

APPROVED

**City of Stanley
Work Session/Code Review/SNRA +
May 26, 2015**

The work session is called to order at 11:04 a.m. on Tuesday, May 26, 2015 in the Stanley City Office.

IN ATTENDANCE FOR THE CITY:

Mayor Herb Mumford, Council President Steve Botti, Councilmember Laurii Gadwa, Councilmember Melinda Hadzor, Councilmember Lem Sentz, and City Clerk Cari Tassano.

OTHER ATTENDEES:

Jim Wetzel, Gary O'Malley, Rob Mason, and Paul Hill.

SNRA +:

SNRA + is a new version of the CIEDRA bill by Congressman Simpson. Council President Botti summarized some of the changes. There will be approximately 275,000 of wilderness areas which consists of 3 wilderness areas, 57,000 acres smaller than the original CIEDRA bill. There will be approximately 154,000 acres of existing wilderness study areas that will be released for multiple use management. There does not appear to be any changes to motorized use or snowmobile use. Included within the bill is conveyance of land to the City of Stanley consisting of approximately 4 acres of land for up to 20 units for workforce housing. The property is located W and SW of the historical museum. The Secretary of Agriculture will be responsible to move the barn if necessary. A hearing should be coming up in the house for the SNRA + bill so it is a good time for the City of Stanley to take a stand on this bill.

The conversation mainly focused on the property to be conveyed to the city and if this property was the best solutions for workforce housing. Items of discussion were moving the barn and the possible National Registry appointment, potable water, old sewer ponds, and elk displacement. While councilmember Gadwa expressed her opposition to the property transfer, Council President Botti and Councilmember Hadzor both gave compelling solutions and reasons why this property is suitable. Jim Wetzel expressed his concerns, he feels workforce housing will be in direct competition with his business.

Herb Mumford points out that there are several questions, that all cannot be answered right now. The City will need to do extensive research to see what the possibilities on the property are, find the necessary funds to implement a plan (possibly through grants), along with formal studies to address the housing needs. As stated within the bill this land is for public purpose and can revert back to the United States if not used for this purpose.

Council President Botti points out there is draft resolution that has been supplied to the councilmembers. Council Presidents Botti reads the draft and makes a motion to approve the resolution as stated. Councilmember Hadzor Seconds. Councilmember Gadwa is opposed. Councilmember Sentz approved. Motion passes.

ORIGINAL IN RED

BREAK:

Break was taken at 12:10 p.m.

Meeting reconvened at 12:16 p.m.

Code Review:

An omnibus ordinance is being done to reduce several violations from misdemeanors to infractions. Fees will be set for each infraction by a resolution. There were no changes to the omnibus ordinance by the city council. The next step will be to have the city attorney review it.

As per the discussed in the May 7, 2015 council meeting, regarding signs/banners, it was decided that we will need to do a full ordinance change after speaking with the public. It will not be in the omnibus ordinance.

Councilmember Gadwa moves to send the omnibus ordinance draft as drafted to the city attorney and upon his response the city will be ready to have a public hearing. Council President Botti seconds. All approve. Motion passes.

City Clerk:

Reminded the council of the upcoming meeting dates and changes:

June 9, 2015 @ 11:00 a.m. – Budget Work Session

June 11, 2015 @ 6:40 p.m. – Council Meeting

June 22, 2015 @ 11:00 a.m. – Budget Work Session

July 2, 2015 @ @ 10:00 a.m. – Budget Work Session

ADJOURNMENT:

Mayor Mumford adjourns the meeting at 12:36 p.m.



Herb Mumford, Mayor

ATTEST:


City Clerk, Cari Tassano

Noted attachments forms:
Omnibus Ordinance Draft

ORIGINAL IN RED



W. J. J. J.
5/20/15

ORDINANCE NO. _____
"Omnibus Revisions"

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO:

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

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; CHANGING THE DEFINITION OF DISTURBING THE PEACE AND AMENDING THE PENALTY PROVISION

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; AMENDING CLARIFYING AUTHORITY TO GRANT CONSENT TO CAMP ON 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

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

Section 1: 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 2: Title 5, Chapter 5.16 ALCOHOLIC BEVERAGES, Section 040 of the Stanley Municipal Code is amended as follows:

5.16.040 VIOLATION; PENALTY: Any person violating any provisions of this chapter shall be deemed guilty of a an infraction misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and upon conviction thereof, shall be subject to such penalties as provided by law.

Section 3: Title 5, Chapter 5.20 TEMPORARY VENDORS, Section 110 of the Stanley Municipal Code is 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 4: Title 6, Chapter 5.20 TEMPORARY VENDORS, Section 130 of the Stanley Municipal Code is 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 for the first and second offenses and a misdemeanor for the third and subsequent offenses, and upon conviction thereof, shall be subject to such penalties as provided by law. ~~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. Each day of violation continued shall be separate offenses, punishable as hereinabove described.~~

Section 5: Title 6, Chapter 6.04 SMALL ANIMALS, Section 070 of the Stanley Municipal Code is 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 an infraction misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and upon conviction thereof, shall be subject to such penalties as provided by law.

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

6.08.040 VIOLATION; PENALTY Any person violating any provision of this chapter shall be deemed guilty of a an infraction misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalty as provided by law.

Section 7: Title 8, Chapter 8.04 REFUSE AND DEBRIS, Section 040 of the Stanley Municipal Code is amended as follows:

8.04.040 VIOLATION; PENALTY: Any person violating any provision of this chapter shall be deemed guilty of a an infraction misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalty as provided by law.

