

ORDINANCE 1238

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 12 OF TITLE 8 OF THE PAYETTE CITY CODE BY ADDING CERTAIN AREAS TO SECTION 8.12.010; DELETING SECTION 8.12.020 AND RENUMBERING SECTION 8.12.030 AS 8.12.020 AND ADDED WORKING DAYS TO THIS SECTION, DELETING SECTION 8.12.040; RENUMBERED 8.12.050 AS 8.12.030 AND CHANGED DESIGNATED OFFICERS, REQUIRING RETURN RECEIPT MAILING, ALLOWING AN ADMINISTRATIVE FEE AND REQUIRING MAILING OF A LIEN; RENUMBERED 8.12.060 AS 8.121.040 AND CHANGED COMPLIANCE SECTION NUMBERS TO CORRESPOND TO NEW SECTION NUMBERS; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; SETTING AN EFFECTIVE DATE.

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

SECTION 1. Section 8.12 is hereby amended to read as follows:

8.12.010 Within City Limits--Declared Nuisance When: It shall be a nuisance and is unlawful for the owner, agent of such owner, tenant or occupant of any real property within the City to permit or allow upon said real property, or upon any sidewalk abutting same, or upon the alleys abutting the same to the center thereof, or along or in ditches, fence lines and to the edges of all curbs, sidewalks and roadways, any growths of weeds or grasses which exceed eight inches (8") in height. It is also declared to be a nuisance and unlawful for any owner, agent of such owner, tenant or occupant of any property to allow or permit an accumulation of rubbish, trash, litter, debris, garbage or other waste substances.

~~8.12.020 Within Three Miles Of City Limits--Weeds Declared Nuisance When:~~ It shall be a nuisance and is unlawful for the owner, agent of such owner, tenant and/or occupant of any real property outside the City limits, but within three (3) miles thereof, to permit or allow upon said real property any noxious, deleterious, harmful and/or unhealthy growth of weeds or grasses which exceed eight inches (8") in height and which are located within ten feet (10') of any building.

8.12.030-020 Within City Limits--Removal Required When: All occupants, tenants, owners and agent of such owners of real property within the municipality are required to remove all rubbish, trash, litter, debris, garbage or other waste substances, and to remove or cut and chop into small pieces any growths of weeds or grasses which exceed eight inches (8") in height and are located on said real property. The spraying to kill weeds and grasses does not excuse the eight inch (8") requirement. Upon notice from the City of Payette, the occupants, tenants, owners and agents of such owners shall have 10 working days in which to comply.

~~8.12.040 Within Three Miles Of City Limits--Removal Of Weeds Required When:~~ All occupants, tenants, owners and agents of such owners of real property outside the City limits, but within three (3) miles thereof, are required to remove or cut and chop into small pieces any noxious, deleterious, harmful and/or unhealthy growths of weeds and grasses which exceed eight inches (8") in height and are located on said real property and are within ten feet (10') of any building.

8.12.050 030 Removal--Notification--Noncompliance--Action By City:

A. The City Administrator Clerk, Ordinance Officer or other duly authorized representative is authorized and empowered to give actual notice to the owner, agent of such

owner, tenant or occupant of real property to comply with Sections 8.12.010 through 8.12.040 020; provided, however, if actual notice is not possible, the City Administrator Clerk, Ordinance Officer or other duly authorized representative shall give written notice by registered return receipt requested mail, addressed to said owner, agent of owner, tenant or occupant at his last known address.

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 ~~accrued interest computed thereon at the legal rate from the date of completion of said work~~ an administrative fee 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, ~~should be assessed shall be filed as a lien against the real property; and, if not paid within thirty (30) days thereafter, and within thirty (30) days after mailing a notice of assessment, the amount shall~~ may be declared delinquent and shall 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.

8.12.060- 040 Noncompliance--Declared Misdemeanor--Separate Offenses.

A. The failure, neglect or refusal of a tenant, occupant, owner or agent of such owner to comply with Sections 8.12.010 through 8.12.040 030 shall constitute a misdemeanor.

B. Each and every ten (10) days any such owner, agent of owner, tenant or occupant fails, refuses or neglects to comply with provisions of Sections 8.12.010 through 8.12.040 030 shall constitute a separate and distinct offense, and each of such separate offenses shall be punishable as a misdemeanor.

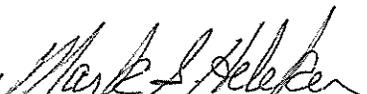
SECTION 2. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

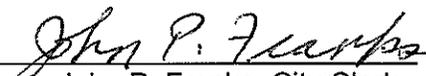
SECTION 3. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall remain in effect and shall constitute Ordinance 1238.

SECTION 4. 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 7th day of March, 2005.

CITY OF PAYETTE

BY 
Mark Heleker, Mayor

ATTEST: 
John P. Franks, City Clerk