

- AN ORDINANCE -
(No. 721)

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2
3 REPEALING SECTIONS 9, 10, AND 11 OF CHAPTER 6, TITLE 9 OF THE CITY CODE OF THE
4 CITY OF PAYETTE, STATE OF IDAHO, AND AMENDING CHAPTER 3, TITLE 8 OF THE CITY
5 CODE OF THE CITY OF PAYETTE, BY ADDING THE FOLLOWING SECTION 8-3-8 WHICH MAKES
6 IT UNLAWFUL FOR AN OWNER, AGENT OF OWNER, TENANT OR OCCUPANT OF REAL PROPERTY
7 TO PERMIT UPON SAID PROPERTY, SIDEWALKS ABUTTING SAME, AND UPON ALLEYS ABUTTING
8 THE SAME AND TO THE CENTER THEREOF, ANY NOXIOUS, DELETERIOUS, HARMFUL, AND/OR
9 UNHEALTHY GROWTHS OF WEEDS IN EXCESS OF EIGHT INCHES IN HEIGHT, AND/OR RUBBISH,
10 TRASH, LITTER, DEBRIS, GARBAGE, OR OTHER WASTE SUBSTANCES; BY ADDING SECTION
11 8-3-9 WHICH MAKES IT UNLAWFUL FOR AN OWNER, AGENT OF OWNER, TENANT, OR OCCU-
12 PANT OF REAL PROPERTY OUTSIDE THE CITY LIMITS BUT WITHIN THREE MILES THEREOF
13 TO PERMIT UPON SAID PROPERTY ANY NOXIOUS, DELETERIOUS, HARMFUL AND/OR UNHEALTHY
14 GROWTHS OF WEEDS IN EXCESS OF EIGHT INCHES IN HEIGHT, AND WHICH ARE LOCATED
15 WITHIN TEN FEET OF ANY BUILDING; BY ADDING SECTIONS 8-3-10 AND 8-3-11, CITY
16 CODE OF THE CITY OF PAYETTE, REQUIRING THE REMOVAL OF THE WEEDS AND WASTE SUB-
17 STANCES BY THOSE PERSONS RESPONSIBLE; BY ADDING SECTION 8-3-12 OF THE PAYETTE
18 CITY CODE WHICH PERMITS THE CITY TO REMOVE THE WEEDS OR WASTE SUBSTANCES AND
19 TO CERTIFY THE COST THEREOF TO THE COUNTY TAX COLLECTOR FOR THE PURPOSE OF
20 HAVING THE SAME PLACED UPON THE TAX ROLL; BY ADDING 8-3-13 OF THE PAYETTE CITY
21 CODE WHICH PROVIDES THAT A VIOLATION OF ANY OF SAID SECTIONS IS A MISDEMEANOR;
22 BY ADDING 8-3-14 OF THE PAYETTE CITY CODE WHICH PROVIDES THAT FOR EACH AND
23 EVERY TEN DAYS THE PERSON RESPONSIBLE FOR COMPLYING WITH THIS ORDINANCE, FAILS
24 TO SO COMPLY, A SEPARATE AND DISTINCT OFFENSE IS COMMITTED; BY ADDING 8-3-15
25 TO PROVIDE A SAVINGS CLAUSE.

26 *Be It Ordained by the Mayor and the City Council of the City of Payette, State*
27 *of Idaho:*

28 That Sections 9, 10, and 11 of Chapter 6, Title 9 of the City Code of
29 The City of Payette, State of Idaho, are hereby repealed and that Chapter 3, Title
30 8 of the City Code of The City of Payette be amended by adding new Sections there-
31 to, following Section 8-3-7 to be known as Sections 8-3-8, 8-3-9, 8-3-10, 8-3-11,
32 8-3-12, 8-3-13, 8-3-14, 8-3-15.

1 Section 8-3-8. WEEDS AND WASTE SUBSTANCES ON REAL PROPERTY WITHIN THE CITY.

2 It shall be a nuisance and unlawful for the owner, agent of such owner,
3 tenant, and/or occupant of any real property within the City to permit or allow
4 upon said real property or upon any sidewalk abutting same, or upon the alleys
5 abutting the same to the center thereof, any noxious, deleterious, harmful and/or
6 unhealthy growths of weeds which exceed eight inches in height, and/or rubbish,
7 trash, litter, debris, garbage, or other waste substances.

