ORDINANCE 1371

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 3.12.090, 5.04.080, 5.04.110, 5.08.180, 5.08.190, 5.12.020, 5.I5.050, 5.16.050, 5.17.040, 5.20.040, 5.24.040, 5.28.033, 5.28.064, 5.29.030, 5.32.020, 5.34.020, 5.36.150, 5.40.030, 6.04.060, 6.08.020, 6.08.030, 6.08.040, 6.08.105, 6.08.107, 6.08.110, 8.08.110, 8.08.120, 8.12.030, 10.20.090, 10.32.050, 10.32.130, 12.16.020, 12.18.110, 13.04.200, 13.04.250, 13.04.260, 13.04.270, 13.08.070, 13.08.080, 13.08.090, 15.04.043, 15.33.010, 16.16.050, 16.16.060, 17.68.040, 17.80.050, 18.01.050 OF TITLES 2, 3, 5, 6, 8, 10, 12, 14, 15, 16, 17 & 18 OF THE PAYETTE MUNICIPAL CODE;SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER.

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

Section 1. Section 3.12.090, 5.04.080, 5.04.110, 5.08.180, 5.08.190, 5.12.020, 5.I5.050, 5.16.050, 5.17.040, 5.20.040, 5.24.040, 5.28.033, 5.28.064, 5.29.030, 5.32.020, 5.34.020, 5.36.150, 5.40.030, 6.04.060, 6.08.020, 6.08.030, 6.08.040, 6.08.105, 6.08.107, 6.08.110, 8.08.110, 8.08.120, 8.12.030, 10.20.090, 10.32.050, 10.32.130, 12.16.020, 12.18.110, 13.04.200, 13.04.250, 13.04.260, 13.04.270, 13.08.070, 13.08.080, 13.08.090, 15.04.043, 15.33.010, 16.16.050, 16.16.060, 17.68.040, 17.80.050, 18.01.050 OF TITLES 2, 3, 5, 6, 8, 10, 12, 14, 15, 16, 17 & 18 of the Payette Municipal Code is hereby amended as follows:

3.12.090: FIRE PROTECTION; HOUSEHOLD CHARGE ESTABLISHED:

All residents of the city shall pay and discharge their share of city fire protection and bonded indebtedness. The amount shall be computed upon a per household basis and shall be paid at the rate of a fee set by resolution ~~five dollars twenty five cents ($5.25)~~ per household per month. Those residents who are receiving city water services shall continue to pay their share through their monthly water bills and those residents who are paying for sewer services only, shall have that amount added to their monthly sewer bill. Any resident who is not receiving either sewer or water services shall be billed annually by the city clerk. (Ord. 1037 § 1, 1992)

5.04.080: LICENSE; FEES; EXPIRATION:

A. The annual license fees for the retail sale of "beer" or "wine", as defined in section 5.04.010 of this chapter, are fixed as follows:

1. Where such retailer sells bottled, canned or draft beer and such bottled, canned or draft beer is consumed on the premises where sold, shall be set by resolution ~~two hundred dollars ($200.00) a year~~;

2. Where such retailer sells bottled, boxed, packaged, or by the drink wine and such bottled, boxed, packaged, or by the drink wine is consumed on the premises where sold, shall be set by resolution ~~one hundred dollars($100.00) a year~~;

3. Where such retailer sells only bottled or canned beer, none of which is consumed on the premises where sold, the license fee shall be set by resolution ~~fifty dollars ($50.00) a year~~;

4. Where such retailer sells only bottled, packaged or boxed wine, none of which is consumed on the premises where sold, the license fee shall be set by resolution ~~fifty dollars ($50.00) a year~~.

5.04.110: LICENSE; TRANSFER PROCEDURE:

If the council determines that all of the conditions required of a licensee under the provisions of this chapter have been met by the proposed transferee of said license, then the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which the license has been issued, and the council shall note its approval thereof upon such license. Such transferee shall accompany each application for transfer with, and shall pay a fee set by resolution, ~~tendollars ($10.00).~~ Nothing in this action shall be construed to permit the transfer of a license to premises other than the premises originally designated in the license. (Ord. 951, 1984: prior code § 5-4-11)

5.08.180: LICENSE; TRANSFER PROCEDURE:

Application to transfer any license issued pursuant to this chapter shall be made in writing to the city clerk. Upon receipt of such an application, the city clerk shall make the same investigation and determination with respect to the transferee as are required by sections 5.08.040 and 5.08.050 of this chapter. Within four (4) days after the receipt of said application, the city clerk shall report his findings together with the original application to the mayor and council. If the council determines that all of the conditions required of a licensee under the provisions of this chapter have been met by the proposed transferee, then the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which the license has been issued, and the council shall note its approval thereof upon such license. Such transferee shall accompany each application for transfer with, and shall pay fee as set by resolution ~~seventy five dollars($75.00).~~ Nothing in this action shall be construed to permit the transfer of a license to premises other than the premises originally designated in the license. (Prior code § 5-5-18)

5.08.190: CATERED EVENTS:

A. Any person who holds a beer, wine or liquor license may apply to the director of the department of public safety for a permit to cater special events outside their licensed establishment. There shall be a fee as set by resolution ~~of twenty dollars ($20.00)~~ for such a permit.

