which a sign is located from maintaining the sign in a safe condition and in a good state of repair. Ground area surrounding freestanding signs shall be kept free of rubbish and weeds.

G. Electronic Changing Or Flashing Signs (Including Message Centers): Electronic message center and display signs (including LED signs) that are changing or flashing types may be allowed in commercial and industrial zones in accordance with the following restrictions:

1. The display/message of an electronic reader board sign shall remain static for at least one and one-half (11/2) seconds. The display of a changing LED type billboard sign shall remain static for at least eight (8) seconds.
2. The display of any electronic sign shall not, or shall not appear to, flash, undulate, pulse or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the signboard.
3. Scrolling or traveling of a static display onto an electronic reader board sign from one direction only per display shall be allowed. A change of display must not take longer than one and one-half (11/2) seconds to accomplish in the case of LED billboards and such signs shall also feature a default, static image that will be displayed in the event of malfunction or absence of advertiser paid messages.
4. The display may be of a classic nature having a dark background and copy lit in a white, amber or red shade and/or may be full color.
5. All electronic reader board signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions so as to minimize and keep consistent sign brightness. Direct light sources shall not, in any event, exceed forty (40) watts or sixty (60) milliamps. Full color LED billboards featuring full color display shall not exceed seven thousand (7,000) NITS between seven o'clock (7:00) A.M. to eleven o'clock (11:00) P.M. and two thousand five hundred (2,500) NITS from eleven o'clock (11:00) P.M. to seven o'clock (7:00) A.M.
6. At no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.
7. Electronic signs shall not be allowed within or in association with any dwelling or home occupation.
8. Businesses, churches or schools are allowed electronic reader board type signs provided that they comply with the standards of this section.
9. Electronic sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with city codes and that the owner or operator shall provide proof of such conformance upon request of the city.
10. Electronic display or electronic message reader board signs shall not be used as off premises directional signs.

9-16-9: RESIDENTIAL SIGNAGE REQUIREMENTS:

The following are signage regulations for residential zoning districts within the city:

A. Home Occupation: One home occupation sign may be allowed. Such sign shall not exceed four (4) square feet in area, shall be nonilluminated, and shall be mounted flat against the wall of the principal building.

B. Real Estate: One real estate sign advertising the sale, rental, or lease of a property may be maintained on a parcel. The sign shall not exceed six (6) square feet in area, shall not be illuminated, and must be located such that it does not impede vehicular or pedestrian traffic.

C. Multiple Dwellings: For multiple dwellings on a parcel (such as apartment buildings and duplexes) one sign shall be allowed. The sign shall not exceed twenty four (24) square feet in area, shall not be illuminated, and must be located such that it does not impede vehicular or pedestrian traffic.

9-16-10: COMMERCIAL (C) AND COMMERCIAL/INDUSTRIAL (CI) SIGNAGE REQUIREMENTS:

The following are signage regulations for commercial and commercial/industrial zoning districts within the city.

A. Size: A total sign area of one and one-half (11/2) square feet for each linear foot of building frontage or one-half (1/2) square foot for each linear foot of property frontage, whichever results in the larger sign area, but the maximum total area of all permitted signs shall not exceed two hundred (200) square feet.

B. Real Estate: One real estate sign advertising the sale, rental, or lease of a property may be maintained on a parcel. The sign shall not exceed thirty two (32) square feet in area, shall not be illuminated, and must be located such that it does not impede vehicular or pedestrian traffic.

9-16-11: REGULATIONS ALONG HIGHWAYS AND INTERSTATES:

All outdoor advertising along Highway 95 (otherwise know as 5th Street) and Highway 19 (otherwise known as Simplot Blvd.) must adhere to Idaho Administrative Rules, IDAPA 39, Title 03, Chapter 60.

9-16-12: ADMINISTRATION AND ENFORCEMENT:

A. Permits Required: Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, move, construct, alter or enlarge any sign without first obtaining a sign permit. A separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.

A permit shall not be required to change the copy or message on a painted or printed sign or for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, provided the sign or sign structure is not altered in any way.

If work authorized under a permit has not been completed within one hundred eighty (180) days after the date of issuance, said permit shall become null and void. Permits are nontransferable.

B. Application for Permit: Application for a sign permit shall be made upon forms furnished by the city clerk and shall be accompanied by such information as may be required to ensure compliance with all appropriate laws and regulations of the city. Sign applications shall be accompanied by an elevation drawing, footing design and connection details illustration set for any and all freestanding and monument signs. Structural engineering calculations for any freestanding or monument signs that are over fifteen feet (15') in height shall also be required. An elevation and connection specification drawing and specifications sheet shall be required for all attached wall signs. (Freestanding and monument signs shall be designed so as to resist a 90 mile per hour wind load.)

C. Fees: Sign permit applications shall be accompanied by fees as established by council resolution.

D. Inspection and Maintenance: The public works director and his duly authorized representatives are authorized and directed to enforce all the provisions of this chapter and for such purposes shall have the powers of law enforcement officers. Upon presentation of proper credentials, enforcement officers may enter at reasonable times any building, structure or premises in the city to make inspection of a sign, its structural and electrical connections and to ensure compliance with any of the provisions of this chapter, including repair or structural alteration for safety of signs which present a hazard to the public.

E. Enforcement: Upon finding that a sign is in violation of any of the provisions of this chapter or endangers public safety, enforcement officers may declare the sign illegal and that such sign constitutes an infraction. The public works director shall provide the owner written notice that the sign has been declared unlawful, specifying the reasons why the sign is unlawful and ordering that the sign be repaired, modified or removed within a reasonable time. Failure to remedy the violation within ten (10) working days shall constitute an infraction. Continuing failure to remedy the violation within thirty (30) days shall constitute a misdemeanor. The city may also declare a sign in violation a nuisance and proceed under the nuisance abatement provisions of this code.

The city shall have the right to immediately remove and dispose of any signs found illegally located within public property or public right of way. Owners of said signs illegally placed within public property or public right of way shall not be entitled to notice pending removal and disposal of said signs.

F. Appeals: Appeals from any decision, requirement or interpretation made by the public works director, or the director's duly authorized representatives, in the

enforcement of this chapter shall be governed by the city of Wilder administrative procedures act. Such appeals must be made within thirty (30) days from the date of such action by filing the same with the city clerk.

(Ord. 583, Amended, 10/11/2011; Ord. 572, Enacted, 6/8/2010)

Title 9
Chapter 17
GAS AND OIL OPERATIONS

9-17-1: Purpose:
9-17-2: Definitions:
9-17-3: Zoning Classification:
9-17-4: Permit Requirement:
9-17-5: Permit Application:
9-17-6: Issuance of Permit:
9-17-7: Site Design and Installation:

9-17-1: PURPOSE:

The purpose of this chapter is to provide, through zoning provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the residents of the City. Oil and gas exploration, drilling and extraction operations involve activities which are economically important and will impact the City. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the City. Local governments are preempted from regulating the same features of oil and gas well operations or accomplishing the same purposes regulated by the state under Idaho Code, §47-317. Local zoning can regulate surface land use as authorized under the local land use planning act, Idaho Code §67-6501 *et seq*.

9-17--2: DEFINITIONS:

For the purposes of this chapter, all terms used that are defined in the IDAPA regulations and are not defined in this chapter are defined as provided in the IDAPA regulations as of the effective date of this chapter. The following definitions shall apply unless the context clearly indicates or requires a different meaning:

ADMINISTRATIVE: A regulatory review and/or action performed by an employee or contractor of the City and not deemed a legislative or quasi-judicial action.

APPLICANT: Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

DEPARTMENT: The Idaho Department of Lands.

DEVELOPMENT: Any work which actively promotes bringing in production.

FIELD: The general area underlaid by one or more pools.

GAS: Any petroleum hydrocarbon existing in the gaseous phase.

GEOPHYSICAL OR SEISMIC OPERATIONS: Any geophysical method performed on the surface of the land utilizing certain instruments operating under the laws of physics respecting vibration or sound to determine conditions below the surface of the earth which may contain oil or gas and inclusive of, but not limited to, the preliminary line survey, the acquisition of necessary permit, the selection and marking of shot hole locations, necessary clearing of vegetation, shot hole drilling, implantation of charge, placement of geophones, detonation and backfill of shot holes, and vibroseis.

OIL AND CRUDE OIL: Petroleum oil and other hydrocarbons, regardless of gravity, that are produced at the well in liquid form by ordinary production methods and are not the result of gas condensation before or after it leaves the reservoir.

OIL AND GAS: Oil or gas or both.

OIL AND GAS WELL: A hole drilled into the earth for the purpose of exploring for or extracting oil, gas or other hydrocarbon substances.

OIL AND GAS WELL SITE: A defined area of surface operations surrounding a proposed or existing oil and gas well or wells where an operator has disturbed or plans to disturb the land surface in order to locate an oil and gas well, and accessory structures and equipment necessary for drilling, completion, recompletion, work over, development and production activities.

OWNER: The person who has the right to drill into and produce from a pool and to appropriate the oil or gas that he produces either for himself or for himself and others.

PERSON: Any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary or other representatives of any kind, and includes any government or any political subdivision of any agency thereof. The masculine gender, in referring to a person, includes the feminine and the neuter genders.

POOL: An underground reservoir containing a common accumulation of oil or gas or both; each zone of a structure that is completely separated from any other zone in the same structure is a pool.

PRODUCER: The owner of a well or wells capable of producing oil or gas or both.

RESERVOIR: A subsurface volume of porous and permeable rock in which oil or gas has accumulated.

ROAD REPAIR AGREEMENT: A written agreement between the owner/operator and the local highway jurisdiction obligating the operator to repair damage, excluding ordinary wear and tear, if any, to public streets, including, but not limited to, bridges, caused by the operator or its employees, agents, contractors, subcontractors or representatives in the performance of drilling or production of any wells authorized by the city or City.

ROADWAY: Any street, avenue, boulevard, road land, parkway, place, viaduct, easement for access, or other way which is an existing state, City, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded within the right of way boundaries whether improved or unimproved and may be comprised of pavement, shoulder, curbs, gutters, sidewalks, parking areas, and lawns.

A. Arterial Route: A general term including expressways, major and minor arterial streets; and interstate, state or City highways having regional continuity.

B. Collector Street: A street that provides for traffic movement within neighborhoods of the City and between major streets and local streets and for direct access to abutting property.

C. Local Street: A street that provides direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial streets.

WELL: An oil and gas well or an injection well, including, but not limited to, directional drilling wells (for example, any well hole drilled into the ground).

9-17-3: ZONING CLASSIFICATION:

Subject to the provisions of this chapter, an oil or gas well site will be considered a permitted use within any zoning district(s), subject to the standards listed herein.

9-17-4: PERMIT REQUIREMENTS:

A. No oil or gas well site, or an addition to an existing oil or gas well site, shall be constructed or located within the City unless an oil or gas well permit subject to the provisions under this chapter has been issued by the City to the applicant approving the construction or preparation of the site for oil or gas development.

B. Each application shall be submitted with the fee established pursuant to resolution of the City as adopted. Such fee shall be reasonably related to the cost of administering this chapter.

C. Any modification to an existing and/or permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, shall require a modification of the permit under this chapter. Like-kind replacements shall not require a permit modification.

D. Wells that were permitted and constructed prior to the adoption of this chapter shall not be required to meet the requirements of this chapter. Any modification to

an existing or permitted oil or gas well site that occurs after the effective date hereof and materially alters the size, type, location, number of wells and other accessory equipment or structures, shall require compliance with this chapter.

E. Upon receiving notice from the Department that an application has been submitted, the City will publish a summary of the proposal in the official newspaper or paper of general circulation within the jurisdiction that an application for a new oil and gas well has been filed with the City. The City will also mail such summary to property owners within three hundred feet of the well site and post such summary on the well site property. The notice is for informational purposes only and will not solicit any public comments on the application.

F. An oil or gas well permit shall not be required for exploration for oil or gas. Exploration of oil and gas means geologic or geophysical activities, including, but not limited to surveying and seismic exploration, related to the search for oil, gas, or other subsurface hydrocarbons.

G. If an applicant does not conduct said business for a period of one year, the oil and gas well permit shall be null and void. Permits issued under this chapter shall not be transferable to any other applicant, except by a majority vote of the City Council, and the filing of an application by the applicant to whom such license is, or may be, transferred or assigned.

9-17-5: OIL AND GAS WELL PERMIT APPLICATION:

The applicant shall provide to the City at the time of permit application:

A. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including department permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.

B. The address of the oil or gas well site and a legal description of the parcel as determined by the City and information needed to gain access to the well site in the event of an emergency.

C. The contact information of the individual or individuals responsible for the operations and activities at the oil or gas well site shall be provided to the City and all applicable emergency responders as determined by the City. Such information shall include a phone number where such individual or individuals can be contacted twenty four (24) hours per day, three hundred sixty five (365) days a year. The responsible individual or individuals shall have immediate access to a current list of all chemicals and hazardous materials on site. Annually, or upon any change of relevant circumstances, the applicant shall update such information and

provide it to the City and all applicable emergency responders as determined by the City.

D. A scaled site plan of the oil or gas well site showing the drilling pad, planned access roads, the approximate location of derricks, drilling rigs, equipment and structures, and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the oil or gas well site.

E. A narrative and map describing the planned access routes to the well sites on public roads including the transportation and delivery of equipment, machinery, water, chemicals, and other materials used in the siting, drilling, construction, maintenance, and operation of the oil or gas well site.

F. The applicant will make the operation's spill prevention, control, and countermeasures (SPCC) plan available to the City and all emergency responders at least twenty one (21) days prior to drilling of an oil or gas well and notify the City of any changes to the plan thereafter.

G. An appropriate site orientation for all applicable emergency responders as determined by the City. The cost and expense of the orientation shall be the sole responsibility of the applicant. If multiple wells/well sites are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a site orientation was offered in the last twelve (12) months shall be accepted.

H. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts on public health, public safety, public order or which prevent harm to public infrastructure or degradation of the value, use, and enjoyment of private property shall be provided to the City.