Section 8: Title 8, Chapter 8.05 OUTDOOR BURNING, Section 013 of the Stanley Municipal Code is 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 9: Title 8, Chapter 8.05 OUTDOOR BURNING, Section 013 of the Stanley Municipal Code is 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 10: Title 8, Chapter 8.05 OUTDOOR BURNING, Section 014 of the Stanley Municipal Code is enacted as follows:

8.05.014 VIOLATION; PENALTY: Any person or entity ~~who violates the terms violating any provision~~ of this chapter shall be deemed guilty of a an infraction misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalty as provided by law.

Section 11: Title 08, Chapter 08.08 FIREWORKS, Section 040 of the Stanley Municipal Code is amended as follows:

8.08.040 VIOLATION; PENALTY: Any person violating any provision of this chapter shall be deemed guilty of a an infraction misdemeanor for the first and second offenses

and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalty as provided by law.

Section 12: Title 8, Chapter 08.12 NUISANCES, Section 060 of the Stanley Municipal Code is enacted as follows:

08.12.060 VIOLATION; PENALTY: Any person violating any ~~of the provisions~~ provision of this chapter shall be deemed guilty of a ~~an infraction~~ misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalty as provided by law.

Section 13: Title 08, Chapter 08.14 NONPERMANENT STRUCTURES AND HUMAN WASTE DISPOSAL, Section 020 of the Stanley Municipal Code is enacted 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 is prohibited on City property.

Section 14: Title 08, Chapter 08.14 NONPERMANENT STRUCTURES AND HUMAN WASTE DISPOSAL, Section 040 of the Stanley Municipal Code is amended as follows:

08.14.040 VIOLATION; PENALTY: Any person or entity ~~who violates~~ violating the ~~terms and provision of this chapter~~ shall be deemed guilty of a ~~an infraction~~ misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, shall be subjected to such penalties as provided by law.

Section 15: Title 09, Chapter 09.04 DISTURBING THE PEACE; NOISE, Section 020 of the Stanley Municipal Code is amended as follows:

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 or willfully disturbs the dignity or reverential nature of any funeral, memorial service, funeral procession, burial ceremony or viewing of a deceased person shall 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 16: Title 09, Chapter 09.04 DISTURBING THE PEACE; NOISE, Section 040 of the Stanley Municipal Code is 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 and shall, upon conviction thereof, be subjected to such penalties as provided by law. Any person causing excessive noise under 09.04.030 shall be guilty of an infraction for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalties as provided by law.

Section 17: Title 10, Chapter 10.08 PARKING, Section 070 of the Stanley Municipal Code is 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 for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalties as provided by law.

Section 18: Title 10, Chapter 10.12 SNOWMOBILES, Section 060 of the Stanley Municipal Code is amended as follows:

10.12.060 VIOLATION; PENALTY: Any person violating any of the provisions section 10.12.030 of this chapter shall be deemed guilty of a an infraction misdemeanor for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, 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).

Section 19: Title 12, Chapter 12.04 MUNICIPAL AIRPORT, Section 020 of the Stanley Municipal Code is 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.

Section 20: Title 12, Chapter 12.04 MUNICIPAL AIRPORT, Section 060 of the Stanley Municipal Code is 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 and upon conviction thereof shall be subject to such penalties as provided by law. Any person violating any other provision of this chapter shall be deemed guilty of an infraction for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalties as provided by law.

Section 21: Title 12, Chapter 12.08 PRIVATE BUILDING ON PUBLIC PROPERTY of the Stanley Municipal Code, is deleted in its entirety.

Section 22: Title 12, Chapter 12.16 TREES ON PUBLIC PROPERTY, Section 090 of the Stanley Municipal Code is amended as follows:

12.16.090 VIOLATION; PENALTY: Any violation person violating any provision of the provisions of this chapter shall be punishable by a fine not to exceed three hundred dollars (\$300.00) per occurrence, deemed guilty of an infraction for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalties as provided by law.

Section 23: Title 13, Chapter 13.04 USE OF PUBLIC SEWERS, Section 020 of the Stanley Municipal Code is 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 24: Title 13, Chapter 13.04 USE OF PUBLIC SEWERS, Section 030 of the Stanley Municipal Code is 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 of the provisions of this chapter shall be deemed guilty of an infraction for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalties as provided by law.~~

Section 25: Title 13, Chapter 13.08 SEWAGE DISPOSAL, Section 050 of the Stanley Municipal Code is 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 of the provisions of this chapter shall be deemed guilty of an infraction for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalties as provided by law.~~

Section 26: Title 13, Chapter 13.12 WELLS, Section 030 of the Stanley Municipal Code is 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 of the provisions of this chapter shall be deemed guilty of an infraction for the first and second offenses and a misdemeanor for the third and subsequent offenses, and shall, upon conviction thereof, be subjected to such penalties as provided by law.~~

Section 27: Title 15, Chapter 15.04 BUILDING PERMITS, Section 050 of the Stanley Municipal Code is 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, subdivider, 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 and shall, upon conviction thereof, be subjected to such penalties as provided by law.

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

17.46.010 PARKING ALLOWED:

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

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 29: 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 this _____ day of _____ 2015.

CITY OF STANLEY
Custer County, Idaho

Herb Mumford, Mayor

ATTEST:

Carri Tassano, City Clerk

[S E A L]

DRAFT