5.12.020: PERMIT; REQUIRED; FEE; EXPIRATION:

The city clerk shall be the health authority and, before a permit is issued to an applicant desiring to operate a food service establishment, a fee as set by resolution, ~~as established by the citycouncil~~, shall be paid and the applicant shall have already secured a permit to operate a food service establishment from the state department of health. The permit issued shall expire on the date of the expiration of the permit issued by the state department of health. (Ord. 1357, 2012)

5.15.050: FOOD AND DRINK CONCESSIONS:

The proprietor of any mobile or temporary food service concession stand or operation shall be required to receive permission from the city clerk prior to receiving a concession license from the clerk's office, furnish proof of public liability insurance coverage in the minimum amount of five hundred thousand dollars ($500,000.00) combined single limit, and to pay a concession

license fee as set by resolution ~~of fifty dollars ($50.00)~~ for each location at which the concession will be operated. Additional requirements may be imposed by the clerk and shall be subscribed on the permit.

5.16.050: LICENSE; FEE; EXPIRATION:

The license fee to be paid to the city by the applicant for an itinerant merchant or peddler's license fee as set by resolution ~~shall be fifty dollars ($50.00~~). The license shall expire ninety (90) days after issuance. (Ord. 1321, 2010)

5.17.040: LICENSE; FEES:

To engage in the following set out activities, a sponsor shall first obtain a special events permit and shall pay the applicable fee as set by resolution:

5.20.040: LICENSE; FEES; DURATION; DUE DATE:

A. License fee shall be as follows:

1. For each and every pool table, as set by resolution ~~eight dollars ($8.00) per year~~

2. For each and every card tableas set by resolution ~~ten dollars ($10.00) per year~~;

3. For each and every billiard table, as set by resolution ~~six dollars ($6.00) per year~~;

4. For one bowling alley, as set by resolution ~~ten dollars ($10.00) per year~~; and for each additional alley, as set by resolution ~~five dollars ($5.00) per year~~;

5. For each shuffleboard, as set by resolution ~~eight dollars ($8.00) per year~~;

6. ~~Eight dollars ($8.00) per year~~ Fee set by resolution for each amusement device located in an establishment where minors are prohibited and licensee is authorized and permitted in the city to sell liquor by the drink or beer at retail, which upon the insertion of a coin, slug, token, or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score, which include, but are not limited to, pinball machines, foosball tables, electronic game machines, video game machines, air hockey games, and all games, or operations similar thereto under whatever name they may be indicated.

5.24.040: LICENSE; FEES; DURATION:

A. The annual license fees for operating taxicabs in the city shall be as follows:

1. For one vehicle, fee set by resolution ~~ten dollars ($10.00);~~

2. For each vehicle exceeding one, all owned and operated by the same party, fee set by resolution ~~five dollars ($5.00)~~ per vehicle.

5.28.033: MOBILE HOME PERMITS; APPLICATION REQUIREMENTS; RENEWALS:

A. Application for original permit shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application, and by a fee set by resolution ~~the deposit of a fee of tendollars ($10.00),~~ and shall contain: the name and address of the applicant; the location and legal description of the mobile home park; and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways and other facilities. One tentative plat shall be drawn to a scale of one inch to fifty feet (1" = 50'), or larger, to accompany application.

B. Applications for renewals of permits shall be made in writing by the holders of the permit, shall be accompanied bya fee set by resolution ~~the deposit of a fee of ten dollars ($10.00),~~ and shall contain any change in the information submitted since the original permit was issued or the latest renewal granted. (Ord. 907, 1980)

5.28.064: PARKING OR CAMPING PERMISSIBLE WHEN:

It is unlawful within the city limits, for any person to park outside of a licensed trailer court any trailer, trailer coach, automobile trailer or mobile home on any street, alley or highway or other public place, or on any tract of land owned by any person occupied or unoccupied within the city, except as provided in this section as follows:

D. A temporary license or permit may be issued to any person found to be a tourist or visitor, which will permit such person to park his house trailer upon a lot, tract or parcel of land for a period not to exceed thirty (30) days; provided, however, that such temporary permit shall be issued only upon satisfactory evidence that proper sanitary facilities are available. Such temporary permit shall carry a fee set by resolution ~~of one dollar ($1.00)~~ to be paid at the time the permit is issued.

5.29.030: FEE LEVIED; AMOUNT; EFFECT UPON OTHER LICENSE FEE PROVISIONS:

A. There is hereby levied upon and shall be collected from every person engaged in any business or occupation within the city a license fee for the privilege of engaging in business in an amount to be determined by the application of the rates hereinafter set forth. Such license fee shall be a onetime fee as set by resolution ~~of ten dollars ($10.00)~~ for the application.

