

## ORDINANCE 1276

### **AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 16.16.020 (B), and 16.28.020 (C)(1), OF THE PAYETTE MUNICIPAL CODE TO ALLOW LOTS TO BE SOLD PRIOR TO THE COMPLETION OF ALL PUBLIC IMPROVEMENTS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.**

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

**Section 1.** Section 16.16.020 (B) of the Payette Municipal Code, is hereby amended to read as follows:

16.16.020 Official Filing Contingent Upon Approval--Recording Of Sales Required:

A. No plat or description of any land subdividing shall be filed in the office of the County Recorder until the same has been acted upon by the Commission and approved by the City Council in preliminary and final plat form as required in Chapters 16.20 and 16.24 of this Title.

B. No building permits shall be issued for any plat until the same has completed all public improvements in the subdivision's Public Improvement Agreement and until the final Plat has been recorded in the office of the County Recorder. No lots shall be sold from any plat until the same has been recorded in the office of the County Recorder.

**Section 2.** Section 16.28.020 (C)(1) of the Payette Municipal Code, is hereby amended as to read as follows:

16.28.020 Preconstruction Filing Of Plans And Bond--Post-Construction Filing Of Plans--Completion Certificate:

A. Ten (10) working days prior to the time scheduled for review and approval of the final plat, the developer shall file with the Public Works Department completely detailed construction drawings and complete written construction specifications for all improvements required in said subdivision together with supporting calculations.

B. Plans for the improvements required by this Chapter shall be prepared and stamped by a professional engineer registered in the State of Idaho.

C. Guarantee Of Completion Of Improvements:

1. The developer shall provide a financial guarantee of the required public improvements with the application for final plat approval. The City Council may permit the developer to provide the financial guarantee of performance in one or a combination of the following arrangements. No building permits will be issued until all improvements are completed and accepted by the City Council.

**Section 3.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 4.** 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 5.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 6.** 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.

**Section 7.** Any violation of this Ordinance shall be a misdemeanor punishable by up to a \$1,000.00 fine and six months in the Payette County Jail, or both. In addition to, or in lieu of, any criminal charges, the City shall be allowed to bring an action for enforcement or abatement of any inconsistent use. In any such action the City shall be allowed to recover all fees and costs.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 16<sup>th</sup> day of APRIL, 2007.

CITY OF PAYETTE, IDAHO

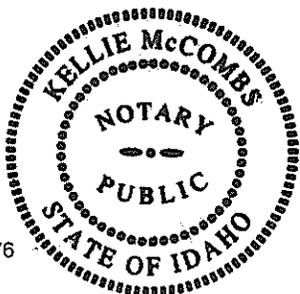
by *Douglas E. Henderson*  
DOUGLAS E. HENDERSON, Mayor

ATTEST:

*Mary Cordova*  
Mary Cordova, City Clerk

State of Idaho )  
County of Payette ) ss.

On this 19<sup>th</sup> day of April, in the year of 2007, before me ~~Jennifer A. Kelley~~, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.



*Kellie McCombs*  
Notary Public for Idaho  
Residing at: Payette, Idaho  
Commission expires: 1-14-09

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