

CITY OF PAYETTE, IDAHO

ORDINANCE NO. 1357

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 5.12 OF THE PAYETTE MUNICIPAL CODE EATING AND DRINKING ESTABLISHMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING A REPEALER CLAUSE; ESTABLISHING A PENALTY; ALLOWING FOR PUBLICATION IN SUMMARY FORM; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

**Section 1.** Findings of the City Council:

WHEREAS, The City Council deems the controls, standards and procedures set forth in this ordinance to be essential to the protection of the public health, safety and general welfare of the citizens of the City of Payette, Idaho, and the adoption thereof to be in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO, AS FOLLOWS:

**Section 2.** Payette Municipal Code Chapter 5.12, is hereby amended to read as follows:

**Chapter 5.12  
EATING AND DRINKING ESTABLISHMENTS<sup>1</sup>**

**5.12.010: ADOPTION OF ~~U.S. PUBLIC HEALTH SERVICE ORDINANCE~~ IDAHO FOOD CODE:**

**5.12.020: PERMIT; REQUIRED; FEE; EXPIRATION:**

**5.12.030: VIOLATION; PENALTY:**

**5.12.010: ADOPTION OF ~~U.S. PUBLIC HEALTH SERVICE ORDINANCE~~ IDAHO FOOD CODE:**

The definitions, the inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments, the prohibiting of the sale of adulterated or misbranded food or drink, the enforcement of this chapter shall, except where provisions in this chapter conflict, be regulated in accordance with the ~~unabridged form of the 1962 edition of the "United States Public Health Service Food Service Sanitation Ordinance And Code" current version of the U.S. Food and Drug Administration Food Code as adopted by the~~ most recent version of the "Idaho Food Code" as adopted by the State of Idaho. ~~three (3) copies of which shall be on file in the office of the municipal clerk; provided, that the words "municipality~~

~~of " in said unabridged form shall be understood to refer to the city., and that in said ordinance subsections H7 and H8 shall be understood to be deleted.~~

**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, ~~ten dollars (\$10.00)~~ a fee, as established by the City Council, shall be paid ~~him or her~~ and the applicant shall have already secured a permit to operate a food service establishment from the state department of health. The permit issued ~~by the health authority~~ shall expire on the date of the expiration of the permit issued by the state department of health.

**5.12.030: VIOLATION; PENALTY:**

~~Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) and/or shall be imprisoned for a period not to exceed thirty (30) days.~~ Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 18-113 and §50-302. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation. (Prior code § 8-4-2)

**Section 3.** This Ordinance may be published in summary form as permitted by the State of Idaho.

**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.

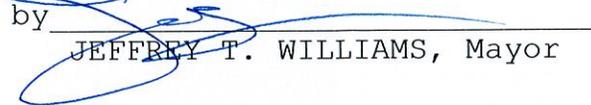
**Section 6.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

**Section 7.** Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 18-113

and §50-302.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 2 day of February, 2012.

CITY OF PAYETTE, IDAHO

by   
JEFFREY T. WILLIAMS, Mayor

ATTEST:

  
Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1357

Ordinance 1357 is an ordinance of the City Of Payette, Idaho, adopted February 6, 2012. The ordinance may be descriptively known as the Payette City "Idaho Food Code Adoption Ordinance". Ordinance 1357 amends Chapter 5.12 in Title 15 of the Payette Municipal Code. The ordinance Deletes references to U.S. Food and Drug Administration Food Code and adopts the most recent version of the Idaho Food Code as adopted by the State of Idaho. The ordinance eliminates the existing \$10.00 application fee and adopts a fee as established by the City Council. Ordinance 1357 adopts the penalties set forth in Idaho Code § 18-113 and §50-302. The ordinance provides a severability clause, provides a repealer clause and a penalty clause. The ordinance provides for publication in summary form and establishes an effective date.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1357 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 8th day of February, 2012.



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Bert L. Osborn