I. The applicant shall submit with application a certificate of comprehensive general liability insurance in the amount of no less than three million dollars ($3,000,000.00) per occurrence with an aggregate of five million dollars ($5,000,000.00). The policy shall be written by a company authorized to do business in the state of Idaho. The certificate shall require at least thirty (30) days' notice to the City prior to termination of coverage for any reason.

9-17-6: ISSUANCE OF PERMIT:

A. Within ten (10) business days after receipt of a permit application, the City will determine whether the application is complete and advise the applicant accordingly.

B. If the application is complete and fulfills the requirements of this chapter, the City will issue a permit within twenty one (21) days following the date the complete application was submitted.

C. If the application is incomplete or does not fulfill the requirements of this chapter, the City will notify the applicant of the missing and/or inadequate material and, upon receiving said material, shall issue the permit within twenty one (21) days following the date the complete application was submitted.

D. As a condition of permit approval, applicant shall provide all permits and plans from the department and all other appropriate regulatory agencies within twenty one (21) days of receipt of such permits and plans.

E. If temporary housing for well site workers is proposed on the well site, a plan showing the number and location of the units shall be provided to the City. Temporary housing plans shall be in compliance with all applicable City regulations.

9-17-7: SITE DESIGN AND INSTALLATION:

A. Access:

1. Vehicular access to a natural gas well, oil well or drilling site solely via a local street is discouraged unless it can be proven that the only viable vehicular access to the well site is via the local route. The use of collector streets is preferred.

2. The City roadway standards and development procedures pertaining to minimum traffic sight distances for all access points shall be adhered to.

3. Access directly to state roads from a well site may require an Idaho Transportation Department (ITD) approach permit. Prior to initiating any work at a drill site, the City shall be provided a copy of any required approach permit.

4. Access directly to City local streets shall require a City road development, replacement or repair agreement prior to initiating any work at a well site. Operator shall comply with any generally applicable bonding and permitting requirements for City roads that are to be used by vehicles for site construction, drilling activities and site operations.

B. Height:

1. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, pad

drilling and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well or pad drilling.

C. Setbacks/Location:

1. Setback distances shall, at minimum, follow requirements listed in the Department Rules Governing Oil and Gas Conservation.

   Setback distances shall be a minimum of two hundred feet (200') from the residence of the mineral interest owner and a minimum of two hundred feet (200') from the property line, unless stated otherwise in a written agreement signed by all affected parties, including adjacent landowners affected by the reduction of the setback.

2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with the City residents' enjoyment of their property and future City development activities as authorized by the City's applicable ordinances.

3. Exception from the standards established in this subsection may be granted by the City upon good cause by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exception.

D. Screening and Fencing:

1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned 24-hour on-site supervision and security are provided.

   Security fencing may be required when hazardous materials are stored on site for a period in excess of fourteen (14) days.

2. Upon completion of drilling or re-drilling in Residential or Commercial Zones, security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

The City may use its discretion to determine whether fencing requirements shall be enforced for wellheads, storage tanks, and other mechanical and production equipment and structures on the oil or gas well site.

3. Security fencing shall be at least six feet (6') in height, equipped with lockable gates at every access point and have an opening not less than twelve feet (12') wide. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary.

E. Warning Signs: Warning signs shall be placed on the oil or gas well site, providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.

F. Preservation of Natural Surroundings: During construction of oil or gas well sites, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible. Reforestation/re-vegetation of the well site will be provided by the owner/operator as required by rules governing oil and gas conservation.

G. Lighting: Lighting at the oil or gas well site either temporary or permanent shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.

H. Noise: The City recognizes that oil and gas development is accompanied by inherent noise. However, the operator shall consider, to the extent possible, mitigation of noise resulting from the oil and gas well development.

I. Dust Control: Operator shall control fugitive dust arising from operations. Operator shall dustproof work area by sprinkling with water where necessary.

J. Weed/Debris Control: The site shall be kept in a clean condition, free from weeds, debris and rubbish of every character. The well site should remain vegetation free.

K. Work Hours. Site development, other than drilling is to be conducted only between 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. Truck deliveries of equipment and materials associated with drilling and, well servicing, site preparation and other related work conducted on the site shall be limited to the above same work hour restrictions except in cases of an emergency. The operator may request an exception to this section for good cause shown.

(Ord. 602, Enacted, 6/10/14)

Chapter 1
GENERAL PROVISIONS

10-1-1: TITLE:
10-1-2: AUTHORITY:
10-1-3: PURPOSE:
10-1-4: JURISDICTION:
10-1-5: INTERPRETATION:
10-1-6: ADMINISTRATION:
10-1-7: COMBINING OF PERMITS:

10-1-1: TITLE:
This title shall be known as the SUBDIVISION TITLE OF THE CITY OF WILDER, IDAHO. (Ord. 342, 12-1-1988, eff. 12-1-1988)

10-1-2: AUTHORITY:
These regulations are authorized by Idaho Code title 50, chapter 13 and title 67, chapter 65; and the Idaho constitution article 12, section 2, as amended or subsequently codified. (Ord. 342, 12-1-1988, eff. 12-1-1988)

10-1-3: PURPOSE:
The purposes of these regulations are to promote the public health, safety and general welfare, and to provide for the harmonious development of the community. (Ord. 342, 12-1-1988, eff. 12-1-1988)

10-1-4: JURISDICTION:
These regulations shall apply to the subdividing of land within the corporate limits of the city and the property within the impact area boundary. (Ord. 342, 12-1-1988, eff. 12-1-1988)

10-1-5: INTERPRETATION:
All "subdivisions" as herein defined shall be submitted for approval by the planning and zoning commission and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations; and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply. (Ord. 342, 12-1-1988, eff. 12-1-1988)

10-1-6: ADMINISTRATION:
The council shall appoint a building official to carry out the provisions as herein specified and to serve at the pleasure of the council. The city engineer shall receive and process all subdivision applications. (Ord. 342, 12-1-1988, eff. 12-1-1988; amd. Ord. 537, 8-12-2008)

10-1-7: COMBINING OF PERMITS:

The city is hereby required to coordinate with other departments and agencies concerning all permits which may be required in this title and previously or subsequently adopted city ordinances. (Ord. 342, 12-1-1988, eff. 12-1-1988)

Chapter 2
DEFINITIONS

10-2-1: INTERPRETATION OF TERMS OR WORDS:
10-2-2: MEANING OF TERMS OR WORDS:

10-2-1: INTERPRETATION OF TERMS OR WORDS:

Terms or words used herein shall be interpreted as follows:

A. The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular;

B. The word "shall" is mandatory; "may" is permissive; and the word "should" is preferred; and

C. The masculine shall include the feminine. (Ord. 342, 12-1-1988, eff. 12-1-1988)

10-2-2: MEANING OF TERMS OR WORDS:

The following terms or words for purposes of this title shall have the meanings herein provided unless the context within which the word or term appears clearly requires otherwise:

ARTERIAL: A highway intended to be functional in service as the highest traffic volume corridor, the longest trip desired, and carries a high proportion of the total city urban area travel on a minimum of mileage and is integrated internally and to rural principal arterials.

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.

BUILDING CODES: The latest edition of the international building codes adopted by the city council.

BUILDING SETBACK LINE: An imaginary line established by a zoning ordinance1 that requires all buildings to be set back a certain distance from lot lines.

CHIP SEALING: The process of applying upon an asphalt surfaced road and/or street an oil product to act as an adhesive and clean crushed rock for the purpose of maintaining the functional integrity of the asphalt surface of the road and/or street.

CHIP SEALING CAPITALIZATION FEE: A fee required to be paid by subdividers to cover the costs of chip sealing the asphalt surfaced roads and/or streets dedicated to the city which fee shall be established by the public works director at the time of the

application for final plat approval using the then current "chip sealing" cost to chip seal the asphalt surfaced and dedicated roads and streets within the final plat.

CITY BUILDING OFFICIAL: The duly appointed city building official who serves as a city officer as otherwise provided for herein.

CITY CLERK: The duly appointed city clerk who serves as a city officer as otherwise provided for in this code.

CITY ENGINEER: The duly appointed city engineer who serves as a city officer as otherwise provided for in this code.

COMMISSION: The Wilder planning and zoning commission, appointed by the council.

COMPREHENSIVE PLAN: An adopted document that herein may be referred to as a comprehensive plan showing the general location and extent of present and proposed development.

CONDOMINIUM: Any land development and improvement that qualifies under the condominium property act codified at chapter 15 of title 55, Idaho Code.

COUNCIL: The city council of the municipal governing body.

COVENANT: A written promise or pledge.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

DEDICATION: The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon acceptance by the city.

EASEMENT: A grant by a property owner to specific persons or to the public to use land for specific purposes.

FINAL PLAT: A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared and stamped by a registered land surveyor in accordance with the standards of this chapter and chapter 13 of title 50, Idaho Code.

ISPWC: The latest edition of the "Idaho Standards For Public Works Construction", as adopted by the city of Wilder.

LOT: A parcel, plot, tract or other land area of suitable size as required in these regulations and in the official schedule of district regulations in section 9-6-2 of this code; and created by subdivision for sale, transfer or lease.

LOT AREA: The area of any lot shall be determined exclusive of street, highway, alley, road or other rights of way.

LOT LINE ADJUSTMENT: An adjustment and/or change of the boundary of any lot and/or original parcel of land.

MANUFACTURED HOME: As defined in this code under "Manufactured Home Regulations".

OPEN SPACE: An area open to the sky for outdoor recreation activity, exclusive of streets, buildings or other covered structures.

ORIGINAL PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the office of the county recorder, or any unplatted contiguous parcel of land held in one ownership and of record at the effective date of this title.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the city which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat.

PLANNED UNIT DEVELOPMENT SUBDIVISION: A subdivision designed as a combination of residential and/or commercial and/or industrial use planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets, which may include two (2) or more principal buildings.

PLAT: The drawing of a subdivision, cemetery, town site or other tract of land or a replatting of such including certifications, descriptions and approvals.

PLAT APPROVAL CHIP SEALING FUND: A special fund established within roads and streets fund and under the jurisdiction of the public works department to which chip sealing capitalization fees paid by subdividers shall be deposited and accounted for and expended from.

PRELIMINARY PLAT: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with the standards of this chapter and chapter 13 of title 50, Idaho Code.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

STREET: A right of way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms.

Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street. Minimum right of way width of twenty feet (20').

Collector Street: A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

Cul-De-Sac: A street connected to another street at one end only and provided with a turnaround space at its terminus.

Frontage: A minor street, parallel and adjacent to an arterial street, to provide access to abutting properties.

Loop: A minor street with both terminal points on the same street of origin.

Minor Street: A street which has the primary purpose of providing access to abutting properties.

Partial: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, limited liability company, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land and/or for administrative lot split and/or lot line adjustment in accordance with the provisions of this title. The subdivider must either be the owner of the property or be the duly authorized agent or have proprietary rights in the property to represent the owner.

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land for the purpose of transfer of ownership or development, which may also include the dedication of a public street and the addition to, or creation of, a cemetery.

SURVEYOR: Any person who is licensed in the state of Idaho as a land surveyor to do professional land surveying.

UTILITIES: Any of the following public works construction for domestic water, irrigation water, sewage, gas, electricity, television cable, stormwater and appurtenances and/or any similar facilities providing service to, intended to be used by and dedicated to the public.

VARIANCE: A permit for a modification of the strict terms of any relevant regulations provided for in this chapter or in the zoning ordinance of this city, which regulates the design and/or construction standards of a subdivision.

WILDER CONSTRUCTION STANDARDS: Any standards for construction governing public works construction adopted by resolution of the Wilder city council and include Idaho standards for public works construction (ISPWC) and the city of Wilder street standards and development procedures. (Ord. 537, 8-12-2008)

Title 10, Chapter 3
PROCEDURE FOR SUBDIVISION APPROVAL

10-3-1: SUBDIVISION APPROVAL REQUIRED:
10-3-2: PRE-APPLICATION:
10-3-3: PRELIMINARY PLAT:
10-3-4: FINAL PLAT:
10-3-5: ADMINISTRATIVE LOT SPLIT APPROVAL REQUIREMENTS AND PROCESS:

10-3-1: SUBDIVISION APPROVAL REQUIRED:

Any person desiring to create a "subdivision" as herein defined shall submit an application to the city clerk for referral to the city engineer. No final plat or administrative lot split and/or lot line adjustment shall be filed with the county recorder, nor shall any transfer of any real property which is the result of a subdivision and/or lot line adjustment be made until the final plat and/or administrative lot split and/or lot line adjustment has been approved as provided in this chapter. No lots within a plat shall be sold until the plat has been recorded in the office of the county recorder.

10-3-2: PRE-APPLICATION:

A. Application: The subdivider may submit a pre-application to enable the city engineer to review and comment on the proposed subdivision. The pre-application shall include the entire developmental scheme of the proposed subdivision in schematic form and include the following:
   1. The general layout and approximate dimensions of streets, blocks and lots in sketch form;
   2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
   3. The areas set aside for schools, parks and other public facilities.

B. Fee: As established by the city council by resolution.

C. City Engineer Action: The city engineer shall through the city clerk's office notify the subdivider within thirty five (35) days from the date of receiving an acceptable pre-application as to the general conformance or nonconformance of the proposal with this title, and the city clerk's office shall provide the necessary forms and checklists, as well as any additional concerns.

10-3-3: PRELIMINARY PLAT:

A. Application: The subdivider shall file with the city engineer a complete subdivision application form and preliminary plat data as required in this title.

B. Combining Preliminary and Final Plats (Also Called A Minor Subdivision): The applicant may request that the subdivision application be processed as both a preliminary and final plat if all of the following exist:

1. The proposed subdivision does not exceed ten (10) lots.
2. No new street dedication or street widening is involved with the exception of additional right of way required for adjacent highway.
3. No major special development considerations are involved (floodplain, hillside, etc.).
4. Information for both preliminary and final plats is complete.

