

APPROVED

ORDINANCE NO. 196
"Omnibus Revisions"

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

AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.16 ALCOHOLIC BEVERAGES, SECTION 5.16.020 (B) OPEN CONTAINERS PROHIBITED; DELETING THE PROHIBITION OF OPEN CONTAINERS ON CITY STREETS

AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.16 ALCOHOLIC BEVERAGES, SECTION 5.16.040, OPEN CONTAINERS PROHIBITED; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.20, TEMPORARY VENDORS, SECTION 5.20.110 SUSPENSION OR REVOCATION OF LICENSE; TO DELETE SUSPENSION OF LICENSE

AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.20, TEMPORARY VENDORS, SECTION 5.20.130 PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 6 ANIMALS, CHAPTER 6.04, SMALL ANIMALS, SECTION 06.04.070 VIOLATION; PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 6 ANIMALS, CHAPTER 06.08, LARGE ANIMALS, SECTION 06.08.040 VIOLATION; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTER 8.04 REFUSE AND DEBRIS, SECTION 8.04.040 VIOLATION; PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTER 8.05 OUTDOOR BURNING, SECTION 8.05.013 (A) ALLOWABLE BURNING; DEFINING THE ALLOWABLE SIZE OF CAMPFIRES

AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTER 8.05 OUTDOOR BURNING, SECTION 8.05.013 (B) FIRE HAZARD AND WEED CONTROL;

DEFINING PERMITTING REQUIREMENTS FOR FIRE HAZARD, WEED CONTROL, AND DEBRIS BURNING

AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTER 8.05 OUTDOOR BURNING, SECTION 08.05.014 PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 8, CHAPTER 08.08 FIREWORKS, SECTION 08.08.040 VIOLATION; PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTER 8.12 NUISANCES, SECTION 8.12.060 VIOLATION; PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 8 HEALTH AND SAFETY, CHAPTER 8.14 NON PERMANENT STRUCTURES AND HUMAN WASTE DISPOSAL, SECTION 08.14.020 EXCEPTION; TO REGULATE CAMPING WITHIN THE CITY LIMITS AND ON CITY PROPERTY

AMENDING TITLE 8, CHAPTER 8.14 NON PERMANENT STRUCTURES AND HUMAN WASTE DISPOSAL, SECTION 08.14.040 PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE, CHAPTER 09.04 DISTURBING THE PEACE; NOISE, SECTION 09.04.020 DISTURBING THE PEACE; DELETING SECTION 09.04.020 AND AMENDING THE PENALTY PROVISION IN SECTION 09.04.040

AMENDING TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE, CHAPTER 09.04 DISTURBING THE PEACE; NOISE, SECTION 09.04.040 VIOLATION, PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.08 PARKING, SECTION 10.08.070 VIOLATION GENERALLY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.12 SNOWMOBILES, SECTION 10.12.060 VIOLATION, PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.04 MUNICIPAL AIRPORT, SECTION 12.04.020 PERSONS OR VEHICLES ON AIRPORT PROPERTY; RESTRICTIONS; CLARIFYING THE AUTHORITY TO GRANT CONSENT TO CAMP ON, OR TRAVERSE AIRPORT PROPERTY

AMENDING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.04 MUNICIPAL AIRPORT, SECTION 12.04.060 VIOLATION AND ENFORCEMENT; AMENDING THE PENALTY PROVISIONS

DELETING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.08 PRIVATE BUILDING ON PUBLIC PROPERTY

AMENDING TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.16 TREES ON PUBLIC PROPERTY, SECTION 12.16.090 PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 13 PUBLIC SERVICES, CHAPTER 13.04 USE OF PUBLIC SEWERS, SECTION 13.04.020 ENFORCEMENT; AMENDING THE ENFORCEMENT PROVISIONS