5.32.020: LICENSE REQUIRED:

It shall be unlawful for any person to conduct or transact a Pawnbroker business or pawnshop in the city without first having applied and procured a city license therefore as provided in this chapter. Annual license fee shall be set by resolution.

5.34.020: LICENSE REQUIRED:

A. It is unlawful for any person to conduct a private patrol service or private investigative service in the city unless that person has first applied for and been issued a license and paid an annual fee as set by resolution for that purpose.

B. It is unlawful for any person to act or to offer to act as a private investigator or private patrolman unless that person has first applied for and been issued a license and paid an annual fee as set by resolution for that purpose.

C. It is unlawful for any private patrol service to employ the services of a private patrolman unless said private patrolman has been licensed and paid an annual fee as set by resolution. (Ord. 1108 § 1, 1995)

5.36.150: LICENSE FEES:

A. The following annual license fees must be paid to the city at the time the license application is submitted:

1. Class A license: as set by resolution ~~Three hundred dollars ($300.00).~~

2. Class B license: as set by resolution ~~One hundred twenty five dollars ($125.00)~~.

3. Class C license:as set by resolution~~Two hundred dollars ($200.00).~~

4. Class D license: as set by resolution ~~Fifty dollars ($50.00)~~ per adult arcade machine.

5. Class E license: as set by resolution ~~Three hundred dollars ($300.00)~~ plus applicable fees for class A content and fees for each arcade machine under class D.

5.40.030: LICENSE REQUIRED:

C. There shall be a onetime city used car sales license fee set by resolution ~~in the amount of one hundred dollars($100.00)~~ paid when an application is filed. There shall be no other license fees as long as the lot remains in compliance with city codes. In the event the city clerk determines that the used car sales lot is out of compliance with city codes, the license shall become null and void, and before an applicant may recommence business, there shall be a renewal application filed. There shall be a fee set by resolution for ~~one hundred dollar ($100.00)~~ renewal fee paid with the application for a renewal.

No city used car sales license issued under this chapter may be transferred except upon written application by the licensee and the proposed transferee on forms to be provided by the city clerk and the payment of a transfer fee set by resolution ~~in the amount of twenty five dollars ($25.00)~~. Provided however, the transferee shall be required to furnish any and all information as may be contained in an initial application for a city used car sales license. Prior to transferring any city used car sales license, the city clerk shall determine that the established used car lot for which the city used car sales license has been issued is complying with all of the provisions of this chapter. (Ord. 1348, 2011)

6.04.060: ANIMALS; SEIZED AND IMPOUNDED; FEES:

The chief of police shall collect the ~~following fees~~ actual and necessary expenses incurred for seizing, impounding, keeping and selling any animal under the provisions of this chapter:

A. For taking up and impounding cattle, horses, mules, per head, ~~one dollar ($1.00);~~

B. For hogs, sheep and goats, per head~~, fifty cents ($0.50);~~

~~C. For publishing notice of sale, ten cents ($0.10) per line of the printed copy;~~

~~D. For each sale, one dollar ($1.00) and the actual and necessary expenses incurred in the feeding and keeping of such animals. (Prior code § 6-2-6)~~

6.08.020: LICENSE REQUIREMENTS:

B. Nonvicious Dog Fees: The city clerk, or a designee, is hereby authorized to issue a license to any person showing veterinary certification of rabies vaccination and upon payment as set by resolution ~~of twenty dollars ($20.00)~~ per head for each nonvicious dog. Owners presenting veterinary certification that the dog has been spayed or neutered will pay as set by resolution ~~tendollars ($10.00)~~. Persons who are at least sixty two (62) years of age as of January 1 will pay as set by resolution ~~six dollars ($6.00)~~ per head to license their nonvicious and spayed/neutered dog(s). Vicious dogs and dogs which have not been spayed or neutered are not eligible for this reduced license fee. All licenses issued will be valid from the date of issue and will expire on December 31 of each year.

C. Vicious Dog Fees: The city clerk, or a designee, is hereby authorized to issue a license to any person showing veterinary certification of rabies vaccination, compliance with all requirements of this chapter, and upon payment as set by resolution ~~of one hundred dollars ($100.00)~~ per head for each vicious dog which is of any breed other than those that meet the definition of pit bull, Presa Canario, Canary Island dog, Cane Corso, mountain dog, Russian wolfhound or wolf hybrid. Owners presenting veterinary certification that the dog has been spayed or neutered will pay as set by resolution ~~seventy five dollars ($75.00)~~ per head. All licenses issued will be valid from the date of issue and will expire on December 31 of each year.