C. Content of Preliminary Plat: The subdivider shall submit to the city engineer at least the following:

1. Six (6) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. The plat shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100') and shall show the drafting date and north arrow;
2. Six (6) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks, stormwater retention and other required public improvements;
3. A written application requesting approval of the preliminary plat;
4. Appropriate information that sufficiently details the proposed development within any special development area; and
5. Proof of interest in the subject property.

D. Requirements of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately:

1. The name of the proposed subdivision;
2. The names, addresses and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the preliminary plat;
3. The name and address of all adjoining owners of property whether or not bisected by a public right of way as shown on record in the county assessor's office;
4. The legal description of the subdivision (including written checkable traverse and closure sheet);
5. A statement of the intended use of the proposed subdivision;
6. A map of the entire area scheduled for development;
7. A vicinity map showing the relationship of the proposed plat to the surrounding area;
8. The land use and existing zoning of the proposed subdivision and the adjacent land;

9. Streets, street names, rights of way and roadway widths, including adjoining streets or roadways;
10. Lot lines and blocks showing the approximate dimensions and numbers of each;
11. Contour lines, shown at two foot (2') intervals;
12. Any proposed or existing utilities;
13. Any dedications to the public and/or easements, together with a statement of location, dimensions and purpose of such;
14. Any additional required information for special developments; and
15. A statement as to whether or not a variance will be requested with respect to any provision of this title describing the particular provision, the variance requested and the reasons therefor.

E. Fee: At the time of submission of an application for a preliminary plat, the subdivider shall pay a processing fee in accordance with the fee schedule established by resolution of the city council. There shall be no additional fee for the combining of the preliminary and final plats.

F. City Engineer Review:
1. Certification: Upon receipt of the preliminary plat, and all other required data as provided for herein, the city engineer shall certify the application (only when the same is complete) as complete and shall affix the date of application acceptance thereon.
2. Review by Other Agencies: The city engineer shall during the review process refer the preliminary plat and application to as many agencies as deemed necessary.

G. Action by the Commission: Within twenty eight (28) days after the certification as complete of the preliminary plat by the city engineer, the commission shall receive the preliminary plat and set the same for public hearing.

H. Public Hearing Procedure For Preliminary Plat: Prior to granting a preliminary plat, at least one public hearing shall be held in which interested persons shall have an opportunity to be heard. Written notice of the public hearing on said application shall be given by certified mail, with return receipt, at least fifteen (15) days prior to the date of the public hearing to the property owners adjoining the parcel under consideration, and at least fifteen (15) days prior to each hearing, notice of time and place shall be published in the official newspaper or paper of general circulation within the jurisdiction. The applicant is responsible for all notices and publishing costs.

I. Approval of Preliminary Plat: Following the public hearing the planning and zoning commission shall in writing either approve, conditionally approve or disapprove the preliminary plat application as presented. The

commission may delay their decision pending submission of additional information or approve, conditionally approve, or disapprove the preliminary plat application as presented. All decisions must include the following:

In determining the acceptance of a proposed subdivision, the commission shall consider the objectives and at least the following:

1. Ordinance and standards used in evaluating the application;
2. Reasons for approval or denial; and
3. Actions, if any, that the applicant could take to obtain approval.

J. Procedure: All procedures governing an application herein, unless otherwise specified in this title, shall be governed by the Wilder administrative procedures act1 which shall also govern all appellate requests to the city council from decisions made by the planning and zoning commission hereunder.

K. Notification to Applicant: Within fourteen (14) days after a final written decision has been rendered by the commission, the city clerk shall provide the applicant with written notice of the action on request. The preliminary plat will not be considered fully approved until all conditions have been satisfied and the appeal period has expired.

L. Action on Combined Preliminary and Final Plat: A recommendation shall be forwarded to the council in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved.

M. Appeal of Decision of Council: The applicant shall have twenty eight (28) days from the date of the mailing of the notice of the decision of the council within which to appeal the decision of the council to a court of competent jurisdiction.

N. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application from the subdivider within one year after action by the city council shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the city.
2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary plat approval.

10-3-4: FINAL PLAT:

A. Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the city engineer the following:
   1. Three (3) copies of the final plat;
   2. Three (3) copies of the final engineering construction drawings for streets, water, sewers, sidewalks, irrigation, stormwater retention and other public improvements.

B. Content Of Final Plat: The final plat shall include and be in compliance with all items required under Idaho Code title 50, chapter 13 and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty four inch (18" x 24") Mylar with no part of the drawing nearer to the edge than one inch (1"). The final plat must also be available to the city engineer in electronic format as reasonably required by the city engineer. The final plat shall include at least the following:
   1. A written application for approval of such final plat as stipulated by the city;
   2. Proof of current ownership of the real property included in the proposed final plat;
   3. Such other information as the city engineer or city may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;
   4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
   5. Conformance with all requirements and provisions of this title; and
   6. Conformance with acceptable engineering practices and local standards.

C. Fee: At the time of submission of an application for a final plat, a fee shall be paid. The city council shall establish the amount of the final plat fee by resolution.

D. City Engineer Review: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the city engineer shall certify the application as complete and shall affix the date of acceptance on the final engineering drawings.

E. Agency Review: The city engineer during the review process may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies as he deems necessary to

ensure compliance with the preliminary approval and/or conditions of preliminary approval.

F. Action by the Council: Within twenty eight (28) days after the submission of the final plat by the city engineer (who shall certify that the same is complete) the city council shall set the matter for public hearing.

G. Public Hearing Procedure For Final Plat: Prior to granting a final plat, at least one public hearing shall be held in which interested persons shall have an opportunity to be heard. Written notice of the public hearing on said application shall be given by certified mail, with return receipt, at least fifteen (15) days prior to the date of the public hearing to the property owners adjoining the parcel under consideration, and at least fifteen (15) days prior to each hearing, notice of time and place shall be published in the official newspaper or paper of general circulation within the jurisdiction. The applicant is responsible for all notices and publishing costs.

H. Approval of Application: Following the public hearing, the city council shall, in writing, approve, conditionally approve or disapprove of the application as presented. The city council shall consider the recommendation of the city engineer and the council may delay their decision pending submission of additional information or approve, conditionally approve, or disapprove the application as presented. The written decision shall set forth:

1. Ordinance and standards used in evaluating the application;
2. Reasons for approval or denial; and
3. Actions, if any, that the applicant could take to obtain approval.

I. Notification to Applicant: Within fourteen (14) days after a decision has been rendered by the council, the city clerk shall provide the applicant with written notice of the action on the final plat. The final plat will not be considered fully approved until all conditions have been satisfied and the appeal period has expired.

J. Approval Period: Final plat shall be filed with the county recorder within one year after written approval by the city; otherwise, such approval shall become null and void unless, prior to said expiration date, an extension of time is applied for by the subdivider and granted by the city.

K. Method of Recording: Upon approval of the final plat by the council, the subdivider's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of the following signatures on the final plat, the subdivider may submit the final plat to the county recorder for recording after the following has been completed:

1. Certification and signature of the mayor on the face of the final plat verifying that the subdivision has been approved and any dedication therein has been accepted in substantially the following form:

   Approval and Acceptance of City Council:
   The City Council of the City of Wilder does hereby approve this final plat as provided in Section 10-3-4 J Wilder City Code and does hereby accept the dedicated public streets, highways, rights-of-way and public utility easements as are depicted on this plat, in accordance with the provisions of I.C. §§ 50-1312 and 50-1313.
   On the day of : Mayor

2. Certification of the city clerk and the city engineer verifying to the city council that the subdivision meets the city requirements in substantially the following form:

   Certification of City Engineer:
   I, the undersigned City Engineer appointed by the City Council of the City of Wilder to administer its Subdivision Ordinance, do hereby certify as provided in Section 10-3-4D and K2 Wilder City Code that the application for the approval of this Plat is completed, meets the City requirements and has been approved by the City Council.
   On the day of : City Engineer

   Certification of City Clerk:
   I, the undersigned City Clerk of the City of Wilder, do hereby certify as provided in Section 10-3-4K2 Wilder City Code that the application for the approval of this Plat is completed, meets the City requirements and has been approved by the City Council.
   On the day of : City Clerk

3. Certification of the sanitation restrictions on the face of the plat per section 50-1326, Idaho Code.

L. Construction Time Period: Construction of facilities included in the approved improvement drawings shall be completed within a period of two (2) years following such approval by the city.

M. Construction Observation:

1. Construction observation of all construction completed within the city of Wilder for facilities which will be maintained by the city and constructed by persons other than the city's employees and/or its designated representatives shall be the responsibility of the applicant.
2. The applicant shall retain a professional engineer, licensed within the state of Idaho, who shall supervise construction observation and verify that all improvements were constructed in accordance with the accepted improvement drawings and adopted city design and improvement standards. All deviations from said improvement drawings and standards shall be duly noted and accepted by the city council prior to final acceptance of the completed improvements for maintenance by the city.
3. All construction observation shall be in accordance with the city construction observation policy statement (as set forth in the appendix).

N. Fees for Plan Review and Construction Observation: The applicant will be charged for all costs incurred by the planning and zoning commission in reviewing the improvement drawings and providing construction observation. All charges will be based on the planning and zoning commission actual costs. The charges will include the city engineer fees, the planning and zoning commission's agent's hourly wage rate, and any other costs associated directly with the applicant's project. The fees shall be payable when billed to the applicant, and final acceptance of the completed improvements into the city's system will not be granted until all fees are paid in full.

O. Testing:
1. All testing required by the city engineer shall be the responsibility of the applicant and/or his agent.
2. Any testing required by the city engineer (other than supplemental testing) but not provided by the applicant may be completed by the city, and all costs associated therewith shall be paid by the applicant.
3. If the minimum testing requirements have been met by the applicant, but the city engineer feels supplemental tests need to be taken on the materials, the applicant shall make such additional tests. The cost for the supplemental tests shall be borne by the applicant if the material fails the tests and by the city if the material passes the tests.

P. Chip Sealing Capitalization Fee:
1. The subdivider shall be responsible for the payment of the chip sealing capitalization fee for final plat approval of a plat which

contains asphalt surfaced and dedicated roads and streets to the public.

2. The chip sealing capitalization fee paid by the subdivider shall be held by the city in the "plat approval chip sealing fund" to be expended only for costs incurred by the city in chip sealing the asphalt surfaced roads and streets within the final plat and within six (6) years of the acceptance of those roads and streets by the city for perpetual maintenance.
3. The city treasurer shall provide a report to the subdivider of the city's expenditure of the chip sealing capitalization fee from the "plat approval chip sealing fund" and shall refund to the subdivider any unexpended chip sealing capitalization fee.
4. In the event the roads and streets within the final plat are not "chip sealed" within six (6) years from the date of their acceptance for perpetual maintenance, the chip sealing capitalization fee shall be refunded by the city treasurer to the subdivider.

Q. Acceptance into City System:

1. No completed improvements will be accepted into the city system for continuous maintenance until the conditions of subsection Q2 of this section have been met or a variance granted thereto.
2. A request for acceptance of completed improvements shall be filed with the city engineer and must establish that the request meets the following requirements and is accompanied by the following:
   a. Payment of all fees; and
   b. An engineer's statement of completion of improvements with required submittals (test results, record drawings, construction diary) establishing that the completed improvements have been constructed in accordance with the specifications, and design and improvement standards of the city; and
   c. Final review and acceptance by the planning and zoning commission; and
   d. Financial guarantee agreement.

10-3-5: ADMINISTRATIVE LOT SPLIT APPROVAL REQUIREMENTS AND PROCESS:

Any owner desiring to divide a tract or parcel of real property into two (2) parts for the purpose of transfer of ownership or development, which may also include the dedication of additional right of way to a public street, may in lieu of a combined preliminary and final plat (minor plat) process as provided in subsection 10-3-3B of this chapter seek approval by administrative lot split as is herein provided. No deed of conveyance of any parcel which has been split or for which there has been a lot line adjustment shall be recorded in the office of the county recorder until the administrative lot split and/or lot line adjustment has been approved by the city engineer as herein provided.

A. Application: The owner of any real property seeking an administrative lot split and/or lot line adjustment shall file with the city engineer a complete administrative lot split/lot line adjustment application form and data as required in this section.

B. Application Requirements: An applicant may make application for an administrative lot split/lot line adjustment if all of the following exist:

1. The proposed administrative lot split does not exceed a total of two (2) parcels.
2. The proposed parcels or lot line adjustment will result in parcels which meet the zoning lot size and setback requirements of the zoning ordinance.
3. No new street dedication or street widening is involved with the exception of additional right of way required for adjacent highway and/or utility easement dedication.
4. No major special development considerations are involved (floodplain, hillside, etc.).
5. Each of the proposed parcels has frontage of at least seventy five feet (75') on a highway which has been accepted for perpetual maintenance by either the City of Wilder and/or Golden Gate Highway District 3 and/or the Idaho Transportation Department.
6. Each of the proposed parcels is either served by or serviceable by the public utilities operated by the city of Wilder.

C. Record Of Survey: The applicant shall submit to the city engineer six (6) copies of the record of survey which complies with the provisions of chapter 19 of title 55 Idaho Code as a preliminary survey which shall include the legal descriptions of the affected and/or proposed parcels.

D. Additional Information Required: A written application requesting approval of the administrative lot split or lot line adjustment which shall include the following additional information:

1. The legal description of the affected and/or proposed parcels;
2. A statement of the intent to use of the subject parcels;
3. A map showing the subject parcels and any existing improvements with sufficient additional area to depict the relationship of the subject parcels to the surrounding area and showing highways (streets), street names, rights of way, roadway widths and adjoining streets or roadways;
4. Lot lines showing the approximate dimensions of each original tract or parcel, together with frontage on adjacent roads and location of utilities;
5. A statement as to whether or not the parcel is served by a public domestic water system and/or public sewage system and any proposed or existing utilities;
6. Proof of ownership interest in the subject parcels;

7. Any dedications of additional right of way and/or easements, together with a statement of location, dimensions and purpose of such;
8. A statement as to whether or not a variance will be requested with respect to any provision of this section describing the particular provision, the variance requested and the reasons therefor.