AMENDING TITLE 13 PUBLIC SERVICES, CHAPTER 13.04 USE OF PUBLIC SEWERS, SECTION 13.04.030 VIOLATION, PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 13 PUBLIC SERVICES, CHAPTER 13.08 SEWAGE DISPOSAL, SECTION 13.08.050 PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 13 PUBLIC SERVICES, CHAPTER 13.12 WELLS, SECTION 13.12.030 PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 15 BUILDINGS AND CONSTRUCTION, CHAPTER 15.04 BUILDING PERMITS, SECTION 15.04.050 PENALTY; AMENDING THE PENALTY PROVISIONS

AMENDING TITLE 17 ZONING REGULATIONS, CHAPTER 17.46 RECREATIONAL VEHICLES, SECTION 17.46.010 PARKING ALLOWED; AMENDING THE PARKING ALLOWED PROVISIONS

AMENDING TITLE 17 ZONING REGULATIONS, CHAPTER 17.46 RECREATIONAL VEHICLES, SECTION 17.46.020 USE BY PERMIT ONLY; AMENDING THE PROVISION FOR USE AS TEMPORARY HOUSING BY SPECIAL USE PERMIT

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

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NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANLEY, IDAHO, AS FOLLOWS:

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.

Section 5: Title 5, Chapter 5.16, ALCOHOLIC BEVERAGES, Section 020, OPEN CONTAINERS PROHIBITED, (B) of the Stanley Municipal Code is hereby deleted as follows:

~~5.16.020 (B): In or upon any private vehicle located or being driven on any street, within the city of Stanley.~~

Section 6: Title 5, Chapter 5.16 ALCOHOLIC BEVERAGES, Section 040 of the Stanley Municipal Code is hereby amended as follows:

5.16.040 VIOLATION; PENALTY: Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of a an infraction misdemeanor punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010. ~~upon conviction thereof, shall be subject to such penalties as provided by law.~~

Section 7: Title 5, Chapter 5.20 TEMPORARY VENDORS, Section 110 of the Stanley Municipal Code is hereby amended as follows:

~~5.20.110 SUSPENSION OR REVOCATION OF LICENSE: Suspension or~~ Revocation of this license may be ordered by the city council if a determination that any of the provisions of section 5.20.040 of this chapter were misrepresented or contained false information, or for any violations of sections 5.20.070 and 5.20.080 of this chapter that have been found to exist.

Section 8: Title 6, Chapter 5.20 TEMPORARY VENDORS, Section 130 of the Stanley Municipal Code is hereby amended as follows:

5.20.130 VIOLATION; PENALTY: Any person, business, firm, company or corporation who shall violate any of the provisions of this chapter shall be guilty of a an infraction misdemeanor and upon conviction shall be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both such fine and imprisonment. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010. Each day of violation continued shall be separate offenses, punishable as hereinabove described.

Section 9: Title 6, Chapter 6.04 SMALL ANIMALS, Section 070 of the Stanley Municipal Code is hereby amended as follows:

6.04.070 ~~VIOLATION; PENALTY: Unless otherwise specified, Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to such penalties as provided by law.~~ Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.

Section 10: Title 6, Chapter 6.08 LARGE ANIMALS, Section 040 of the Stanley Municipal Code is hereby amended as follows:

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~~6.08.040 VIOLATION; PENALTY Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be subjected to such penalty as provided by law. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 11: Title 8, Chapter 8.04 REFUSE AND DEBRIS, Section 040 of the Stanley Municipal Code is hereby amended as follows:

~~8.04.040 VIOLATION; PENALTY: Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, be subjected to such penalty as provided by law. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 12: Title 8, Chapter 8.05 OUTDOOR BURNING, Section 013 of the Stanley Municipal Code is hereby amended as follows:

8.05.013 ALLOWABLE BURNING (A) Recreational Fires: Fires used for the preparation of food and campfires are allowed only under the control of a responsible person and where adequate fire suppression materials and tools are readily available, and are limited to one (1) square meter in size.

