

ORDINANCE 1075

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 64 OF TITLE 17 BY ADDING NEW SECTIONS 17.64.070, 17.64.070 A., 17.64.070 B. AND SECTION 17.64.080, WHICH SECTIONS ESTABLISH A NOTICE PROCEDURE, ALLOWS THE MAYOR OR PLANNING AND ZONING CHAIRMAN TO APPOINT A HEARINGS OFFICER, ALLOWS THE HEARING OFFICER TO APPOINT A SARGENT AT ARMS, AND WHICH ESTABLISHES RULES FOR THE CONDUCT OF A PUBLIC HEARING; REPEALER; SEVERABILITY; PROVIDING FOR PUBLICATION BY SUMMARY; SETTING AN EFFECTIVE DATE;

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

Section 1: Chapter 64 of Title 17 of the Payette Municipal Code is hereby amended with the addition of a new section 17.64.070, which section 17.64.070 shall read as follows:

17.64.070 NOTICE AND PUBLICATION: Notice of all public hearings held by either the City Council or the City Planning and Zoning Commission shall be given as follows:

17.64.070 A. Notice of time, place and purpose of each public hearing held by the Council or by the Commission shall be given by publication in a newspaper of general circulation in the County at least fifteen (15) days prior to such hearing. All information required in the notice shall be given by the applicant to the City Clerk, the City Zoning Administrator or the Building Official, who shall publish the notice and deliver said notice by regular U.S. Mail to each property owner who resides within 300 feet of the affected property and whose name and address appears on the list accompanying such application. When a site specific notice is required to be given to two hundred (200) or more property owners or residents, as an alternate form of procedure, the Administrator shall order a second publication to be completed at least 15 days prior to the public hearing. The notice shall give the date, time and place of hearing, the name of the applicant, the relief sought, identification of the property, and such other facts as may be prescribed by the Council.

17.64.070 B. In any public hearing, the presiding officer may order the hearing to be continued by publicly announcing the time and place of continuance, and no further notice thereof shall be required.

Section 2: Chapter 64 of Title 17 of the Payette Municipal Code is hereby further amended with the addition of a new section 17.64.080, which section 17.64.080 shall read as follows:

17.64.080 The Mayor or the Planning and Zoning Commission Chairman may conduct the public hearing or may appoint

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another to act as a hearing officer to conduct any public hearing. Any hearing officer shall have authority to appoint a Sargent at Arms to maintain necessary order and may prescribe and enforce such rules as may be necessary to maintain order and decorum during the public hearing. The hearing officer shall have authority to swear witnesses, may set a time limit of not less than 3 minutes per speaker and set the order of testimony. The officer may order the removal of any person who is intentionally and repeatedly disrupting any public hearing.

Section 3. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 4. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1075.

Section 5. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

18<sup>th</sup> Passed and approved by the Mayor and City Council this day of April, 1994.

CITY OF PAYETTE

By James E. McCool  
Mayor

ATTEST: John P. Frank  
City Clerk