~~D.Pit Bull Fees: The city clerk, or any designee, is hereby authorized to issue a license to any person showing veterinary certification of rabies vaccination, and showing compliance with all sections of this chapter as verified by the chief of police, or a designee, and upon payment as set by resolution of five hundred dollars ($500.00) per head for each pit bull. Owners presenting veterinary certification that the pit bull has been spayed or neutered will pay as set by resolution four hundred seventy five dollars ($475.00) per head. All licenses so issued will be valid from the date of issuance and will expire on December 31 of each year.~~

D. Penalty And Exceptions: If any license fee is not paid on or before January 31 of each year, the city clerk shall collect a penalty in addition to said license fee in the sum as set by resolution ~~of ten dollars($10.00);~~ provided, however, that any dog born subsequent to January 31 of any year shall be licensed by the payment of the appropriate license fee, without penalty, within four (4) months after its birth, and thereafter the penalty shall be added as hereinbefore set forth, and any dog brought into the city subsequent to January 31 of any year shall be licensed by the payment of the appropriate license fee, without penalty, within thirty (30) days after being brought into the city, and thereafter the penalty shall be added as hereinbefore set forth. (Ord. 1270 § 2, 2006: Ord. 923, 1981: Ord. 903, 1980: Ord. 891, 1978: prior code § 6-3-2)

6.08.030: LICENSE TAGS:

B. Lost Tag: A duplicate or replacement tag shall be issued by the city clerk upon payment as set by resolution ~~of five dollars ($5.00)~~ for each tag so issued to replace the original tag which was lost or destroyed.

6.08.040: KENNEL LICENSE:

A. It shall be unlawful to keep, maintain, harbor or possess upon any one premises more than three (3) dogs, unless the owner or person in charge thereof is engaged in the commercial business of buying, selling, breeding, boarding or training of dogs and has first obtained a commercial kennel license. Application for a commercial kennel license shall be made to the city clerk and shall be accompanied by an application fee as set by resolution ~~of seventy five dollars ($75.00)~~. The kennel license shall not become effective until it is reviewed and approved by the city council.

6.08.105: IMPOUNDING AND DESTRUCTION:

When a ~~vicious~~ dog is impounded and held for more than three (3) days, the owner shall pay a fee as set by resolution ~~of ten dollars ($10.00) per day~~ for each twenty four (24) hour period, or portion thereof that the dog is impounded. (Ord. 1270 § 2, 2006: Ord. 1095 § 4, 1995: prior code § 6-3-13)

6.08.107: IMPOUNDMENT PROCEDURES:

C. Impoundment Fees: For the first occurrence of impounding a dog running at large, the owner thereof shall pay to the city a fee as set by resolution ~~of thirty dollars ($30.00)~~ for the taking up of such animal; for the second occurrence of impounding a dog running at large, the owner thereof shall pay to the city a fee as set by resolution ~~of fifty dollars ($50.00)~~ for the taking up of such animal. For the third or any subsequent occurrence of impounding a dog running at large, the owner thereof shall pay the city a fee as set by resolution ~~of seventy five dollars ($75.00)~~ for the taking up of such animal for each such occurrence. Said impoundment fees shall be paid to the city clerk's office. Prior to the release of any dog impounded for running at large, the owner shall provide proof that he has possession of a current city of Payette license tag for said dog.

6.08.110: PENALTIES:

A. Violations And Penalties: ~~Any person who violates any of the provisions of this chapter shall be fined not more than three hundred dollars ($300.00) or imprisoned not more than one hundred eighty (180) days, or both for each offense.~~ Any violation of this chapter shall be a misdemeanor punishable by fine and/or imprisonment up to, but not exceeding, the maximum penalties set forth in Idaho Code sections 18-113 and 50-302. In addition, any dog which is prohibited by this chapter, or which attacks a human being, any domestic animal, or any livestock, may be ordered destroyed when, in the court's judgment, such dog represents a continuing threat of harm to human beings, domestic animals, or livestock. In addition, the judge may order any dog destroyed which habitually creates a nuisance to any neighborhood or person. The conviction of an owner for a second or subsequent offense of allowing a dog to bark or create noise which is a nuisance to the neighborhood or another person, shall be sufficient to establish that a dog habitually creates a nuisance.

8.08.110: COLLECTION; FEES:

Fees and rates for collection of refuse at residences shall be a fee set by resolution ~~ten dollars seventy five cents($10.75)~~ per month per dwelling unit, payable by the owner of the premises. Other rates are set as follows:

A. A fee set by resolution ~~Two dollars thirty five cents ($2.35)~~ per month for rental of a ninety five (95) gallon cart.