Section 13: Title 8, Chapter 8.05 OUTDOOR BURNING, Section 013 of the Stanley Municipal Code is hereby amended as follows:

8.05.013 ALLOWABLE BURNING (B) Fire Hazards, ~~And Weed Control, and Debris Burning:~~ Fires used for control or alleviation of fire hazards, ~~or for weed control, or for disposal of wood and debris~~ when no alternative control method is available are allowed upon issuance of a burning permit by the Chief of the Sawtooth Valley Rural Fire District or other fire department with jurisdiction over Stanley. The Chief may delegate this responsibility to an authorized representative. ~~appropriate fire department or the chief's duly designated and authorized representative.~~ The chief's decision to issue or deny such a permit shall be based on consideration of the alternative control methods available, the place and method of burning proposed by the applicant, the fire suppression plan proposed by the applicant, weather conditions, and such other factors as the chief deems relevant.

Section 14: Title 8, Chapter 8.05 OUTDOOR BURNING, Section 014 of the Stanley Municipal Code is hereby enacted as follows:

8.05.014 VIOLATION; PENALTY: Any person or entity who violates the terms of this chapter shall be guilty of a misdemeanor. Any person violating any provisions of this

chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.

Section 15: Title 08, Chapter 08.08 FIREWORKS, Section 040 of the Stanley Municipal Code is hereby amended as follows:

8.08.040 VIOLATION; PENALTY: ~~Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, be subjected to such penalty as provided by law.~~ Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.

Section 16: Title 8, Chapter 08.12 NUISANCES, Section 060 of the Stanley Municipal Code is hereby enacted as follows:

08.12.060 VIOLATION; PENALTY: ~~Any person violating any of the provisions provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, be subjected to such penalty as provided by law.~~ Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010. Each day of violation continued shall be separate offenses, punishable as hereinabove described.

Section 17: Title 08, Chapter 08.14 NONPERMANENT STRUCTURES AND HUMAN WASTE DISPOSAL, Section 020 of the Stanley Municipal Code is hereby amended as follows:

08.14.020 EXCEPTION: Nothing in this chapter shall be construed to prohibit use of tents or other nonpermanent structures on private property which is improved with a permanent structure which is equipped with permanent plumbing and permanent septic or sewer service; provided however, such use of tents or nonpermanent structures shall not exceed five (5) consecutive days in any four (4) week period and shall be in compliance with all other applicable laws and ordinances. The use of tents or other non-permanent structures on City of Stanley property, including Pioneer Park, shall be allowed by camping permit approved by the City Council and issued by the City Clerk. In the absence of a City camping permit, all camping, including sleeping in vehicles, is prohibited on City property.

Section 18: Title 08, Chapter 08.14 NONPERMANENT STRUCTURES AND HUMAN WASTE DISPOSAL, Section 040 of the Stanley Municipal Code is hereby amended as follows:

~~08.14.040 VIOLATION; PENALTY: Any person or entity who violates violating the terms of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subjected to such penalties as provided by law. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 19: Title 09, Chapter 09.04 DISTURBING THE PEACE; NOISE, Section 020 of the Stanley Municipal Code is hereby deleted in its entirety.

~~09.04.020: DISTURBING THE PEACE: Any person who maliciously or willfully disturbs the peace or quiet of any public meeting, business, neighborhood, family or person, by loud or unusual noise, or by offensive conduct, or by threatening, quarreling, or fighting, or does anything offensive or dangerous to or disturbs the peace or quiet of any person will be guilty of disturbing the peace. Violations of this section shall be subject to an infraction penalty of the following: first infraction/warning, zero dollars (\$0.00); second infraction, one hundred fifty dollars (\$150.00); third infraction, two hundred fifty dollars (\$250.00).~~

Section 20: Title 09, Chapter 09.04 DISTURBING THE PEACE; NOISE, Section 040 of the Stanley Municipal Code is hereby amended as follows:

~~09.04.040 VIOLATION; PENALTY Any person disturbing the peace under 09.04.020 Unless otherwise specified, violations shall be subject to an infraction penalty of the following: first infraction/warning, zero dollars (\$0.00); second infraction, one hundred fifty dollars (\$150.00); third infraction, two hundred fifty dollars (\$250.00) deemed guilty of a misdemeanor punishable as provided in section 1.08.010. Any person causing excessive noise under 09.04.030 for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 21: Title 10, Chapter 10.08 PARKING, Section 070 of the Stanley Municipal Code is hereby amended as follows:

~~10.08.070 VIOLATION; GENERALLY: Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and such violator shall be fined and/or imprisoned as provided for by law. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 22: Title 10, Chapter 10.12 SNOWMOBILES, Section 060 of the Stanley Municipal Code is hereby amended as follows:

~~10.12.060 VIOLATION; PENALTY: Any person violating section 10.12.030 of this chapter shall be deemed guilty of a an infraction misdemeanor, and upon conviction thereof, be subjected to such penalties as provided by law. Any person violating any other provision of this chapter shall be deemed guilty of an infraction, and, upon conviction thereof, shall be subject to a fine of sixty six dollars fifty cents (\$66.50). Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 23: Title 12, Chapter 12.04 MUNICIPAL AIRPORT, Section 020 of the Stanley Municipal Code is hereby amended as follows:

12.04.020 PERSONS OR VEHICLES ON AIRPORT PROPERTY; RESTRICTIONS: No unauthorized person shall enter upon, cross, traverse, camp upon or use any part of the municipal airport runway, taxiway, parking apron or other airport property adjacent thereto, and no unauthorized motor vehicle, motorcycle, bicycle, trailer, camper or other conveyance shall be driven, operated, or taken upon any municipal airport runway, taxiway, parking apron or other airport property adjacent thereto without the consent of the city or its ~~designated airport manager or other~~ designated representative. Any vehicle authorized to enter upon airport property shall be properly marked and shall otherwise meet all city, county, state and federal regulations or standards pertaining to the vehicles upon the airport. The provisions prohibiting entering, crossing, traversing, driving upon the parking apron of this section shall not apply to the transport of persons boarding or deplaning from, or the loading or unloading of aircraft properly parked upon the parking apron. The owner and/or pilot and passengers of an aircraft can camp in the immediate vicinity of the aircraft provided they can present documentation of ownership or a valid pilot's license and are located where they will not impede the operation of any other aircraft.

Section 24: Title 12, Chapter 12.04 MUNICIPAL AIRPORT, Section 060 of the Stanley Municipal Code is hereby amended as follows:

~~12.04.060 VIOLATION AND ENFORCEMENT; PENALTY: Any person violating any Section 12.04.040 provisions of this chapter shall be deemed guilty of a misdemeanor punishable as provided in section 1.08.010 and upon conviction thereof shall be subject to such penalties as provided by law. Any person violating any other provision of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 25: Title 12, Chapter 12.08 PRIVATE BUILDING ON PUBLIC PROPERTY of the Stanley Municipal Code, is hereby deleted in its entirety.

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Section 26: Title 12, Chapter 12.16 TREES ON PUBLIC PROPERTY, Section 090 of the Stanley Municipal Code is hereby amended as follows:

~~12.16.090 VIOLATION; PENALTY: Any violation any provision of this chapter shall be punishable by a fine not to exceed three hundred dollars (\$300.00) per occurrence. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 27: Title 13, Chapter 13.04 USE OF PUBLIC SEWERS, Section 020 of the Stanley Municipal Code is hereby amended as follows:

~~13.04.020 ENFORCEMENT: Failure to connect within the period of time herein prescribed shall constitute a public nuisance, and the city shall enforce and compel connection by an action for abatement under the laws of the state of Idaho or any other appropriate action in equity at law. The city may, from time to time, prescribe rules and regulations to govern, regulate and enforce the provisions of 13.04.010 such connection including, but without limitation, the fixing of penalties for the failure to so connect, and entering into agreements with any other public corporation or political subdivision of the state, county, or any agency or instrumentality thereof, necessary or desirable to effect the provisions hereof. The mayor is hereby vested with jurisdiction within the city of Stanley, Idaho, and within five (5) miles of the corporate limits of said city, now or hereafter established, to enforce the terms hereof.~~