E. Fee: At the time of submission of an application for administrative lot split and/or lot line adjustment, the owner shall pay a processing fee in accordance with the fee schedule established by resolution of the city council.

F. City Engineer and Public Works Director Review:
1. Certification: Upon receipt of an application for administrative lot split and/or lot line adjustment and all other required data as provided for herein, the city engineer and public works director shall certify the application (only when the same is complete) as complete and shall affix the date of application acceptance thereon.
2. Review by Other Agencies: During the review process, the city engineer and/or the public works director may refer the administrative lot split and/or lot line adjustment and application to as many agencies as deemed necessary.

G. Action by the City Engineer: Within twenty eight (28) days after the certification as complete of the administrative lot split application, the city engineer and public works director may take the following action:
1. In the event the application complies with the requirements of this section, issue a certificate of acceptance and approval of administrative lot split and/or lot line adjustment which shall contain the legal descriptions of the approved parcels.
2. In the event the application will comply with the requirements of this section subject to conditions, issue a preliminary acceptance and approval subject to listed conditions. Any applicant whose application has received preliminary acceptance and approval must submit to the city engineer proof of compliance with conditions in order to obtain certification of acceptance and approval of the administrative lot split.
3. In the event the application does not comply with the requirements of this section and compliance with listed conditions cannot bring the application into compliance, the same should be denied.
4. The action of the city engineer and public works director under this subsection shall be mailed to the applicant by the city clerk with the original retained in the official files of the city.
5. An applicant aggrieved by the action of the city engineer and public works director may appeal that decision to the planning and zoning commission who shall hear the matter at public hearing

after having giving fifteen (15) days' prior written notice to adjoining property owners.

6. An application requiring a variance may not obtain certificate of acceptance and approval without final action of approval of the variance, which shall be in accordance with the provisions of chapter 8 of this title.

H. Recording of Certificate of Acceptance and Approval of Administrative Lot Split and/or Lot Line Adjustment: After the certificate of acceptance and approval of administrative lot split and/or lot line adjustment has been issued, the city clerk may record the same.

(Ord. 537, 8-12-2008)

Title 10, Chapter 4
DESIGN STANDARDS

10-4-1: MINIMUM DESIGN STANDARDS REQUIRED AND PROVIDING FOR MITIGATION OF EFFECTS OF SUBDIVISION DEVELOPMENT:
10-4-2: DEDICATION:
10-4-3: LOCATION:
10-4-4: SPECIFICATIONS:
10-4-5: STREET NAMES (Repealed by Ord. 579, 6/14/2011)
10-4-6: INTERSECTIONS:
10-4-7: PEDESTRIAN WALKWAYS:
10-4-8: EASEMENTS:
10-4-9: BLOCKS:
10-4-10: LOTS:
10-4-11: PUBLIC SITES AND OPEN SPACES:
10-4-12: PROTECTIVE COVENANTS:

10-4-1: MINIMUM DESIGN STANDARDS REQUIRED AND PROVIDING FOR MITIGATION OF EFFECTS OF SUBDIVISION DEVELOPMENT:

All plats submitted pursuant to the provisions of this title, and all subdivisions, improvements and facilities, constructed or made in accordance with said provisions shall provide for the mitigation of the effects of the subdivision's development on the ability of political subdivisions within the planning jurisdiction of the city, including school districts, to deliver services without compromising the quality of the services delivered by them to current residents of the planning jurisdiction or imposing substantial additional costs upon current residents to accommodate the proposed subdivision and shall comply with the minimum design standards set forth hereinafter in this chapter; provided, however, that any higher standards adopted by any highway district, state highway department or health agency shall prevail over those set forth herein.

10-4-2: DEDICATION:

Within a proposed subdivision, arterial and collector streets, as shown on the comprehensive plan, shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use.

10-4-3: LOCATION:

Street and road location shall conform to the following:

A. Street Location and Arrangements: When an official street, plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans;

B. Minor Streets: Minor streets shall be so arranged as to discourage their use by through traffic but should facilitate connectivity to adjoining property;

C. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas;

D. Relation to Topography: Streets shall be arranged in proper relation to topography;

E. Alleys: Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases;

F. Frontage Roads: Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to, and on each side of, such arterial street; or, such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic;

G. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than three hundred fifty feet (350') in length and shall terminate with an adequate turnaround having a minimum outside roadway diameter of at least ninety feet (90') curb face to curb face;

H. Half Streets: Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this title and where satisfactory assurance for dedication of the remaining part of the street is provided; and

I. Private Streets: Private streets and roads shall be prohibited except within planned unit developments.

10-4-4: SPECIFICATIONS:

A. Street Right of Way Widths: Streets and road right of way widths shall conform to the adopted major street plan or comprehensive development plan and the rules of the state division of highways and the highway district or department having jurisdiction.

B. Street Grades: Street grades shall not exceed ten percent (10%) on either minor or collector streets, and six percent (6%) for arterial streets.

C. Street Alignment: Street alignment shall be as follows:

1. Horizontal Alignment: When street lines deflect from each other by more than ten degrees (10°) in alignment, the centerlines shall

be connected by a curve having a minimum radius of five hundred feet (500') for arterial streets, three hundred feet (300') for collector streets, and fifty feet (50') for minor streets. Between reverse curves on collector and arterial streets, there shall be a minimum tangent distance of two hundred feet (200'); and

2. Vertical Alignment: Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets.

10-4-5: STREET NAMES:
(Repealed by Ord. 579, 6/14/2011)

10-4-6: INTERSECTIONS:
Intersections shall conform to the following:

A. Angle of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°).

B. Sight Triangles: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection and shall conform to the Wilder construction standards.

C. Number of Streets: No more than two (2) streets shall cross at any one intersection.

D. "T" Intersections: "T" intersections may be used wherever such design will not restrict the free movement of traffic.

E. Centerline Offsets: Street centerlines shall be offset by a distance of at least one hundred twenty five feet (125').

F. Vertical Alignment of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain, will be permitted.

10-4-7: PEDESTRIAN WALKWAYS:
All rights of way shall be sufficient to include pedestrian walkways on both sides of the street.

10-4-8: EASEMENTS:

Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary; total easement width shall not be less than ten feet (10') on the front and back and five feet (5') on the side except for corner lots which shall be ten feet (10'). Unobstructed drainage way easements shall be provided as required by the city.

10-4-9: BLOCKS:

Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary; blocks should be three hundred fifty feet (350') from the centerline of each street.

10-4-10: LOTS:

Lots shall conform to the following:

A. Zoning: The lot width, depth and total area shall not be less than the requirements of any applicable zoning ordinance;

B. Future Arrangements Impact Area Only: In appropriate circumstances in the city of Wilder impact area only when parcels of land are subdivided into large lots (such as when large lots are approved to accommodate septic tanks), the parcels may be configured, where feasible so as to allow for future division into smaller parcels; and

C. Sufficient Area For Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system.

10-4-11: PUBLIC SITES AND OPEN SPACES:

Public sites and open spaces shall conform to the following:

A. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision.

B. Special Developments: In the case of planned unit developments and developments of greater than twenty (20) acres, the city may require park and/or other open space facilities.

10-4-12: PROTECTIVE COVENANTS:

Protective covenants may be prepared and recorded as part of a subdivision. The city shall review and approve subdivision restrictive covenants prior to recording. The determination of the city, upon reviewing and approving the protective covenants, is to resolve any conflicts with existing subdivision and zoning regulations.

(Ord. 579, Amended, 6/14/2011; Ord. 537, Enacted, 8/12/2008)

Chapter 5
IMPROVEMENT STANDARDS

10-5-1: RESPONSIBILITY FOR PLANS:
10-5-2: REQUIRED PUBLIC IMPROVEMENTS:
10-5-3: WARRANTY AND GUARANTEE OF COMPLETION OF IMPROVEMENTS:

10-5-1: RESPONSIBILITY FOR PLANS:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, including profiles, cross sections, specifications and other supporting data for all required public streets, utilities and other facilities. All construction plans shall be prepared in accordance with the public agencies' standards or specifications. At the completion of the project, the subdivider shall provide one set of reproducible Mylar record drawings and electronic format compatible with AutoCad that accurately show measurements to all underground utilities and appurtenances, including services, and the street grade elevations.

All measurements and elevations shall be on the Wilder elevation grid as established by the 1988 North American vertical datum monument Q34; located at the city water tower at Fourth Street and Avenue C. (Ord. 537, 8-12-2008)

10-5-2: REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

A. Monuments: Survey monuments shall be set in accordance with Idaho Code section 50-1303. Also, all lot corners, block corners, street centerlines, center of cul-de-sacs, points of curvature, points of tangency, and points of beginning shall be surveyed and established on the ground.

B. Streets And Alleys: All streets and alleys shall be constructed in accordance with the Wilder construction standards.

C. Curbs And Gutters: Vertical curbs and gutters shall be constructed on collector and arterial streets. Rolled or vertical curbs and gutters shall be required on minor streets. All construction shall be in accordance with the Wilder construction standards.

D. Cycle Pathways: A cycle pathway may be required within subdivisions, as part of the public right of way or separate easement.

E. Installation Of Public Utilities: Underground utilities are required in accordance with the Wilder construction standards.

F. Driveways: All driveway openings in curbs shall be as specified by the public works department, highway district or state highway division.

G. Storm Drainage: The stormwater within a subdivision shall be contained within the public right of way or designated flood zone from a storm having a 100-year return frequency and within the curbed portion of the street and/or public drain facilities for a storm having a 10-year return frequency.

H. Public Water Supply And Sewer Systems:

1. All public water supply or sewer systems (serving 2 or more separate premises or households) shall be constructed in accordance with the requirements of the city engineer and any applicable Wilder construction standards. All new public water supply or sewer systems shall be an extension of an existing public system whenever possible.
2. Idaho Code section 50-1326 requires that any plat of a subdivision shall be required to obtain, in accordance with state of Idaho department of environmental quality regulations, a duly acknowledged certificate of approval issued by the director of the department of environmental quality, or otherwise as provided by regulation, for public water and/or public sewer facilities, or individual water and/or sewage facilities. All water and sewer plans shall be submitted to the state department of health and welfare or its authorized agent for approval.

I. Maintenance And Operation Of Private Water Supply And Sewer Systems: The subdivider shall provide for a perpetual method of maintenance and operation of the private water supply or sewer system (serving 2 or more separate premises or households) in compliance with the laws of the state of Idaho.

J. Fire Hydrants And Water Mains: Adequate fire protection shall be required in accordance with the requirements and approval of the Wilder rural fire protection district's fire code official which will include the type, location and frequency of all fire hydrants.

K. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the Wilder construction standards.

L. Sidewalks And Pedestrian Walkways: Sidewalks are required on both sides of the street.

M. Landscaping: Landscape buffering may be required by the council.

N. Street Lighting: A subdivider shall install streetlights subject to the Wilder construction standards.

O. Irrigation: Pressure irrigation water shall be provided to each lot separate from and not a part of the city domestic water supply. Supply pressure shall be between forty five (45) and fifty five (55) pounds per square inch at a design flow rate of five (5) gallons per minute per each lot in the entire development. Specific pressure irrigation development plans including pump stations and design calculations shall be submitted for approval to the commission and council along with the final plat and shall be designed in accordance with Wilder construction standards. There shall be no cross connections between irrigation and domestic waterlines. The irrigation gradient and drainage plan must also be approved by the city engineer. (Ord. 537, 8-12-2008)

10-5-3: WARRANTY AND GUARANTEE OF COMPLETION OF IMPROVEMENTS:

A. Warranty Agreement: The city requires a one year warranty agreement with responsible parties prior to acceptance of public improvements for public maintenance.

B. Financial Guarantee Agreements: Prior to acceptance of the completed improvements dedicated to the city, including, but not limited to, the water, sewer, irrigation, highways, etc., by the city, the applicant shall enter into a financial guarantee agreement approved by the city attorney. The subdivider is to provide a financial guarantee of performance in one or a combination of the following arrangements.

C. Cash Deposit, Certified Check, Negotiable Bond Or Irrevocable Bank Letter Of Credit:

1. Treasurer, Escrow Agent Or Trust Company: A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit or such other surety acceptable by the council, shall be deposited with an escrow agent or trust company;
2. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred ten percent (110%) of the estimated cost of construction for specific public improvement, as estimated by the city engineer and approved by the council;
3. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for a period to be specified by the council; and
4. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the council and subdivider may provide for progressive payment out of the cash deposit or

reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

D. Surety Bond:

1. Accrual: The bond shall accrue to the city covering construction, operation and maintenance of the specific public improvement;
2. Amount: The bond shall be in an amount equal to one hundred ten percent (110%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the city engineer and approved by the council and after the acceptance of the completed improvements by the city, the agreement shall extend for one year and be in an amount equal to fifty percent (50%) of the construction costs;
3. Term Length: The term length in which the bond is in force shall be for a period to be specified by the council for the specific public improvement;
4. Bonding For Surety Company: The bond shall be with a surety company authorized to do business in the state, acceptable to the council; and
5. The escrow agreement shall be drawn and furnished by the council.

E. Conditional Approval Of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

1. The construction of improvements required by this title shall have been completed by the subdivider and approved by the council; or
2. Surety acceptable to the council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

F. Preconstruction Meeting And Inspection By City Engineer And/Or By Design Engineer Of Public Improvements Under Construction: Prior to any construction of any improvements, there shall be a preconstruction meeting among the subdivider, the city engineer and the public works director at which meeting the plans and construction timetable shall be reviewed and the inspection agreement between the subdivider and the city shall be established to provide for the schedule of construction inspection to assure conformity to the submitted plans. The inspection agreement shall be entered into before there is an approval of the final plat and construction plans and specifications for public improvements.