B. Commercial rates are set ~~as follows~~ by resolution

~~TEMPORARY CONTAINER SERVICE~~

~~Container Size (Cubic Yards)~~	~~Delivery Charge~~	~~On Call Service (Per Dump)~~	~~Rent (Per Month)~~
~~4~~	~~$15 .00~~	~~$23 .00~~	~~$13 .00~~
~~6~~	~~15 .00~~	~~32 .00~~	~~17 .00~~

~~Size Of Container~~	~~Once/Week~~	~~Twice/Week~~	~~Three/Week~~
~~2 cubic yard~~	~~$42 .48~~	~~$67 .93~~	~~$97 .34~~
~~3 cubic yard~~	~~53 .18~~	~~88 .62~~	~~112 .84~~
~~4 cubic yard~~	~~68 .75~~	~~131 .54~~	~~177 .96~~
~~6 cubic yard~~	~~96 .15~~	~~164 .18~~	~~221 .94~~
~~8 cubic yard~~	~~121 .12~~	~~179 .34~~	~~259 .18~~
~~300 gallon tub~~	~~35 .75~~	~~55 .14~~	-
~~20 cubic yard compactor~~	~~$178.00 per dump~~		

~~MONTHLY RENT ON CONTAINERS~~

~~Container Size~~	~~Cost~~
~~2 cubic yards~~	~~$10 .00~~
~~3 cubic yards~~	~~11 .00~~
~~4 cubic yards~~	~~13 .00~~
~~6 cubic yards~~	~~17 .00~~
~~8 cubic yards~~	~~19 .00~~
~~300 gallon tub~~	~~7 .50~~

~~Recycling container: $28.50 - includes service.~~

~~**Appliance Disposal**~~
~~$22.00 per nonfreon unit~~
~~$44.00 per freon unit~~

~~**Commercial Can Customer**~~
~~One to four 32-gallon cans - $16.50~~
~~95 gallon cart - $14.50~~

~~COMMERCIAL ROLL-OFF DROP BOXES PER DUMP~~

~~**Size Of Container**~~	~~**Daily Rent**~~	~~**Per Dump**~~

~~20 cubic yards~~	~~$2 .85~~	~~$135 .00~~
~~30 cubic yards~~	~~3 .15~~	~~142 .00~~
~~35 cubic yards~~	~~3 .40~~	~~147 .00~~
~~40 cubic yards~~	~~3 .50~~	~~155 .00~~

8.08.120: COLLECTION; BILLING AND PAYMENT PROCEDURE:

B. All fees shall be paid by the person responsible for the same at the office of the city clerk within ten (10) days after receipt of a statement and, if not paid, the same shall become delinquent, and after sixty (60) days' delinquency, a charge as set by resolution ~~of two dollars ($2.00)~~ shall be added to the account. For failure to pay such charge, the city may levy a special assessment against the premises, in such amount and in such manner as other special assessments are levied, and foreclose the same in the manner provided for the foreclosure and collection of other special assessments. (Ord. 1266 § 6, 2006: prior code § 8-1-12)

8.12.030: REMOVAL; NOTIFICATION; NONCOMPLIANCE; ACTION BY CITY:

B. Upon the failure, neglect or refusal of any such owner, agent of owner, tenant or occupant to comply with said sections, the designated official is authorized and empowered to pay for and employ labor for the removal of the waste substances and/or the cutting and chopping of the weeds and grasses mentioned in said sections. The reasonable value of the services rendered in removing the waste substances and/or the cutting and chopping of the weeds and grasses, plus an administrative fee set by resolution ~~of one hundred dollars ($100.00),~~ if not paid by the owner, agent of such owner, tenant or occupant of said real property within thirty (30) days after completion, shall be filed as a lien against the real property, and, may be declared delinquent and be certified to the tax collector of the county by the city clerk, and shall be, by said tax collector, placed upon the tax roll and collected in the same manner and subject to the same penalties as other city taxes. A copy of the recorded lien will be sent to the owner, agent of such owner, tenant or occupant at his last known address by return receipt requested mail. (Ord. 1238 § 1, 2005: prior code § 8-3-12)

10.20.090: TIME RESTRICTION IN CERTAIN AREAS; DESIGNATED; PENALTY FOR VIOLATION:

C. Any person convicted of a violation of ~~subsection B of~~ this section shall be fined a fee set by resolution ~~one dollar($1.00).~~ Upon a third or subsequent conviction of a violation of said subsection, within any ninety (90) day period, the fine shall be set by resolution ~~five dollars ($5.00)~~.

10.32.050: IMPOUNDED VEHICLES; UNREDEEMED; AUCTIONING PROCEDURE:

If, at the expiration of thirty (30) days after mailing the notice provided for in section 10.32.030 of this chapter, such vehicle is not redeemed by the owner or his proper representative, the chief of police or his authorized agent shall proceed to sell the same at a public auction to the highest bidder after first giving at least ten (10) days' notice of said sale by publishing said notice at least once in a newspaper published in the city, stating the time and place of such sale. Such notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the motor vehicles division of the state department of law enforcement show the same to belong, and, if the name of the owner is unknown, said fact shall be stated. If the name of the owner or recorded lienholder, if any, is known, the police department shall send such owner or recorded lienholder a copy of such notice, as published, immediately after the publication of same, which notice shall be mailed to their last known address or their address as shown on the records of the motor vehicle division of the Idaho department of law enforcement. A copy of this notice, as published, shall immediately, after publication, be mailed to the owner of the place of storage. The money received by the chief of police, or his authorized agent, from the sale of any such vehicle shall be applied first to the actual cost of towing and storage of such impounded vehicle, then to pay the cost of advertising the notice of sale in the amount as set by resolution ~~of ten dollars ($10.00)~~ for each vehicle so impounded; and the balance if any, shall then be deposited into the city treasury to be used as provided in section 10.32.060 of this chapter. (Prior code § 10-8-1(E))