Section 28: Title 13, Chapter 13.04 USE OF PUBLIC SEWERS, Section 030 of the Stanley Municipal Code is hereby amended as follows:

~~13.04.030 VIOLATION; PENALTY: In addition to the foregoing civil remedies, violation of the terms of this chapter shall be unlawful and punishable as a misdemeanor. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 29: Title 13, Chapter 13.08 SEWAGE DISPOSAL, Section 050 of the Stanley Municipal Code is hereby amended as follows:

~~13.08.050 VIOLATION; PENALTY: Any violation of these provisions shall be deemed a nuisance and punishable as a misdemeanor. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

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Section 30: Title 13, Chapter 13.12 WELLS, Section 030 of the Stanley Municipal Code is hereby amended as follows:

13.12.030 VIOLATION; PENALTY: ~~Any violation of the provisions of this chapter shall be deemed a nuisance and punishable as a misdemeanor. Any person violating any provisions of this chapter for a first and second offense within a five year time period shall be deemed guilty of an infraction punishable as provided in section 1.08.020. A third and subsequent convictions within a five year time period shall be deemed a misdemeanor punishable as provided in section 1.08.010.~~

Section 31: Title 15, Chapter 15.04 BUILDING PERMITS, Section 050 of the Stanley Municipal Code is hereby amended as follows:

15.04.050 VIOLATION; PENALTY ENFORCEMENT: No owner or agent of owner shall construct, use or occupy any building, structure or improvement upon real property in violation of this chapter. The landowner, tenant, sub divider, builder, or any other person who commits, allows, participates in, or maintains such a violation, shall be found guilty of such a violation. The provisions of this chapter shall be enforced in the following manner:

A. Violation A Misdemeanor: A violation of this chapter shall be a misdemeanor in any case where:

1. Any violation of any of the provisions of this chapter exists in any building or in any other structure or on a tract of land; and
2. An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof) or upon the architect, builder, contractor or any other person who commits or assists in any such violation; and
3. Such persons shall fail to comply with such order within ten (10) days after service thereof.

Each day that a violation continues from the date of its creation or initiation shall constitute a separate criminal offense.

B. Penalty: Any person convicted of a violation of this chapter, without regard to the form of the judgment, shall be subject to fine and/or imprisonment up to, but not exceeding, the maximum penalties set forth in sections 18-113 and 50-302, Idaho Code, as may from time to time be amended and/or retitled. Either or both such fine and imprisonment may be imposed; and in addition thereto, any person so convicted shall pay costs as the court may assess.

C. Failure To Obey Citation For Misdemeanor:

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 citation or to fail to appear at the time indicated on a misdemeanor citation served upon the defendant or to fail to appear at the time indicated on a misdemeanor 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 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.

D. Additional Actions: In addition to the foregoing, appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.

E. Civil Remedy: Nothing herein shall be construed as preventing any private citizen from pursuing any available civil remedy for the prevention of any activity which constitutes a violation of this chapter.

F. Inspection; Remedy: The mayor, the building inspector or their duly authorized representative is hereby empowered to cause any building, other structure or tract of land to be inspected and examined, and to order in writing the remedy of any condition found to exist therein or any threatened violation of any provision of this chapter; said order may include a requirement that all work on the project cease immediately until the condition has been remedied. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such order. Service of such order shall be deemed complete for all purposes upon posting the notice upon the subject property and mailing of the notice to the permittee at the address shown on the building permit application or by personal service as set forth below. Failure to comply with an order for remedy shall constitute a misdemeanor punishable as provided in section 1.08.010.

G. Action To Restrain: In addition to any of the foregoing remedies, the city attorney, acting on behalf of the city may file an appropriate action to restrain any violation of this chapter.