G. Penalty In Case Of Failure To Complete The Construction Of A Public Improvement: In the event the subdivider shall, in any case, fail to

complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the council to proceed to have such work completed. In order to accomplish this, the council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the council and the subdivider. (Ord. 537, 8-12-2008)

Chapter 7
VACATIONS AND DEDICATIONS

10-7-1: APPLICATION PROCEDURE:

10-7-1: APPLICATION PROCEDURE:

A. Application: Any property owner desiring to vacate an existing subdivision, public right of way or easement, or desiring to dedicate a street right of way or easement, shall complete and file an application with the city clerk who shall refer the same to the city engineer.

B. City Clerk Action: Upon receipt of the completed application, the city clerk shall affix the date of application acceptance thereon. The city clerk shall place the application on the agenda for consideration at the next regular meeting of the commission.

C. Procedure: The procedure to be followed shall be in accordance with the provisions of Idaho Code section 50-1317 with the exception that the application must first be submitted for consideration and recommendation by the planning and zoning commission following the hearing and notice provisions of Idaho Code section 50-1317. (Ord. 537, 8-12-2008)

Chapter 8
VARIANCES

10-8-1: PURPOSE:
10-8-2: PUBLIC HEARING PROCEDURE FOR VARIANCE:
10-8-3: ACTION BY THE COMMISSION:
10-8-4: NOTIFICATION TO APPLICANT:
10-8-5: WILDER ADMINISTRATIVE PROCEDURE ACT:

10-8-1: PURPOSE:

The planning and zoning commission may recommend that the city council grant a variance only in the preliminary plat process in circumstances where a variance is necessary in order to prevent or to lessen such practical difficulties and unnecessary physical hardships to the applicant as would result from a literal interpretation and enforcement in certain of the regulations prescribed by these standards. The city council is the final city authority on granting of a variance.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing: a) undue hardship because of special characteristics applicable to the site, and b) the variance is not in conflict with public interest. Hardships must result from special site characteristics, from geographic, topographic or other physical conditions, or from population densities, existing street locations or traffic conditions.

Variances are not intended to allow something done that others do not have a permitted right to do. The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control.

A. Findings Required For Variance: The planning and zoning commission may recommend and the city council may grant a variance if, on the basis of application, investigation and evidence submitted, the following is found:
    1. That literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of these standards.
    2. That there are extraordinary site characteristics applicable to the property involved or to the intended use of the property, which do not apply generally to other properties.
    3. That literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties.
    4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare or be materially injurious to properties or improvements in the vicinity.

B. Substitute Plan Recommended: The planning and zoning commission may recommend and the city council may grant a variance for the location of fences, walls, monuments, landscaping, hedges or the like, based on a substitute plan, which provides equal safety or aesthetic qualities by other means. The substitute plan must:

1. Provide adequate vision clearance for vehicles, both those passing on the street and those leaving the development site.
2. Not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

C. Duration Of Approval: The use or construction permitted under the terms of any variance shall be commenced within a twelve (12) month period. If such use or construction has not commenced within such time period, the variance shall no longer be valid. Prior to the expiration of the twelve (12) month period, the planning and zoning commission, upon request of the applicant, may extend the variance for up to an additional six (6) months from the original date of approval.

D. Application: Application for a variance shall be filed with the planning and zoning commission on a form prescribed by the commission which shall include any information the commission deems necessary.

The application shall be accompanied by an accurate scale drawing of the site and all adjacent property affected, showing all existing and proposed locations of the streets, property lines, uses, structures, driveways, pedestrian walks, off street parking, off street loading facilities and landscaped areas.

The application shall be accompanied by the appropriate fee, which is established by city council resolution and is nonrefundable. (Ord. 537, 8-12-2008)

10-8-2: PUBLIC HEARING PROCEDURE FOR VARIANCE:

The planning and zoning commission and the city council shall each conduct a public hearing in the process of consideration of applications for variance under this chapter at which interested persons shall have an opportunity to be heard. Written notice of the public hearing on said application shall be given by certified mail, with return receipt, at least fifteen (15) days prior to the date of the public hearing to the property owners adjoining the parcel under consideration, and at least fifteen (15) days prior to each hearing, notice of time and place shall be published in the official newspaper or paper of general circulation within the jurisdiction. The applicant is responsible for all notices and publishing costs. (Ord. 537, 8-12-2008)

10-8-3: ACTION BY THE COMMISSION:

A. No variance shall be favorably acted upon by the commission or the council unless there is a finding as a result of public hearing that all the following exist:

1. That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this title would clearly be impracticable or unreasonable;
2. That strict compliance with the requirements of this title would result in extraordinary hardship to the subdivider or that these conditions would result in inhibiting the achievement of the objectives of this title;
3. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated;
4. That such variance will not violate the provisions of the Idaho Code; and
5. That such variance will not have the effect of nullifying the interest and purpose of this title and the comprehensive plan.

B. Upon making recommendation and upon granting or denying an application for variance, the commission and council shall specify:

1. Ordinance and standards used in evaluating the variance request;
2. Reasons for approval or denial; and
3. Actions, if any, that the applicant could take to obtain a variance. (Ord. 537, 8-12-2008)

10-8-4: NOTIFICATION TO APPLICANT:

Within ten (10) days after a decision has been rendered by the city council, the city clerk shall provide the applicant with written notice of the decision and order. (Ord. 537, 8-12-2008)

10-8-5: WILDER ADMINISTRATIVE PROCEDURE ACT:

All procedures governing an application under this chapter unless otherwise specified in this title shall be governed by the Wilder administrative procedure act which shall also govern all appellate requests from decisions made by the planning and zoning commission hereunder. (Ord. 537, 8-12-2008)

Chapter 9
DETECTION OF VIOLATION; ENFORCEMENT; PENALTIES

10-9-1: DETECTION OF VIOLATION:
10-9-2: ENFORCEMENT:
10-9-3: PENALTIES:

10-9-1: DETECTION OF VIOLATION:

The city engineer shall periodically research the county assessor's records and perform the necessary investigation to detect any violations of this title. (Ord. 548, 12-9-2008)

10-9-2: ENFORCEMENT:

No subdivision plat required by this title or the Idaho Code shall be admitted to the public land records of the county or recorded by the county recorder until such subdivision plat has received final approval by the council. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this title until the final plat has received approval by the council. The city attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title. (Ord. 342, 12-1-1988, eff. 12-1-1988)

10-9-3: PENALTIES:

Penalties for failure to comply with the provisions of this title shall be as follows:

Violation of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense. Nothing herein contained shall prevent the council or any other public official or private citizen from taking such lawful action as is necessary to restrain or present any violation of this title or of the Idaho Code. (Ord. 342, 12-1-1988, eff. 12-1-1988)

Chapter 10
AMENDMENTS

10-10-1: PROCEDURE:

10-10-1: PROCEDURE:
The council may, from time to time, amend, supplement or repeal the regulations and provisions of this title upon recommendation from the commission, in the following manner:

A. The commission, prior to recommending an amendment, supplement, or repeal of this title, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper1 or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers serving the jurisdiction for use as a public service announcement. Following the commission hearing, if the commission makes a material change in this title other than that published for the present hearing, further notice and hearing shall be provided before the commission forwards its recommendation to the council. A record of the hearings, findings made, and actions taken shall be maintained; and

B. The council, prior to adopting an amendment, supplement or repeal of this title, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. The council shall not hold a public hearing, give notice of a proposed hearing nor take action until recommendations have been received from the commission. Following the hearing of the council, if the council makes a material change in this title, other than that published for the present hearing, further notice and hearing shall be provided before the council adopts the amendment, supplement or repeal. (Ord. 342, 12-1-1988, eff. 12-1-1988)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 1

Short Title, Applicability, Findings, and Purpose

12-1-1. Short title. This Title shall be known and may be cited as the Wilder Rural Fire Protection District Development Impact Fee Ordinance.

12-1-2. Findings:
The City Council of the City of Wilder finds that:

A. Considerable growth and development are being experienced within the city limits of the City of Wilder.

B. The new growth and development occurring within the City of Wilder will place ever-increasing demands upon the Wilder Rural Fire Protection District, whose boundaries include area within the City Limits, to provide, improve and expand Wilder Rural Fire Protection District's existing fire protection districts' public safety facilities to serve that new growth and development; and the tax revenues generated from that new growth and development often does not generate sufficient funds to provide the necessary improvements and expansion of the public safety facilities to protect the public health, safety and welfare.

C. The new growth and development users, who create the increased demand upon the Wilder Rural Fire Protection District, should bear their proportionate share of the cost of public safety facilities needed to serve that new growth and development.

D. Wilder Rural Fire Protection District is organized pursuant to Idaho Code §§ 31-1401 et seq. and does not have authority to make and adopt ordinances as a method of carrying out their statutory duties.

E. The Idaho Development Impact Fee Act (Act) at Idaho Code §§ 67-8201 et seq. requires an entity to adopt an ordinance in order to impose and collect development impact fees.

F. The Act does provide, pursuant to Idaho Code § 67-8204A, in circumstances where the City and a fire district are both affected by the considerable growth and

development, as is occurring within the City, that the City and the fire district may enter into an intergovernmental agreement for the purpose of agreeing to collect and expend development impact fees for System Improvements which provides for a new funding mechanism for those System Improvements Costs incurred by the fire district to meet the demand and growth occurring within the City and which promotes and accommodates orderly growth and development and protects the public health, safety and general welfare of the people, residential and non-residential establishments within the boundaries of the City.

G. The City has statutory authority to make and adopt ordinances pursuant to Chapter 9 of Title 50 Idaho Code.

12-1-3. Authority:
This ordinance is enacted pursuant to the City's general police powers, its authority to enact ordinances, and its authority as provided by the Act and other applicable laws of the state of Idaho to impose and collect development impact fees on behalf of the Wilder Rural Fire Protection District; and the City's and the Wilder Rural Fire Protection District's authority to enter into an Intergovernmental Agreement as provided for in Idaho Code § 67-8204A when jointly affected by growth and development for the purpose of agreeing to impose, collect and expend development impact fees in order for new growth and development pay their proportionate share of the cost of public facilities to serve that new growth and development.

12-1-4. Applicability:
This Title shall apply to the Development of property located within the boundaries of the Wilder Rural Fire Protection District and the City.

12-1-5. Purpose:
The intent of this Title is to ensure that new residential and non-residential development bears a proportionate share of the cost of System Improvements; to ensure that such proportionate share does not exceed the cost of such System Improvements required to accommodate new Development; and to ensure that funds collected from new Development are actually used for System Improvements in accordance with the Act.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 2
Definitions

12-2-1. Definitions:
As used in this Title, the following words and terms shall have the following meanings, unless another meaning is plainly intended and words and terms appearing in the singular number includes the plural and the plural the singular:

ACT shall mean the Idaho Development Impact Fee Act as set forth in Chapter 82 of Title 67, Idaho Code.

APPROPRIATE shall mean to legally obligate by contract or otherwise commit to the expenditure of funds by appropriation or other official act of the Board of Commissioners.

BOARD OF COMMISSIONERS shall mean the Board of Commissioners of the Wilder Rural Fire Protection District, which is its governing board.

BUILDING PERMIT shall mean the permit required for foundations, new construction and additions pursuant to City of Wilder Building and Safety Code Ordinance, Section 4 of Chapter 1, Title 3 Wilder City Code.

CAPITAL IMPROVEMENTS shall mean improvements with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of Fire District Capital Facilities.

CAPITAL IMPROVEMENTS ELEMENT shall mean a component of the Capital Improvements Plan of the Wilder Rural Fire Protection District adopted by the Board of Commissioners of the Fire District and the City Council pursuant to Chapters 65 and 82 of Title 67, Idaho Code, and as the same is amended, which component meets the requirements of the capital improvements plan required by the Act.

CAPITAL IMPROVEMENTS PLAN shall mean the Impact Fee Study and Capital Improvements Plan recommended by Joint Advisory Committee and adopted by Wilder Rural Fire Protection District Board of Commissioners and the City Council that identifies Fire District Capital Facilities for which the Wilder Rural Fire Protection District's Impact Fees may be used as a funding source.

CITY shall mean the City of Wilder, Idaho.

CITY COUNCIL shall mean the City Council of the City of Wilder.

CITY OF WILDER/WILDER RURAL FIRE PROTECTION DISTRICT DEVELOPMENT IMPACT FEE CAPITAL PROJECTS TRUST FUND (the "TRUST FUND") shall mean the Fire District Trust Fund established by action of the Board of Commissioners of the Wilder Rural Fire Protection District pursuant to Chapter 11 of this Title and pursuant to Idaho Code § 67-8210(1) into which all Fire District Impact Fees shall be deposited and maintained by the Wilder Rural Fire Protection District.

DEVELOPER shall mean any person or legal entity undertaking development including a Development that seeks an annexation into the City and/or undertakes the subdivision of property pursuant to Idaho Code §§ 50-1301 through 50-1334, as amended.

DEVELOPMENT shall mean any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities or the annexation into the City and/or subdivision of property that would permit any change in the use, character or appearance of land.

DEVELOPMENT APPROVAL shall mean any written duly authorized document from the City which authorizes the commencement of a Development.

DEVELOPMENT REQUIREMENT shall mean a requirement attached to a Developmental approval or other City governmental action approving or authorizing a particular Development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land or money as condition of approval.

DWELLING UNIT shall mean any structure, or portion thereof, providing living facilities for one family as herein defined, including provisions for living, sleeping, eating, cooking and sanitation.

EXTRAORDINARY COSTS shall mean those costs incurred as result of an extraordinary impact.

EXTRAORDINARY IMPACT shall mean an impact which is reasonably determined by the Fire District to: (i) result in the need for Fire District system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by Idaho Code § 67-8214(2), as amended; or (ii) result in the need for Fire District system improvements which are not identified in the capital improvements plan.

FAMILY shall mean:

1. A person living alone or two (2) or more persons related by blood or marriage.

2. A group of not more than ten (10) persons who need not be related by blood or marriage living together in a dwelling unit.

3. Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling unit who are supervised at the dwelling in connection with their handicap or age related infirmity, provided that no more than two (2) staff members reside in the dwelling unit at any one time. (Resident staff shall not be counted toward the "8 or fewer" criterion.)

