

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO, AMENDING TITLE 1, CHAPTER 08 AMENDING MISDEMEANOR AND INFRACTION PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Stanley is authorized to enact ordinances enforceable by fine and infraction penalty under I.C. § 50-302.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, Custer County, Idaho;

Section 1: That Title 1, Chapter 08, Section 010 of the Stanley Municipal Code is hereby amended as follows:

1.08.010: Misdemeanors:

~~Unless otherwise specifically provided in this code, any person, upon conviction of a misdemeanor, shall be subject to punishment for such offense up to a maximum fine of three hundred dollars (\$300.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.~~

Any person convicted of a violation of any section or provision of this code when such offense is specifically designated as a misdemeanor, and where no other penalty is set forth therein, shall be subject to a fine and/or imprisonment as set forth in section 18-113, Idaho Code, as may from time to time be amended and/or retitled.

Section 2: That Title 1, Chapter 08, Section 020 of the Stanley Municipal Code is hereby amended as follows:

1.08.020: Infractions:

~~Unless specifically provided in this code, any person, upon conviction of an infraction, shall be subject to penalty for such offense up to the maximum amount set for that infraction in the payment schedule to be adopted by supreme court order and published annually by the administrative director of the courts.~~

Any person convicted of a violation of any section or provision of this code when such offense is specifically designated as an infraction, and where no other penalty is set forth therein, shall be subject to fine as set forth in section 18-113A, Idaho Code, as may from time to time be amended and/or retitled. For a first offense the infraction penalty shall be fifty dollars (\$50.00). For a second and subsequent offense within a period of five years from the date of conviction, the penalty shall be one hundred dollars (\$100.00).

- 1. Failure to Appear on Citation or Summons. If the defendant fails to appear before the clerk and/or court 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.

2. 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.
3. 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. Where applicable, the notice shall state that failure to pay the judgment will result in suspension of his/her driver's license.

Section 3: That Title 1, Chapter 08, Section 030 of the Stanley Municipal Code is hereby repealed and a new Title 1, Chapter 08, Section 030 is enacted as follows:

1.08.030: Failure To Obey Citation For Misdemeanor Or Infraction:

1. In addition to the aforementioned penalties provided herein, 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 underlying charge upon which such citation or summons was originally issued.
2. The duty to appear in court at the time indicated in a misdemeanor or infraction citation or summons may be complied with by an appearance by counsel in the manner prescribed by rule of the supreme court.
3. Violation of the provisions of this subsection shall be a misdemeanor.

Section 4: That Title 1, Chapter 08, Section 040 of the Stanley Municipal Code is hereby enacted as follows:

1.08.030: Federally Mandated Penalties:

In the event the city participates in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of the participation in the program, any person upon conviction of said misdemeanor offense, shall be subject to punishment for such offense by a civil or monetary penalty not to exceed one thousand dollars (\$1,000.00), or imprisonment for such a criminal offense not to exceed six (6) months, or both such fine and imprisonment.

Draft

Section 5: This ordinance or summary thereof in compliance with Idaho Code § 50-901A, attached hereto as Exhibit A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Stanley, Idaho, this ____ day of _____, 2015.

APPROVED by the Mayor of the City of Stanley, Idaho this ____ day of _____, 2015.

APPROVED:

CITY OF STANLEY
Custer County, Idaho

Herb Mumford
MAYOR

ATTEST:

Cari Tassano,
CITY CLERK

Draft