8 Section 8-3-9. WEEDS ON REAL PROPERTY WITHIN THREE MILES OF THE CITY LIMITS.

9 It shall be a nuisance and unlawful for the owner, agent of such owner,
10 tenant, and/or occupant of any real property outside the city limits but within
11 three miles thereof, to permit or allow upon said real property any noxious, de-
12 leterious, harmful, and/or unhealthy growths of weeds which exceed eight inches
13 in height and which are located within ten feet of any building.

14 Section 8-3-10. REMOVAL OF WEEDS AND WASTE SUBSTANCES WITHIN THE CITY.

15 All occupants, tenants, owners, and agents of such owners of real prop-
16 erty within the municipality are hereby required to remove all rubbish, trash,
17 litter, debris, garbage, or other waste substances, and to remove and/or cut and
18 chop into small pieces any noxious, deleterious, harmful, and/or unhealthy growths
19 of weeds which exceed eight inches in height and are located on said real property.

20 Section 8-3-11. REMOVAL OF WEEDS ON REAL PROPERTY WITHIN THREE MILES OF THE CITY
21 LIMITS.

22 All occupants, tenants, owners and agents of such owners of real prop-
23 erty outside the City limits, but within three miles thereof are hereby required
24 to remove or cut and chop into small pieces any noxious, deleterious, harmful,
25 and/or unhealthy growths of weeds which exceed eight inches in height and are lo-
26 cated on said real property and are within ten feet of any building.

27 Section 8-3-12. FAILURE TO COMPLY.

28 The City Administrator or other duly authorized representative is hereby
29 authorized and empowered to give actual notice to the owner, agent of such owner,
30 tenant, or occupant of real property to comply with the Sections 8-3-8 to 8-3-11
31 inclusive; provided however, if actual notice is not possible, the City Admini-
32 strator shall give written notice by registered mail, addressed to said owner,

1 agent of owner, tenant or occupant at his last known address; providing further
2 that upon the failure, neglect, or refusal of any such owner, agent of owner,
3 tenant or occupant to comply with Sections 8-3-8 to 8-3-11 inclusive, the desig-
4 nated official is hereby authorized and empowered to pay for and employ labor
5 for the removal of the waste substances and/or the cutting and chopping of the
6 weeds herein before mentioned. The reasonable value of the services rendered in
7 removing the waste substances and/or the cutting and chopping of the weeds, plus
8 accrued interest computed thereon at the legal rate from the date of completion
9 of said work, if not paid by the owner, agent of such owner, tenant or occupant
10 of said real property within 30 days after completion, should be assessed against
11 the real property, and if not paid within thirty (30) days thereafter, and within
12 thirty (30) days after mailing a notice of assessment, the amount shall be dec-
13 lared delinquent and be certified to the tax collector of the county by the City
14 Clerk and shall be by said tax collector placed upon the tax roll and collected
15 in the same manner and subject to the same penalties as other City taxes.

16 Section 8-3-13. VIOLATION.

17 The failure, neglect, or refusal of a tenant, occupant, owner, or agent
18 of such owner to comply with Sections 8-3-8 to 8-3-11 inclusive, shall constitute
19 a misdemeanor.

20 Section 8-3-14. EACH TEN DAYS SEPARATE OFFENSE.

21 Each and every ten (10) days any such owner, agent of owner, tenant or
22 occupant shall fail, refuse, or neglect to comply with provisions 8-3-8 to 8-3-
23 11 inclusive, shall constitute a separate and distinct offense, and each of such
24 separate offenses shall be punishable as a misdemeanor.

25 Section 8-3-15. SAVINGS CLAUSE.

26 Should any section or part of any section herein be held to be uncon-
27 stitutional and void, the remaining sections shall continue to be enforced un-
28 less the intention of the City Council would be defeated or thwarted by the en-
29 forcement of said sections.

30 Passed and approved by the Mayor and Council this 6th day of MAY,
31 1968.

32 Witness: Mervil L. Hutchinson
Clerk of the City of Payette

L. J. Josephson
Mayor of the City of Payette, Idaho.