H. Responsibility For Damages: This chapter shall not be construed to hold the city of Stanley responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a building permit as herein provided. (Ord. 192, 4-7-2014)

Section 32: Title 17, Chapter 17.46 RECREATIONAL VEHICLES, Section 010 of the Stanley Municipal Code is hereby amended as follows:

17.46.010 PARKING ALLOWED:

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The owner or occupant of any contiguous parcel or lot shall be allowed to park not more than two (2) owner owned recreational vehicles upon said lot for storage purposes, so long as said recreational vehicles are not used for human habitation. The attachment of water, sewer or electric lines to such vehicles shall create a presumption that its use is for human habitation. (Ord. 79, 9-6-1988). The owner or occupant of any lot shall be allowed to park upon the lot, for a period not exceeding five (5) days in any four (4) week period, one recreational vehicle for use for human occupancy

Section 33: Title 17, Chapter 17.46 RECREATIONAL VEHICLES, Section 020 of the Stanley Municipal Code is hereby amended as follows:

17.46.020 USE BY PERMIT ONLY:

~~A. Recreational vehicles may be used for human occupancy or habitation only as set forth in this section.~~ Upon issuance of a special use permit by the City Council, the owner of any lot shall be allowed to park upon the lot, for a period ~~not~~ exceeding five (5) days, one recreational vehicle for use for human occupancy reasonably related to the provision of temporary employee housing for employment by the lot owner or for temporary use during the construction of a permitted structure; provided, however, in no event may said use exceed a total of twelve (12) months. The purpose of the temporary housing permit is to provide temporary employee housing when no other reasonable accommodations are available. This chapter shall not be used to encourage or allow substandard employee housing or additional rental opportunities.

~~A. Permit By City Staff: Upon issuance of a permit therefor by an officer or employee of the city so charged by resolution of the city council, the owner of any lot shall be allowed to park upon the lot, for a period not exceeding ten (10) days, one recreational vehicle for use for human occupancy. Only one permit may be so issued per lot, per year. Application for a second such permit in any calendar year shall be made to the city council.~~

~~B. Permit By Council Approval; Temporary Housing: Upon issuance of a special use permit therefor by the city council, the owner of a lot shall be allowed to park upon the lot one recreational vehicle for temporary human occupancy reasonably related to the provision of temporary employee housing for employment by the lot owner or for temporary use during the construction of a permitted structure; provided, however, in no event may said use exceed a total of twelve (12) months.~~

B. ~~C.~~ Permit By Council Approval; Temporary Housing Conditions: Upon issuance of a special use permit ~~therefor~~ by the city council, the owner of a lot may be allowed to park upon the lot, for a period exceeding five ~~ten~~ (5) days in any calendar year, one recreational vehicle for use for temporary employee housing ~~human occupancy~~ or temporary construction housing so long as said use, in the council's discretion, is genuinely temporary and transient in nature, does not constitute a health hazard or other nuisance, does not constitute a de facto variance or avoidance of the intent of the applicable zoning regulations, and does not impose an undue burden on other landowners

or interested persons. Unless exempted by permit, adequate off street parking for passenger vehicles must be provided on the lot. The area around the recreational vehicle must be kept clear of debris, garbage or the storage of any items. In said permit, the council shall state the permitted duration of the use and may impose additional conditions to ensure the use is compatible with surrounding uses.

Section 34: SEVERABILITY:

If any section, subsection or clause or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

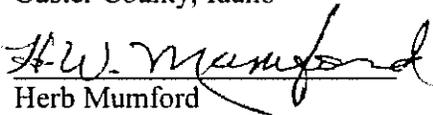
This ordinance shall be in full effect following its passage and publication, all as provided by law.

PASSED by the Council of the City of Stanley, Idaho, this 15th day of September, 2015.

APPROVED by the Mayor of the City of Stanley, Idaho this 15th day of September, 2015.

APPROVED:

CITY OF STANLEY
Custer County, Idaho


Herb Mumford
MAYOR

ATTEST:


Cari Tassano,
CITY CLERK



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