FEE PAYER shall mean the person who pays or is required to pay a Fire District Impact Fee. A fee payer may include a developer.

FIRE DISTRICT shall mean the Wilder Rural Fire Protection District, a fire district organized and existing by virtue of the Fire Protection District Law, Chapter 14 of Title 31, Idaho Code.

FIRE DISTRICT ADMINISTRATOR shall mean the Fire District Administrator of the Fire District or their designee.

FIRE DISTRICT CAPITAL FACILITIES shall mean Fire District stations and equipment which is identified in Exhibit III-2 of the Capital Improvements Plan, and specifically including those related costs including System Improvements Costs, but not including maintenance, operations, or improvements that do not expand their capacity.

FIRE DISTRICT IMPACT FEE shall mean a payment of money imposed as condition of Development Approval to pay for a proportionate share of the costs of System Improvements needed to serve the Development. The term does not include the following:

1. A charge or fee to pay the administrative plan review, or inspection cost associated with permits required for Development;

2. Connection or hookup charges;

3. Availability charges for drainage, sewer, water or transportation charges for services provided directly to the development; or

4. Amounts collected from a Developer in a transaction in which the Fire District has incurred expenses in constructing Capital Improvements for the Development if the owner or developer has agreed to be financially responsible for the construction or installation of those Capital Improvements, unless a written agreement is made, pursuant to Idaho Code § 67-8209(3) as amended, for credit or reimbursement.

INTERGOVERNMENTAL AGREEMENT shall mean the City of Wilder/Wilder Rural Fire Protection District Intergovernmental Agreement for the Collection and Expenditure of Development Impact Fees for Fire District Systems Improvements entered into by and between the City and the Fire District pursuant to Idaho Code §§ 67-8204A and 67-2328 for the collection and expenditure of Fire District Impact Fees established pursuant to this Title.

JOINT ADVISORY COMMITTEE shall mean the City of Wilder/Wilder Rural Fire Protection District Joint Development Impact Fee Advisory Standing Committee formed and staffed by the City and the Fire District pursuant to Idaho Code § 67-8205 to prepare and recommend the Capital Improvements Plan and any amendments, revisions or updates of the same.

LAND USE ASSUMPTIONS shall mean a description of the service area and projections of land uses, densities, intensities and population in the service area over at least a ten (10) year period.

LEVEL OF SERVICE shall mean a measure of the relationship between service capacity and service demand for Public Facilities.

MANUFACTURED/MOBILE HOME shall mean a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in such structure, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. §§ 5401 et seq.

MODULAR BUILDING shall mean any building or building component other than a manufactured/mobile home, which is constructed according to the International Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

PRESENT VALUE shall mean the total current monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money.

PROJECT shall mean a particular Development on an identified parcel of land.

PROJECT IMPROVEMENTS, in contrast to System Improvements, shall mean site improvements and facilities that are planned and designed to provide service for a particular Development Project and that are necessary for the use and convenience of the occupants or users of the Project.

PROPORTIONATE SHARE shall mean that portion of System Improvements Costs determined pursuant to Idaho Code § 67-8207 which reasonably relates to the service demands and needs of the Project.

PUBLIC FACILITIES shall mean land, buildings and equipment used for fire protection, emergency medical and rescue, and water supply production, storage and distribution facilities which have a useful life of ten (10) years or more.

RECREATIONAL VEHICLE shall mean a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

SERVICE AREA shall mean any defined geographic area within the City as identified by the Fire District in which specific Public Facilities provide service to Development within the areas defined, on the basis of sound planning or engineering principles or both. For purposes of this Ordinance, there shall be one Service Area encompassing all of the City of Wilder.

SERVICE UNIT shall mean a standardized measure of consumption, use, generation or discharge attributable to an individual unit of Development calculated in accordance with generally accepted engineering or planning standards for a particular category of Capital Improvements. As specifically used in this Ordinance, service units include all dwelling units intended for residential use development.

SYSTEM IMPROVEMENTS, in contrast to Project Improvements, shall mean Capital Improvements to Public Facilities which are designed to provide service to a Service Area. For the purpose of this Title, System Improvements are for Fire District Capital Facilities.

SYSTEM IMPROVEMENTS COSTS shall mean costs incurred for construction or reconstruction of System Improvements, including design, acquisition, engineering and other costs, and also including, without limitation, the type of costs described in Idaho Code § 50-1702(h), as amended, to provide additional Public Facilities needed to service new growth and Development. For clarification, System Improvements Costs do not include:

1. Construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plan;

2. Improvements, repair, operation or maintenance of existing or new capital;

3. Upgrading, updating, expanding or replacing existing Capital Improvements to serve existing Development in order to meet stricter safety, efficiency, environmental or regulatory standards;

4. Upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing Development;

5. Administrative and operating costs of the Fire District and/or the City unless such costs are attributable to Development of the Capital Improvements Plan, as provided in Idaho Code § 67-8208, as amended; and

6. Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the Fire District to finance Capital Improvements identified in the Capital Improvements Plan.

TRUST ACCOUNTS shall mean any of one or more interest bearing accounts within the City of Wilder/Wilder Rural Fire Protection District Development Impact Fee Capital Projects Trust Fund established in Chapter 11 of this Title.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 3
Imposition of the Fire District Impact Fee

12-3-1. Establishment of the Wilder Rural Fire Protection District Service Area.
There is hereby established a Service Area of the Wilder Rural Fire Protection District which Service Area includes all land in the City which are within the boundaries of the Wilder Rural Fire Protection District.

12-3-2. Imposition of Impact Fee.
The Wilder Rural Fire Protection District Impact Fee is hereby imposed on all new Development within the City.

12.3.3. Fee Schedule.
Fire District Impact Fees shall be calculated in accordance with the fee schedule set forth below providing for standard fees based on the total number of dwelling units or square feet of nonresidential space in the Development, unless (a) the Fee Payer requests an individual assessment pursuant to section 12-6-1 of this Title; or (b) the City and the Fire District find the Development will have an Extraordinary Impact pursuant to Chapter 9 of this Title. The methodology for determining the costs per service unit provided for in the fee schedule is set forth in the Capital Improvements Plan.

A. Wilder Rural Fire Protection District Impact Fee:

Residential (per Dwelling Unit)	$825.00
Non Residential (per square foot)	$0.41

12.3.4. Developer's Election.
A Developer shall have the right to elect to pay a project's proportionate share of System Improvements Costs by payment of Fire District Impact Fee according to the fee schedule as full and complete payment of the Development project's proportionate share of System Improvements Costs, except as provided in Idaho Code § 67-8214(3), as amended.

12.3.5. Procedures:

A. Building Permit. Upon submittal of complete building permit plans for the Development to the City, the City shall calculate the Fire District Impact Fee for the Development within thirty (30) days of submittal unless:

a. The Fee Payer requests and has been granted an individual assessment pursuant to this Title; or

b. the Fire District Administrator determines that the Development may have Extraordinary Impact.

B. Exemption. An exemption pursuant to Chapter 5 of this Title must be claimed by the Fee Payer upon application for a Building Permit or manufactured home installation permit. Any exemption not so claimed shall be deemed waived by the Fee Payer.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 4
Collection of Fire District Impact Fees

12-4-1. Certification.

After the Fire District Impact Fee due for a proposed Development has been calculated by the City pursuant to the fee schedule attached to the Capital Improvements Plan or by the Fire District Administrator using the individual assessment process, the Fee Payer may request from the City or the Fire District Administrator a certification of the amount of Fire District Impact Fee due for that Development. Within thirty (30) days after receiving such request, the City or the Fire District Administrator shall issue a written certification of the amount of the Fire District Impact Fee due for the proposed Development. Such certification shall establish the Fire District Impact Fee so long as there is no material change to the particular Development as identified in the individual assessment application, or the impact fee schedule attached to the Capital Improvements Plan. The certification shall include an explanation of the calculation of the Fire District Impact Fee including an explanation of factors considered under Idaho Code § 67-8207 and shall also specify the System Improvement(s) for which the Fire District Impact Fee is intended to be used. If the Impact Fee is calculated by the City pursuant to the fee schedule, the City shall provide the certification to the Fee Payer and the Fire District Administrator. If the Impact Fee is determined by the Fire District Administrator following an individual assessment of the fee, the Fire District Administrator shall provide the certification to the Fee Payer and the City.

12-4-2. Payment of Fees.

The Fire District Impact Fee shall be paid either to the City or to the Fire District at the following times:

A. If a Building Permit or manufactured/mobile home installation permit is required, then at the time before the permit is issued;

B. If no Building Permit or manufactured/mobile home installation permit is required, then at the time that construction commences; or

C. At such other time as the Developer and the Fire District have agreed upon in writing with notice to the City.

12-4-3. Payment to Fire District by applicant.

In the event a Fire District Impact Fee is paid to the Fire District, then the Fire District Administrator shall immediately notify the City of said payment.

12-4-4. Payment to Fire District by City.
All Fire District Impact Fees paid to the City shall then be delivered to the Fire District Administrator on a once-a-month basis.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 5
Exemptions

12-5-1. Exemptions.
The provisions of this Title shall not apply to the following:

A. Rebuilding the same amount of floor space of a structure which is destroyed by fire or other catastrophe, provided the structure is rebuilt and ready for occupancy within two (2) years of its destruction;

B. Remodeling or repairing a structure which does not increase the number of service units;

C. Replacing a residential unit, including a manufactured/mobile home, with another residential unit on the same lot; provided that, the number of service units does not increase;

D. Placing a temporary construction trailer or office on a lot;

E. Constructing an addition on a residential structure which does not increase the number of service units;

F. Adding uses that are typically accessory to residential uses, such as tennis court or a clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of System Improvements; or

G. The installation of a modular building, manufactured/mobile home or recreational vehicle if the Fee Payer can demonstrate by documentation such as utility bills and tax records that either: (a) a modular building, manufactured/mobile home or recreational vehicle was legally in place on the lot or space prior to the effective date of this Title; or (b) a Fire District Impact Fee has been paid previously for the modular building, manufactured/mobile home or recreational vehicle on that same lot or space.

12-5-2. Exemption Claim Process:
An exemption from a Fire District Impact Fee must be claimed on the Application by the Developer (Fee Payer) upon submitting their application for a Building Permit or manufactured

home installation permit. Any exemption not so claimed shall be deemed waived by the Fee Payer. Applications for exemption shall be determined by the City within ninety (90) days of receipt of the claim for exemption.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 6
Individual Assessment Process

12-6-1. Individual Assessment Permitted.
In lieu of calculating the amount of the Fire District Impact Fee using the impact fee schedules in Chapter 3 of this Title, an individual assessment of Impact Fees is permitted.

A. INDIVIDUAL ASSESSMENT PROCESS. A Fee Payer may file a written request for an individual assessment of the Development by the Fire District with the Fire District Administrator prior to the receipt of a building permit or other necessary approvals or entitlements from the City. A request for an individual assessment process shall involve consideration of studies, data, and any other relevant information submitted by the Fee Payer to adjust the amount of the Fire District Impact Fee.

1. Each individual assessment request and supporting documentation submitted by the Fee Payer shall be based on the same level of service standards and unit costs for System Improvements used in the Fire District's Capital Improvements Plan, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.

2. Each individual assessment request delivered to the Fire District Administrator may then be accepted, rejected, or accepted with modifications by the Fire District Administrator as the basis for calculating the Fire District Impact Fee. The criteria for acceptance, rejection or acceptance with modifications shall be whether the individual assessment is a more accurate measure of demand for System Improvements element(s) created by the proposed Development, or the costs of those facilities, than the applicable fee shown in the fee schedule, based on the standards in Section 67-8207, Idaho Code.

3. The Fire District Administrator shall issue a written decision within thirty (30) days following receipt of a completed request for individual assessment together with all supporting information from the Fee Payer, so as not to unreasonably delay the Developer's (Fee Payer's) subsequent applications to the County for Building Permits.

4. The decision by the Fire District Administrator on an application for an individual assessment shall include an explanation of the calculation of the Fire District Impact Fee, shall specify the System Improvement(s) for which the Fire District Impact Fee is intended to be used, and shall include an explanation of those factors identified in Idaho Code § 67 8207.

5. If an individual assessment is accepted or accepted with modifications by the Fire District Administrator then the Fire District Impact Fee due under this Title for such Development shall be calculated according to such individual assessment.

6. The Fire District Administrator shall provide notice of final determination of an individual assessment to the Fee Payer and to the City.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 7
Developer Credits and Reimbursement

12-7-1. Credits to be Issued.

When a Developer or their predecessor in title or interest has constructed System Improvements of the same category as a Fire District Capital Improvements Element, or contributed or dedicated land or money towards the completion of System Improvements of the same category as a Fire District Capital Improvements Element, and the Fire District has accepted such construction, contribution or dedication, the Fire District shall issue a credit against the Fire District Impact Fees otherwise due for the same Fire District Capital Improvements Element in connection with the proposed Development, as set forth in this section, credit shall be issued regardless of whether the contribution or dedication to System Improvements was required by the Fire District as a condition of Development Approval or was offered by the Developer and accepted by the Fire District in writing, and regardless of whether the contribution or dedication was contributed by the Developer or by a local improvement district controlled by the Developer.

12-7-2. Limitations.

Credits against a Fire District Impact Fee shall not be given for: (a) Project Improvements; or (b) any construction, contribution or dedication not agreed to in writing by the Fire District prior to commencement of the construction, contribution, or dedication. Credits issued for one Fire District Capital Improvements Element may not be used to reduce Fire District Impact Fees due for a different capital improvement. No credits shall be issued for System Improvements contributed or dedicated prior to the effective date of this Title. Prior contributions may only be taken into account pursuant to an individual assessment.

12-7-3. Valuation of Credit at Present Value:

A. *Land.* Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at the present value of: (a) one hundred percent (100%) of the most recent assessed value for such land as shown in the records of the county assessor; or (b) that fair market value established by a private appraiser acceptable to the Fire District in an appraisal paid for by the Fee Payer.