10.32.130: SPECIAL PERMIT AND FEE:

Upon application of any person for a special permit and the payment of a fee set by resolution ~~the sum of twenty fivedollars ($25.00),~~ the city clerk shall cause a permit to be issued to such applicant for salvage of parts from one vehicle for necessary repair of an existing vehicle. The permit shall be valid for not to exceed thirty (30) days. ~~If, on inspection by the city clerk, the chief of police or other appropriate city official, the unused salvage has been removed from the property by the permittee, the city shall cause to be returned the initial fee provided for in this section, but if such salvage has not been so removed as required herein, the city shall cause same to be removed and retain the permit fee for the cost thereof. (Ord. 940, 1982)~~

12.16.020: PARKS; ASSEMBLIES; LICENSE REQUIRED; PROCEDURE:

C. The license fee shall be set by resolution ~~one dollar ($1.00)~~ for each multiple of fifty (50) persons for which the license is issued, and said license shall state generally the reason for the assembly and the time and date it shall be effective.

12.18.110: PAYETTE CITY BUSINESS LICENSE REQUIRED:

A. A Payette city business license, fee set by resolution is required for any person or business performing tree care or pruning for a fee and/or compensation within the Payette city limits. The Payette business license is to be renewed annually, fee set by resolution.

13.04.200: UNLAWFULLY TURNING WATER ON; FINE:

Should the owner or occupant of the premises turn on the water, or suffer or cause it to be

turned on, after it has been shut off at the curb cock, it will be turned off at the main and a ~~charge of thirty dollars ($30.00)~~ fee set by resolution must be paid before the same shall be turned on again. (Res. 2009-05, 2009: prior code § 3-3-12)

13.04.250: STATEMENT OF WATER CHARGES; TURN ON CHARGE:

A. The city clerk shall furnish to each account holder or owner of property for which water service is provided, or to his agent, on a monthly basis, a statement of the amount due for water for the preceding month or up to the time that the meter has been read; and, if said account holder or property owner neglects to pay his water charges within ten (10) days of the date of mailing of the statement, his account shall be delinquent, and a charge as set by resolution ~~of five dollars ($5.00)~~ shall be added to the account ten (10) days after the account becomes due. The delinquent account holder or property owner shall be notified by regular mail of this delinquency and, if the bill is not paid in full within five (5) days after service of this notification, the right to water shall cease and terminate. The city may requirea ~~the one hundred twenty five dollar ($125.00)~~ utility fund deposit as set by resolution, as a condition of receiving water service again, if the deposit has not previously been made, or if the same has been refunded.

B. In addition, the expense of turning the water on again, shall be set by resolution ~~at a minimum of thirty dollars ($30.00)~~, or as may be determined by the council, must also be paid.

Until such time that the payments are made, the person who applied for the use of the water at the premises to which water service was terminated because of nonpayment will not be entitled to any water service at any other place or premises within the city.

13.04.260: WATER CHARGES; DESIGNATED:

A. Water charges will be determined on a monthly usage basis calculated on the volumetric amount of water passing through the city standard water meter, actual meter size, or number of living units and/or spaces. The city's minimum standard is thereby set as a three-fourths inch by three-fourths inch ($^3/_4$" x $^3/_4$") water meter. The following rates are hereby established:

1. Single Occupant - Standard Meter:

The base water rate for a single city standard water meter is a fee set by resolution ~~$6.17~~ per month.

The volumetric rate for any water consumed is charged at a fee set by resolution ~~$0.220~~ per 100 gallons of water used, rounded up to the next 100 gallons.

The monthly water rate is the addition of the base water rate and volumetric rate of a fee set by resolution ~~$0.220~~ per 100 gallons of water used, rounded up to the next 100 gallons.

2. Single Occupant - Nonstandard Meter:

The nonstandard base water rate is based on the size of the existing or requested new water meter. This rate is determined by comparing the city's standard water meter orifice area to the water user's requested water meter orifice area. This comparison would yield an adjustment

factor which is then multiplied to the previously defined base water rate. The nonstandard monthly water rate is the addition of the nonstandard base water rate and volumetric rate of a fee set by resolution ~~$0.220~~ per 100 gallons of water used, rounded up to the next 100 gallons.

