

ORDINANCE NUMBER 1136

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADOPTING A MODEL HOME ORDINANCE; ESTABLISHING A PENALTY; SETTING AN EFFECTIVE DATE; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER;

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

Section 1. There is hereby created a new chapter 13 in Title 16 of the Payette Municipal Code. That chapter shall be entitled MODEL HOMES, and shall read as follows:

Chapter 16.13

MODEL HOMES

Sections:

- 16.13.010 Precompletion Model Homes Allowed
- 16.13.020 Placement of Model Home
- 16.13.030 Restrictions on Model Home
- 16.13.040 Revocation of Use Permit
- 16.13.050 Appeal
- 16.13.060 Occupancy permit
- 16.13.070 Penalty

16.13.010 PRECOMPLETION MODEL HOMES ALLOWED. Before a subdivision is completed, a developer may be issued a use permit by which the developer is allowed to construct one (1) model home. That model home shall be used exclusively as a demonstration unit, a model to show prospective buyers or as a sales office for surrounding homes located within the subdivision. The home shall be landscaped and surrounding streets and lots shall not be allowed to become a source of dust.

16.13.020 PLACEMENT OF MODEL HOME. The home shall be placed within two hundred (200) feet of an active fire hydrant and adjacent to a gravelled or paved roadway.

16.13.030 RESTRICTIONS ON MODEL HOME. A model home shall be built in accordance with and subject to all zoning and subdivision ordinances, regulations and any agreements between the developer and the city. The home shall not receive an occupancy permit,

shall not be occupied as a residence nor shall it be offered for sale until all public improvements are completed and accepted by the city. At the time of sale, the model home shall be used as a residence and any use for any other purpose shall cease.

16.13.040 REVOCATION OF USE PERMIT. In the event of any violation of any provision of a use permit which has been issued to allow construction of a model home, the permit can be revoked by the building inspector, the zoning administrator or the city clerk. In the event a use permit is revoked, any use associated therewith shall cease immediately.

16.13.050 APPEAL. A decision to revoke a use permit may be appealed to the zoning commission. Any decision of the zoning commission may be appealed to the city council. A decision of the city council shall be final. Any person appealing to the zoning commission or to the city council may be represented by counsel. At either the commission or council level the appealing body may affirm, reverse in whole or in part any decision rendered at the lower level.

16.13.060 OCCUPANCY PERMIT. No home in any subdivision may be occupied until after a final inspection has been done by the building inspector and an occupancy permit has been issued.

16.13.070 Penalty. Any violation of this Chapter shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

Section 2. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 3. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation, and the remainder of the Ordinance shall constitute Ordinance Number 1136 . The City Council of the City of Payette hereby declares that it would have adopted this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that one or more portions be declared invalid or unconstitutional.

Section 4. This Ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

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

Passed and approved by the Mayor and City Council this
4th day of November, 1996.

CITY OF PAYETTE

By James E. McCee
Mayor

ATTEST: John P. Franke
City Clerk