B. *Improvements.* Credit for qualifying acquisition or construction of System Improvements shall be valued by the Fire District at the present value of such improvements based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the Fire District. The Fire

District Administrator shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the Fire District as a more accurate measure of the value of the offered System Improvements to the Fire District.

12-7-4. When Credits Become Effective:

A. *Land.* Approved credits for land dedications shall become effective when the land has been conveyed to the Fire District in a form acceptable to the Fire District, at no cost to the Fire District, and has been accepted by the Fire District. Upon request of the Fee Payer, the Fire District shall issue a letter stating the amount of credit available.

B. *Improvements.* Approved credits for acquisition or construction of System Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the Fire District, (b) a suitable maintenance and warranty bond has been received and approved by the Fire District, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the Fire District and the state of Idaho. Upon request of the Fee Payer, the Fire District shall issue a letter stating the amount of credit available.

12-7-5. Credit Request Procedures:

A. *Request.* In order to obtain a credit against a Fire District Impact Fee otherwise due, a Fee Payer shall submit to the City a written offer of request to dedicate to the Fire District specific parcels of qualifying land or a written offer to contribute or construct specific System Improvements to the Fire District Capital Facilities in accordance with all applicable State or City design and construction standards, and shall specifically request a credit against the type of Fire District Impact Fee for which the land dedication or System Improvements is offered. The City shall then deliver the written offer of request to the Fire District Administrator.

B. *Review.* After receipt of the written offer of request for credit, the Fire District Administrator shall review the request and determine whether the land or System Improvements offered for credit will reduce the costs of providing Fire District Capital Facilities by an amount at least equal to the value of the credit. If the Fire District Administrator determines that the offered credit satisfies that criteria and will be acceptable to the Board of Commissioners, then the credit shall be issued. The Fire District shall complete its review and determination of an application within thirty (30) days after receipt of an application for credit.

C. *Credits Exceeding Fee Amounts Due*. If the credit due to a Fee Payer pursuant to section 12-7-4 of this Title exceeds the Fire District Impact Fee that would otherwise be due from the Fee Payer pursuant to this Title (whether calculated through the fee schedule attached to the Capital Improvement Plan or through an independent assessment), the Fee Payer may choose to receive such credit in the form of either: (a) a credit against future Fire District Impact Fee due for the same System Improvements; or (b) a reimbursement from Fire District Impact Fees paid by future Development that impacts the System Improvements contributed or dedicated by the Fee Payer. Unless otherwise stated in an agreement with the Fee Payer, the Fire District shall be under no obligation to use any Fire District funds - other than Fire District Impact Fees paid by other Development for the same System Improvements - to reimburse the Fee Payer for any credit in excess of Fire District Impact Fees that are due.

D. *Written Agreement Required.* If credit or reimbursement is due to the Fee Payer pursuant to this section, the Fire District shall enter into a written agreement with the Fee Payer, negotiated in good faith, prior to the contribution, dedication, or funding of the System Improvements giving rise to the credit. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement, and shall have a term not exceeding ten (10) years.

E. The Fire District Administrator's determination on the written offer of request for credit shall be provided to the Fee Payer and the City.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 8
Methodology for the Calculation of Fire District Impact Fees

12-8-1. General Provisions.

A. *Accounting Principles.* The calculation of the Fire District Impact Fee shall be in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or Developers within the service area other than the Fee Payer.

B. *Levels of Service.* The Fire District Impact Fee shall be calculated on the basis of levels of service for Public Facilities adopted in this Title that are applicable to existing Development as well as new growth and Development. The construction, improvement, expansion or enlargement of new or existing Public Facilities for which the Fire District Impact Fee is imposed must be attributable to the capacity demands generated by the new Development.

12-8-2. Methodology; Proportionate Methodology.

The Fire District Impact Fee shall not exceed a proportionate share of the cost of the System Improvements determined in accordance with Idaho Code § 67-8207, as amended. Fire District Impact Fees shall be based on actual System Improvements Costs or reasonable estimates of such costs. The amount of the Fire District Impact Fee shall be calculated using the methodology contained in the Capital Improvements Plan.

12-8-3. Proportionate Share Determination.

A. Fire District Impact Fee shall be based on a reasonable and fair formula or method under which the Fire District Impact Fee imposed does not exceed a proportionate share of the costs incurred or to be incurred by the Fire District in the provision of System Improvements to serve the new Development. The proportionate share is the costs attributable to the new Development after the Fire District considers the following:

1. Any appropriate credit, offset or contribution of money, dedication of land or construction of System Improvements;

2. Payments reasonably anticipated to be made by or as a result of a new Development in the form of user fees and debt service payments;

3. That portion of general tax or other revenues allocated by the Fire District to System Improvements; and

4. All other available sources of funding such System Improvements.

B. In determining the proportionate share of the cost of System Improvements to be paid by the Developer, the following factors shall be considered by the Fire District and accounted for in the calculation of the Fire District Impact Fee:

1. The costs of existing System Improvements within the Service area;

2. The means by which existing System Improvements have been financed;

3. The extent to which the new Development will contribute to System Improvements Costs through taxation, assessments, or developer or landowner contributions, or has previously contributed to System Improvements Costs through Developer or landowner contributions;

4. The extent to which the new development is required to contribute to the cost of existing System Improvements in the future;

5. The extent to which the new Development should be credited for providing System Improvements, without charge to other properties within the Service Area;

6. Extraordinary costs, if any, incurred in serving the new Development;

7. The time and price differential inherent in a fair comparison of fees paid at different times; and

8. The availability of other sources of funding System Improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers and special taxation.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 9
Extraordinary Impacts

12-9-1. In the event the City makes an initial determination that Development may impose Extraordinary Impact, the City shall provide the Development application to the Fire District Administrator along with the City's initial determination. The Fire District Administrator shall then review and determine whether or not the Development application will impose Extraordinary Impact.

12-9-2. If the Fire District Administrator determines that a proposed Development generates Extraordinary Impact that will result in extraordinary Systems Improvements Costs, the Fire District Administrator will notify the Fee Payer and the City of such Fire District Impact Fee determination within thirty (30) days after Fire District Administrator's receipt from the City of the Development Application and the City's initial determination. Such notice shall include a statement that the potential impacts of such Development on System Improvements are not adequately addressed by the Capital Improvements Plan, and that a supplemental study, at the Fee Payer's expense will be required.

12-9-3. Circumstances that may lead to a determination of Extraordinary Impact include, but are not limited to: (a) an indication the assumptions used in the Capital Improvements Plan underestimate the level of activity or impact on Fire District Capital Facilities from the proposed Development or activity.

12-9-4. Within thirty (30) days following the designation of a Development with Extraordinary Impact, the Fire District Administrator shall meet with the Fee Payer to discuss whether the Fee Payer wants to: (a) pay for the supplemental study necessary to determine the System Improvements Costs related to the proposed Development; (b) modify the proposal to avoid generating Extraordinary Impact; or (c) withdraw the application for certification, Building Permit or Development approval.

12-9-5. If the Fee Payer agrees to pay for the supplemental study required to document the proposed Development's proportionate share of System Improvements Costs, then the Fire District and the Fee Payer shall jointly select an individual or organization acceptable to both to perform such study. The Fee Payer shall enter into a written agreement with such individual or organization to pay the costs of such study. Such agreement shall require the supplemental study to be completed within thirty (30) days of such written agreement, unless the Fee Payer agrees to a longer time.

12-9-6. Once the study has been completed, the Fee Payer may choose to: (a) pay the proportionate share of System Improvements Costs documented by the supplemental study; or (b) modify the proposed Development to reduce such costs; or (c) withdraw the application. If the Fee Payer agrees to pay the System Improvements Costs documented in the supplemental study, that agreement shall be reduced to writing between the Fire District and the Fee Payer prior to review and consideration of any application for any Development approval or Building Permit related to the proposed Development.

12-9-7. Notwithstanding any agreement by the Fee Payer to pay the proportionate share of System Improvements Costs documented by the supplemental study, nothing in this ordinance shall obligate the City to approve Development that results in an Extraordinary Impact to the Fire District.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 10
Fee Payer Refunds

12-10-1. Duty to Refund:

A. Fire District Impact Fees shall be refunded to the Fee Payer, or to a successor in interest, in the following circumstances:

1. Service is available but never provided;

2. A Building Permit, or permit for installation of a manufactured home, is denied by the City or abandoned;

3. The Fee Payer pays a Fire District Impact Fee under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid exceeded the proportionate share to which the Fire District was entitled to receive;

4. The Fire District has collected a Fire District Impact Fee and the Fire District has failed to Appropriate or expend the collected fees pursuant to section below; or

5. Failure of the Fire District to commence construction or encumber the fund in the Fire District Development Impact Fee Capital Projects Trust Fund.

B. Any Fire District Impact Fee paid shall be refunded if the Fire District has failed to commence construction of System Improvements in accordance with this Title, or to appropriate funds for such construction, within eight (8) years after the date on which such fee was collected by the Fire District. Any refund due shall be paid to the owner of record of the parcel for which the Fire District Impact Fee was paid. The Fire District may hold Fire District Impact Fees for longer than eight (8) years if the Fire District identifies in writing and in written notice to the owner of record of the parcel: (a) a reasonable cause why the fees should be held longer than eight (8) years; and (b) an anticipated date by which the fees will be expended, but in no event greater than eleven (11) years from the date they were collected. If the Fire District complies with the previous sentence, then any Fire District Impact Fees so identified shall be refunded to the Fee Payer if the Fire District has failed to

commence construction of System Improvements in accordance with the written notice, or to Appropriate Funds for such construction on or before the date identified in such writing.

C. *No Refund Due for Subsequent Reduction in Size of Development or Service Units.* After a Fire District Impact Fee has been paid pursuant to this Title and after a certificate of occupancy has been issued by the City, no refund of any part of such fee shall be made if the project for which the fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

D. *Interest.* Each refund shall include a refund of interest at one-half the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was originally paid.

E. *Timing*. The Fire District shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the owner of record of the property for which the fee was paid. When the right to a refund exists, the Fire District shall send the refund to the owner of record within ninety (90) days after the Fire District determines that a refund is due.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 11
Establishment of Fire District Trust Fund and Trust Accounts

12-11-1. The City of Wilder/Wilder Rural Fire Protection District Development Impact Fee Capital Projects Trust Fund (the "Trust Fund") established by the Fire District will be maintained by the Fire District for the purpose of ensuring that all Fire District Impact Fees collected, pursuant to this Title, are used to address impacts reasonably attributable to new Development for which the Fire District Impact Fees are paid. The Trust Fund shall be divided into the Trust Accounts. All funds in all Trust Accounts in the Trust Fund shall be maintained in an interest-bearing account. The interest earned on each Trust Account pursuant to Idaho Code § 67-8210(1) shall not be governed by Idaho Code § 57-127, as amended, but shall be considered funds of the Trust Accounts and shall be subject to the same restrictions on uses of funds as the Fire District Impact Fees on which the interest is generated.

12-11-2. *Deposit of Fire District Impact Fees*. All monies paid by a Fee Payer, pursuant to this Title, shall be identified as Fire District Impact Fees and shall be promptly deposited by the Fire District Administrator in the appropriate Trust Accounts of the Trust Fund.

A. *First-in/First-out*. Monies in each Trust Account shall be spent in the order collected, on a first-in/first-out basis.

B. *Maintenance of Records*. The Fire District shall maintain and keep accurate financial records for each Trust Account that shall show the source and disbursement of all revenues, that shall account for all monies received, that shall ensure that the disbursement of funds from each Trust Account shall be used solely and exclusively for the provisions of projects specified in the Capital Improvements Plan, and that shall provide an annual accounting for each Fire District Impact Fee Account showing the source and amount of all funds collected and the projects that were funded.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 12
Expenditure of Fire District Impact Fees

12-12-1. Expenditures of Fire District Impact Fees collected and deposited in the Trust Fund shall be made only for System Improvements within the Service Area for which the Impact Fee was collected in accordance with the Capital Improvements Plan.

12-12-2. Capital Improvements Plan Reimbursement; Surcharge. A portion of each Impact Fee collected shall be designated as a surcharge for reimbursement of the Fire District for the cost of preparing the Capital Improvements Plan in accordance with Idaho Code § 67-8208. The surcharge shall not exceed the Development's proportionate share of the cost of preparing the Capital Improvements Plan.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 13
Appeals, Protest and Mediation

12-13-1. Appeals to the Fire District Board of Commissioners.
Any Fee Payer that is or may be obligated to pay a Fire District Impact Fee, or that claims a right to receive a refund, reimbursement, exemption or credit under this Title, and who is dissatisfied with a decision made by the Fire District Administrator in applying this Title, may appeal such decision to the Fire District Board of Commissioners.

A. The Fee Payer shall have the burden on appeal of demonstrating that the decision was in error.

B. In order to pursue the appeal described in this subsection, the Fee Payer shall file a written notice of appeal with the Fire District Administrator within thirty (30) days after the date of the Fire District Administrator's decision, or the date on which the Fee Payer submitted a payment of the Fire District Impact Fee under protest, whichever is later. Such written notice of appeal shall include a statement describing why the Fee Payer believes that the appealed decision was in error, together with copies of any documents that the Fee Payer believes support the claim.

C. The Board of Commissioners shall hear the appeal within sixty (60) days after receipt of a written notice of appeal. The Fee Payer shall have a right to be present and to present evidence in support of the appeal. The Fire District Administrator shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the Board of Commissioners in considering the appeal shall be whether: (a) the decision or interpretation made by the Fire District Administrator; or (b) the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intent of this Title that new development in the City pay its proportionate share of the costs of system improvements to Fire District facilities necessary to serve new development and whether the provisions of this Title has been correctly applied. The Board of Commissioners shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal.

12-13-2. Appeals to the City Council.

Any Fee Payer that is or may be obligated to pay a Fire District Impact Fee, or that claims a right to receive a refund, reimbursement, exemption or credit under this Title, and who is dissatisfied with a decision made on appeal by the Board of Commissioners of the Fire District in applying this Title, may appeal such decision to the City Council.