TABLE A2.1 - ADJUSTMENT FACTORS

Water Meter Size	Orifice Area	Adjustment Factor
$^3/_4$ inch	0.44 sq. in.	1.0
1 inch	0.79 sq. in.	1.8
2 inch	3.14 sq. in.	7
4 inch	12.57 sq. in.	28
6 inch	28.26 sq. in.	64

3. Multiple Unit User: Where more than one dwelling, space, or like unit is using the same meter, the following rates and basis for changes will apply:

b. The multi-unit monthly water rate is the addition of the multi-user base water rate and volumetric rate of a fee set by resolution ~~$0.220~~ per 100 gallons of water used, rounded up to the next 100 gallons.

13.04.270: UTILITY ACCOUNT DEPOSIT; REQUIRED; PLACEMENT; REFUND:

A. From each owner, tenant or lessee of property, the clerk shall, before the city water, sewer, refuse collection and other such monthly services are furnished, collect and receive a utility account deposit of a fee set by resolution ~~one hundred twenty five dollars ($125.00),~~ which deposit shall be collected to secure the payment of all charges thereafter billed to the utility account for the premises occupied by that individual. For multi-unit dwellings and commercial units, the following rates apply:

Multi-living unit dwellings –a fee set by resolution ~~one hundred twenty five dollars ($125.00)~~ per living unit.

Trailer courts –a fee set by resolution ~~one hundred twenty five dollars ($125.00)~~ per space.

Restaurants - a fee set by resolution ~~three hundred dollars ($300.00)~~ per unit.

~~Other commercial~~ Non residential units – ~~twice the estimated monthly usage.~~ a fee set by resolution

13.08.070: SERVICE RATES AND CHARGES; DESIGNATED:

Owners or occupants of all premises (residential and commercial) now served by the sanitary sewer of the city and of all premises to be furnished sewer service by the sewage collection system, except industrial users, shall pay the rates specified as follows:

A. The monthly charge for city sewer service shall be determined by the amounts of city water delivered to and discharged at the premises, and shall be collected at the following rates for each meter service; however, in the event there is more than one "dwelling unit", as defined in section 17.08.010 of this code, connected to a water meter, then the charges shall be made and collected for each dwelling unit by determining the average discharge per dwelling unit.

1. The minimum monthly charge shall be set by resolution ~~fifteen dollars sixty one cents ($15.61)~~ plus a fee set by resolution ~~twenty four and eight-tenths cents ($0.248)~~ per one hundred (100) gallons discharged or fraction thereof. From the monthly minimum charge of each user, the city treasurer shall place an amount set by resolution ~~two dollars fifty five cents ($2.55)~~ of that monthly charge into a fund dedicated exclusively to the reconstruction or replacement of the city sewer system and plant. This money shall not be used for anything other than the reconstruction and replacement of the city sewer system and plant.

B. Rates and charges for premises to which city water is not delivered or metered, shall be set by resolution ~~thirty one dollars twenty five cents ($31.25)~~ per month.

D. A fee as set by resolution ~~of one dollar ($1.00)~~ per each one hundred (100) gallons, with a fee set by resolution ~~minimum of five dollars ($5.00)~~ per each load, for emptying septic tank or cesspool pumping at the sewage treatment plant shall be charged.

13.08.080: INDUSTRIAL CHARGES FOR LOADING OF SEWER SYSTEM:

Users shall be monitored and the fees shall be based on the loading the user discharges into the city's sewer works. All charges are based on gallons of flow received daily, pounds of biochemical oxygen demand received daily, pounds of total suspended solids received daily, and daily settleable solids concentrations higher than seven milligrams per liter (7 mg/l). The charges shall become effective July 1, 1996. The charges shall be set by resolution:

~~A. Biochemical Oxygen Demand (BOD):~~

~~0 - 3,000 pounds @$0.19 per pound~~
~~3,001 pounds and over @ $0.38 per pound~~

~~Total suspended solids (TSS):~~

~~0 - 1,500 pounds @ $0.13 per pound~~
~~1,501 pounds and over @$0.26 per pound~~

~~Flow:~~

~~0 - 500,000 gallons @$0.61 per 1,000 gallons~~
~~500,001 gallons and over @ $1.22 per 1,000 gallons~~

~~Settleable solids:~~

~~Higher than 7 mg/l -$100.00~~

13.08.090: SERVICE RATES AND CHARGES; PAYMENT PROCEDURE:

B. All fees shall be paid by the person responsible for the same at the office of the city clerk within ten (10) days after receipt of a statement and, if not paid, the same shall become delinquent, and a charge as set by resolution ~~of five dollars ($5.00)~~ shall be added to the account ten (10) days after the account becomes due. For failure to pay such fees, the city may levy a special assessment against the premises in such amount and in such manner as other special assessments are levied, and may foreclose the same in the manner provided for in the foreclosure and collection of other special assessments.

15.04.043: BUILDING PERMIT FEE; PREFABRICATED BUILDING OR STRUCTURE:

The building official or building inspector shall charge a fee set by resolution ~~of one hundred fifty dollars($150.00)~~ for the building permit for any mobile home, trailer house or other prefabricated building or structure. (Ord. 1237, 2004: Ord. 1067 § 3, 1993) .

