

ORDINANCE NO.1518

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF PAYETTE CITY CODE, TITLE 1 GENERAL PROVISIONS, CHAPTER 1.12 GENERAL PENALTY, SECTION 1.12.010: DESIGNATED, TO PROVIDE DEFINITIONS OF PENALTIES; TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.28 MOBILE HOME PARKS, SECTION 5.28.180 VIOLATION; PENALTY, TITLE 8 HEALTH & SAFETY, CHAPTER 8.12 WEEDS AND OTHER WASTE SUBSTANCES, SECTION 8.12.010 WITHIN CITY LIMITS; DECLARED NUISANCE WHEN; SECTION 8.12.020 WITHIN CITY LIMITS; REMOVAL REQUIRED WHEN: and SECTION 8.12.040: NONCOMPLIANCE; DECLARED MISDEMEANOR; SEPARATE OFFENSES, and TITLE 10 VEHICLES & TRAFFIC, CHAPTER 10.20 PARKING, SECTION 10.20.240 VIOLATIONS; MISDEMEANOR, BY ADDING CIVIL PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

BE IT ORDAINED BY THE PAYETTE CITY COUNCIL AS FOLLOWS:

**Section 1.** Title 1 GENERAL PROVISIONS, Chapter 1.12 GENERAL PENALTY, Section 1.12.010: DESIGNATED of the Payette Municipal Code is hereby amended to read as follows:

**1.12.010: DESIGNATED:**

A. Misdemeanor Penalty: Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the city is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor under the ordinances of the city ~~shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment,~~ 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.

B. Infraction Penalty: 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 or set forth by Idaho Code, 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 one hundred dollars (\$100.00). For a second offense within a one (1) year period from the date of conviction, the penalty shall be two hundred

dollars (\$200.00). For a third and subsequent offense(s) within a one (1) year period from the date of initial conviction, the penalty shall be a misdemeanor violation as specified within Section 1.12.010 (A) of this code.

C. Enforcement: Any law enforcement official shall have the authority to enforce this code by all available police powers of the city including arrest.

D. Liability of Officers: No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

~~B E.~~ Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, ~~and he is punishable accordingly.~~

**Section 2.** Title 5 BUSINESS LICENSES AND REGULATIONS, Chapter 5.28 MOBILE HOME PARKS, Section 5.28.180 VIOLATION; PENALTY of the Payette Municipal Code is hereby amended to read as follows:

**5.28.180: VIOLATION; PENALTY:**

Any person who violates any provision of this chapter, where no other penalty is set forth therein, shall be subject to penalty as set forth in section 1.12.010(B) of this code, upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) and each day's failure to comply with any such provision shall constitute a separate violation.

**Section 3.** Title 8 HEALTH & SAFETY, Chapter 8.12 WEEDS AND OTHER WASTE SUBSTANCES, Section 8.12.010 WITHIN CITY LIMITS; DECLARED NUISANCE WHEN; Section 8.12.020 WITHIN CITY LIMITS; REMOVAL REQUIRED WHEN: and Section 8.12.040: NONCOMPLIANCE; DECLARED MISDEMEANOR; SEPARATE OFFENSES: of the Payette Municipal Code are hereby amended to read as follows:

**8.12.010: WITHIN CITY LIMITS; DECLARED NUISANCE WHEN:**

It shall be a nuisance and is unlawful for the owner, agent of such owner, tenant 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, or along or in ditches, fence lines and to the edges of all curbs, sidewalks and roadways, any growths of weeds or grasses which exceed eight inches (8") in height or length. It is also declared to be a nuisance and unlawful for any owner, tenant or occupant of any

property to allow or permit an accumulation of rubbish, trash, litter, debris, garbage or other waste substances.

**8.12.020: WITHIN CITY LIMITS; REMOVAL REQUIRED WHEN:**

All occupants, tenants, owners and agent of such owners of real property within the municipality are required to remove all rubbish, trash, litter, debris, garbage or other waste substances, and to remove or cut and chop into small pieces any growths of weeds or grasses which exceed eight inches (8") in height or length and are located on said real property. The spraying to kill weeds and grasses does not excuse the eight-inch (8") requirement. Upon notice from the city of Payette, the occupants, tenants, owners and agents of such owners shall have ten (10) working days in which to comply.

**8.12.040: NONCOMPLIANCE; ~~DECLARED MISDEMEANOR~~ PENALTY; SEPARATE OFFENSES:**

A. The failure, neglect or refusal of a tenant, occupant, owner or agent of such owner to comply with sections 8.12.010 through 8.12.030 of this chapter and where no other penalty is set forth therein, shall be subject to penalty as set forth in section 1.12.010(B) of this code ~~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 8.12.010 through 8.12.030 of this chapter shall constitute a separate and distinct offense, ~~and each of such separate offenses shall be punishable as a misdemeanor.~~

**Section 4.** Title 10 VEHICLES & TRAFFIC, Chapter 10.20 PARKING, Section 10.20.240 VIOLATIONS; MISDEMEANOR of the Payette Municipal Code is hereby amended to read as follows:

**10.20.240: VIOLATIONS; ~~MISDEMEANOR~~ PENALTIES:**

Any violation of this chapter, in addition to subjecting the vehicle to being towed, and where no other penalty is set forth therein or set forth by Idaho Code, shall be subject to penalty as set forth in section 1.12.010(B) of this code ~~shall be a misdemeanor subject to the general misdemeanor statutes of the state of Idaho.~~

**Section 5.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 6.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 7.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 8.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

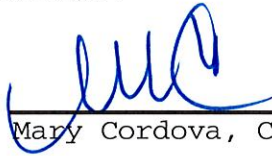
PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 17<sup>th</sup> day of October, 2022.

CITY OF PAYETTE, IDAHO

BY

  
Craig L. Jensen, Mayor

ATTEST:

  
Mary Cordova, City Clerk