A. The Fee Payer shall have the burden on appeal of demonstrating that the Board of Commissioners decision on appeal was in error.

B. In order to pursue the appeal described in this subsection, the Fee Payer shall file a written notice of appeal with the Fire District Administrator within thirty (30) days after the date of the Fire District's Board of Commissioners' decision. Such written notice of appeal shall include a statement describing why the Fee Payer believes that the appealed decision of the Fire District's Board of Commissioners was in error, together with copies of any documents that the Fee Payer believes support the claim. The Fire District Administrator shall within three (3) business days deliver the notice of appeal together with copies of any documents filed with it to the City Clerk.

C. The City Council shall hear the appeal within sixty (60) days after receipt by the City Clerk of a written notice of appeal. The Fee Payer shall have a right to be present and to present evidence in support of the appeal. The Fire District Administrator shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the City Council in considering the appeal shall be whether: (a) the decision or interpretation made by the Fire District Administrator and the decision on appeal by the Fire District's Board of Commissioners; or (b) the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intent of this Title that new development in the City pay its proportionate share of the costs of system improvements to Fire District facilities necessary to serve new development and whether the provisions of this Title has been correctly applied. The City Council shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal.

12-13-3. Payment Under Protest.

A Fee Payer may pay a Fire District Impact Fee under protest in order not to delay in the issuance of a Building Permit by the City. A Fee Payer making a payment under protest shall not be estopped from exercising the right to appeal provided herein, nor shall such Fee Payer be estopped from receiving a refund of any amount deemed to have been illegally collected.

12-13-4. Mediation.

A. Any Fee Payer that has a disagreement with the Fire District Administrator regarding a Fire District Impact Fee Determination that is or may be due for a

proposed Development pursuant to this Title, may enter into a voluntary agreement with the Fire District to subject the disagreement to mediation by a qualified independent party acceptable to both the Fee Payer and the Fire District.

B. Mediation may take place at any time following the filing of a timely appeal pursuant to section 12-13-2 of this Title, or as an alternative to such appeal, provided that the request for mediation is filed no later than the last date on which a timely appeal could be filed pursuant to section 12-13-2 of this Title.

C. Participation in mediation does not preclude the Fee Payer from pursuing other remedies provided for in this section.

D. If mediation is requested, any related mediation costs shall be shared equally by the Fee Payer and the Fire District and a written agreement regarding the payment of such costs shall be executed prior to the commencement of mediation.

E. In the event that mediation does not resolve the issues between the Fire District and the Fee Payer, the Fee Payer retains all rights to seek relief from a court of competent jurisdiction.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 14
Periodic Reviews

12-14-1. Review and Modification of Capital Improvements Plan.
Unless the Board of Commissioners deems some other period is appropriate, the Board of Commissioners shall, at least once every five (5) years, commencing from the date of the original adoption of the Capital Improvements Plan, review the Development potential and update the Capital Improvements Plan in cooperation with the City and in accordance with the procedures set forth in Idaho Code § 67-8206, as amended. Each update shall be prepared by the Fire District Administrator in consultation with the Joint Advisory Committee.

12-14-2. Annual review.
The Fire District shall annually adopt a capital budget.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 15
Audit

12-15-1. As part of its annual audit process, the Fire District shall prepare an annual report: (a) describing the amount of all Fire District Impact Fees collected, appropriated or spent during the preceding year by category of Public Facility; and (b) describing the percentage of taxes and revenues from sources other than the Fire District Impact Fees collected, appropriated or spent for System Improvements during the preceding year by Systems Improvements category of Fire District Capital Facilities.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 16
Enforcement and Collection

12-16-1. When any Fire District Impact Fee is due pursuant to this Title, or pursuant to the terms of any written agreement between a Fee Payer and the Fire District, and such Fire District Impact Fee has not been paid in a timely manner, the City, or Fire District Administrator on behalf of the Fire District, may exercise any or all of the following powers as applicable to their authority, in any combination, to enforce the collection of the Fire District Impact Fee:

A. Withhold Building Permits, manufactured home installation permits, or other City Development Approval related to the Development for which the Fire District Impact Fee is due until all Fire District Impact Fees due have been paid, and issue stop work orders, and revoke or suspend a Building Permit.

B. Withhold utility services from the Development for which the Fire District Impact Fee is due until all Fire District Impact Fees due have been paid; and

C. Add interest to the Fire District Impact Fee not paid in full at the legal rate provided for in Idaho Code § 28-22-104, as amended, plus five percent (5%) beginning on the date at which the payment of the Fire District Impact Fee was due until paid in full.

D. Impose a penalty of five percent (5%) of the total Fire District Impact Fee (not merely the portion dishonored, late or not paid in full) per month beginning on the date at which the payment of the Fire District Impact Fee was due until paid in full.

E. Impose a lien pursuant to the authority of Idaho Code § 67-8213(4) for failure to timely pay a Fire District Impact Fee following the procedures contained in Idaho Code Title 45, Chapter 5.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 17
City/Fire District Intergovernmental Agreement

12-17-1. The City is a governmental entity that is empowered by the Act to adopt development impact fee ordinances and as such is authorized, by Idaho Code § 67-8204A, to enter into the Intergovernmental Agreement with the Fire District for the purpose of agreement to collect and expend Fire District Impact Fees for System Improvements as provided in this Title.

12-17-2. The City and the Fire District have entered into the Intergovernmental Agreement which is in full force and effect.

12-17-3. The Intergovernmental Agreement complies with this Title and requires the Fire District to be governed by and to fully abide by the provisions of this Title.

12-17-4. Any amendments of the Intergovernmental Agreement shall be implemented by corresponding relevant amendments of this Title which amendments shall not apply to any Fire District Impact Fees then not expended and currently held in the Trust Fund.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 18
Miscellaneous Provisions

12-18-1. Nothing in this Title shall prevent the Fire District from requiring a Developer to construct reasonable Project Improvements, as are required by the fire codes and other rules that are adopted by the state fire marshal, in conjunction with a Development.

12-18-2. Nothing in this Title shall be construed to prevent or prohibit private agreements between property owners or developers, the Idaho Transportation Department and governmental entities in regard to the construction or installation of System Improvements or providing for credits or reimbursements for System Improvements Costs incurred by a Developer including inter-project transfers of credits or providing for reimbursement for Project Improvements which are used or shared by more than one (1) Development project.

12-18-3. Nothing in this Title shall obligate the City to approve Development which results in an Extraordinary Impact.

12-18-4. Nothing in this Title shall obligate the Fire District to approve any Development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in this Title.

12-18-5. Nothing in this Title shall be construed to create any additional right to develop real property or diminish the City in regulating the orderly development of real property within its boundaries.

12-18-6. Nothing in this Title shall work to limit the use by the City of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.

12-18-7. Nothing herein shall restrict or diminish the power of the City to annex property into its territorial boundaries or exclude property from its territorial boundaries upon request of a developer or owner, or to impose reasonable conditions thereon, including the recovery of Project or System Improvements Costs required as a result of such voluntary annexation.

12-18-8. The Fire District shall develop a plan for alternative sources of revenue, which shall include but not necessarily be limited to plans generated during the Fire District's annual budget process, lobbying efforts, tax increment financing, and implementation of user fees, administrative and regulatory fees and other forms of revenue.

12-18-9. Notwithstanding any other provision of this Title, that portion of a Project for which a complete application for a Building Permit has been received by the City, prior to the effective date of this Title, shall not be subject to the Fire District Impact Fee imposed by this Title. If the resulting Building Permit is later revised or replaced after the effective date of the ordinance codified in this Title, and the new Building Permit(s) reflects a development density, intensity, development size or number of units more than ten percent (10%) higher than that reflected in the original Building Permit, then the Fire District Impact Fee may be charged on the difference in density, intensity, development size or number of units between the original and the revised or replacement Building Permit.

12-18-10. Any monies, including any accrued interest not assigned to specific System Improvements within such Capital Improvements Plan and not expended pursuant to Chapter 12 of this Title or refunded pursuant to Chapter 10 of this Title shall be retained in the same account until the next Fire District fiscal year.

12-18-11. If the Fire District discovers an error in the Capital Improvements Plan that results in assessment or payment of more than a proportionate share of System Improvements Costs on any proposed Development, the Fire District Administrator shall: (a) adjust the Fire District Impact Fee to collect no more than a proportionate share; or (b) discontinue the collection of any Fire District Impact Fees until the error is corrected by ordinance.

12-18-12. If Fire District Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the Fire District within thirty (30) days after the Fire District's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was paid. Any amounts underpaid by the Fee Payer shall be paid to the Fire District within thirty (30) days after the Fire District Administrator's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was paid. In the case of an underpayment to the Fire District, the Administrator may request the City and the City may withhold issuance of the Building Permits or Development Approval for the project for which the Fire District Impact Fee was paid until such underpayment is corrected, and if amounts owed to the Fire District are not paid within such thirty-day (30) period, the Fire District Administrator may also ask the City to and the City may revoke any

Building Permits or Development Approval issued in reliance on the previous payment of such Fire District Impact Fee and refund such fee to the Fee Payer.

12-18-13. The Joint Advisory Committee that was established during the preparation of the Capital Improvements Plan shall continue in existence, and shall by operation of this Ordinance become the Joint Advisory Committee created herein.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 19
Punishment

12-19-1. Any person who violates any provision of this Title shall be guilty of a misdemeanor, punishable by up to one (1) year in the county jail, and/or a one thousand dollar ($1,000.00) fine, or both. Knowingly furnishing false information to any official of the City or the Fire District charged with the administration of this Title, including without limitation, the furnishing of false information regarding the expected size, use or impacts from a proposed Development, shall be a violation of this Title.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 20
Construction of Intent

12-20-1 All provisions, terms, phrases and expressions contained in this Title shall be liberally construed in order that the true intent and meaning of the Act and the City Council and the Board of Commissioners may be fully carried out.

(Ord 626, Enacted, 6/9/2020)

TITLE 12

WILDER RURAL FIRE PROTECTION DISTRICT

DEVELOPMENT IMPACT FEES

Chapter 21
City of Wilder/Wilder Rural Fire Protection District Joint Development Impact Fee Advisory Standing Committee

12-21-1. Committee Created:
A joint standing committee of the City Council and the Board of Commissioners of the Wilder Rural Fire Protection District is established.

12-21-2. Committee Name:
The Joint Standing Committee is known and shall continue to be known and designated as the "City of Wilder/Wilder Rural Fire Protection District Joint Development Impact Fee Advisory Standing Committee" [hereinafter in this Chapter referred also as "Joint Advisory Committee" or "Committee"].

12-21-3. Membership:
The members on the Committee shall be appointed by the City Council and confirmed by the Board of Commissioners of the Wilder Rural Fire Protection District (the "Fire District") for a term of one (1) year or until someone is appointed in his/her place, and there shall not be fewer than five (5) members of which two (2) or more members shall be active in the business of development, building or real estate and at least two (2) or more members shall not be employees or officials of the City or the Fire District.

A. The members will be appointed during the January regular meeting of the City Council and the Fire District Board of Commissioners.

B. Any vacancy occurring on the Committee during the year may be filled during the year, by appointment of the City Council and confirmed by the Board of Commissioners of the Fire District.

12-21-4. Charge:
The Joint Advisory Committee shall serve as an advisory committee to the City Council and the Board of Commissioners of the Fire District and is charged with the following responsibilities:

A. Assist the City and the Fire District in adopting land use assumptions; and

B. Review the Capital Improvements Plan; and

C. Monitor and evaluate implementation of the Capital Improvements Plan;

D. File with the Fire District, Fire District Administrator and the City Clerk, at least annually, with respect to the Capital Improvements Plan, a report of any perceived inequities in implementing the Capital Improvements Plan or imposing the Fire District Impact Fees;

E. Advise the City Council and the Board of Commissioners of the Fire District of the need to update or revise land use assumptions, Capital Improvements Plan and Fire District Development Impact Fees; and

F. The Fire District shall make available to the Joint Advisory Committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the Capital Improvements Plan and periodic updates of the Capital Improvements Plan.

12-21-5. Joint Advisory Committee Organization:

The Fire District and Fire District Administrator shall staff the Joint Advisory Committee in order to provide the Committee with needed information for the Committee's review and to provide for its compliance with the Open Meeting Law [Chapter 2 of Title 74 Idaho Code].

A. The Joint Advisory Committee shall select its officers, which include a Chairman, Vice Chairman and a Secretary of the Committee.

B. The Chairman shall conduct the meetings of the Committee. The duties of the Chairman shall be performed by the Vice Chairman in the absence of the Chairman or as delegated by the Chairman. The Chairman and the Vice Chairman shall be members of the Committee.

C. The Fire District Administrator shall serve as the Secretary of the Committee and shall take minutes and post agenda notices required by the Open Meeting Law. The Secretary is not a member of the Committee.

D. The Committee shall establish a regular meeting schedule.

E. The agenda of each meeting shall include the approval of the minutes of the last meeting and the Secretary shall provide a copy of the approved minutes to the City Council and the Board of Commissioners.

F. Fifty-one percent (51%) of the membership of the Committee shall constitute a quorum. Once a quorum is established for a meeting, the subsequent absence of a member present for creating the quorum shall not dismiss the quorum.

G. A majority vote of those present at any meeting is sufficient to carry motions.

12-21-6. Reporting:

The Joint Advisory Committee reports directly to the Fire District Board of Commissioners and to the City Council.

12-21-7. City Council and Fire District Board of Commissioners Review of Committee's Report and Recommendations:

The City Council and the Fire District Board of Commissioners shall each consider the Joint Advisory Committee's recommended revision(s) at least once every twelve (12) months. The Joint Advisory Committee's recommendations and the City Council's and Board of Commissioners' actions are intended to ensure that the benefits to a Development paying Fire District Impact Fees are equitable, so that the Fire District Impact Fee charged to the Development shall not exceed a proportionate share of System Improvements Costs, and that the procedures for administering Fire District Impact Fees remain efficient.

(Ord 626, Enacted, 6/9/2020)

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