15.33.010: LICENSE FEE:

Individuals and/or businesses may apply for a license to advertise on benches which are placed on the city rights of way. The cost for the annual license for the advertising space shall be set by resolution ~~one hundred dollars ($100.00) annually~~. All licenses shall expire on December 31 of the year the license was issued. (Ord. 1126 § 1, 1996)

16.16.050: PRELIMINARY PLAT; FILING AND REVIEW FEES:

At the time of submission of a preliminary plat, there shall be paid to the city clerk a fee set by resolution ~~two hundreddollar ($200.00) filing fee~~ together with a fee set by resolution ~~twenty dollar ($20.00)~~ per lot preliminary plat review fee. This fee structure shall also include plats in the impact area. (Ord. 1219 § 1, 2002: Ord. 1137 § 1, 1997: Ord. 874, 1977: prior code § 11-15-10(A))

16.16.060: FINAL PLAT/CONSTRUCTION DRAWINGS; FILING AND REVIEW FEES:

Upon submission of the final plat of the area, or any part thereof, there shall be paid to the city clerk a fee set by resolution ~~two hundred dollar ($200.00) filing fee~~ together with a fee set by resolution ~~twenty dollar ($20.00)~~ per lot final plat/construction drawings review fee. (Ord. 1219 § 1, 2002: Ord. 1137 § 2, 1997: Ord. 874, 1977: prior code § 11-15-10(B))

17.68.040: FEE SCHEDULE FOR CERTAIN ZONING AND SUBDIVISION REQUESTS:

The following fee schedule for certain types of applications is hereby created.

A. Applications for conditional use permits or special use permits shall be accompanied by a ~~fifty dollar ($50.00)~~ nonrefundable fee set by resolution.

B. Applications for rezones, variances, annexation and nonconforming uses shall be accompanied by a ~~one hundred dollar ($100.00)~~ nonrefundable fee set by resolution.

C. All other applications shall be accompanied by ~~a fifty dollar ($50.00)~~ nonrefundable fee as set by resolution.

17.80.050: DEVELOPMENT IMPACT FEES IMPOSED:

C. Fee Table And Calculation Of Amount Of Development Impact Fees:

Impact Fee Category	Amount
Police fees:	
Residential (per dwelling unit)	As set by resolution
Nonresidential (per square foot)	As set by resolution
Fire fees:	
Residential (per dwelling unit)	As set by resolution
Nonresidential (per square foot)	As set by resolution
Total city impact fees:	
Residential	As set by resolution
Nonresidential	As set by resolution

18.01.050: SUBMITTAL REQUIREMENTS:

P. Applicant will provide a municipal well and associated water rights sufficient to supply the land within the annexation in accordance with the Idaho administrative procedures act (IDAPA) and Idaho department of environmental quality (DEQ). In lieu of a municipal well, the applicant will pay a fee ~~per lot~~ as set by resolution ~~of five hundred dollars ($500.00)~~ to the city for eventual development of a new well. (Ord. 1279 § 1, 2007)

Section 2. This Ordinance may be published in summary form as permitted by Idaho Code.

Section 3. 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 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. Any violation of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statues of the State of Idaho.

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.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 14 day of December, 2012.

CITY OF PAYETTE, IDAHO

Jeffrey T. Williams, Mayor

ATTEST:

Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1371

Ordinance 1371 is an ordinance of the City Of Payette, Idaho, adopted December 3, 2012. The ordinance may be descriptively known as the ordinance that removes fees or charges from ordinances and moves those fees or charges to resolutions.

Ordinance 1371 amends sections 3.12.090, 5.04.080, 5.04.110, 5.08.180, 5.08.190, 5.12.020, 5.15.050, 5.16.050, 5.17.040, 5.20.040, 5.24.040, 5.28.033, 5.28.064, 5.29.030, 5.32.020, 5.34.020, 5.36.150, 5.40.030, 6.04.060, 6.08.020, 6.08.030, 6.08.040, 6.08.105, 6.08.107, 6.08.110, 8.08.110, 8.08.120, 8.12.030, 10.20.090, 10.32.050, 10.32.130, 12.16.020, 12.18.110, 13.04.200, 13.04.250, 13.04.260, 13.04.270, 13.08.070, 13.08.080, 13.08.090, 15.04.043, 15.33.010, 16.16.050, 16.16.060, 17.68.040, 17.80.050, 18.01.050 Of Titles 2, 3, 5, 6, 8, 10, 12, 14, 15, 16, 17 and 18 of the Payette Municipal Code by deleting or removing the fees charged in those sections and referring the reader to a resolution in which the fees are adopted. The ordinance sets an effective date, allows publication in summary form, establishes severability and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1371 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 5th day of December, 2012.

Bert L. Osborn

Bert L. Osborn