

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 12.18 IN TITLE 12 OF THE PAYETTE CITY CODE; ADDING A NEW DEFINITION; AMENDING SECTION 12.18.070 ESTABLISHES AND DEFINES THE DUTIES OF THE CITY FORESTER; AMENDING SECTION 12.18.110 PAYETTE CITY BUSINESS LICENSE REQUIRED; ADDING A NEW SECTION 12.18.200 ABATEMENT OF PUBLIC NUISANCES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY:

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

Section 1. Chapter 12.18 in Title 12 of the Payette Municipal Code is hereby amended as follows:

**Chapter 12.18  
PAYETTE CITY TREE ORDINANCE**

**12.18.020: DEFINITIONS:**

**12.18.070: ESTABLISHMENT AND DUTIES OF THE CITY FORESTER:**

**12.18.110: PAYETTE CITY BUSINESS LICENSE REQUIRED:**

**12.18.200: ABATEMENT OF PUBLIC NUISANCES**

**12.18.210: SEVERABILITY**

**12.18.020: DEFINITIONS:**

**PUBLIC NUISANCES:** Any tree or part thereof (public or private) which, by reason of location or conditions, constitutes a hazard to public safety as determined by the City Forester. Any tree or part thereof (on public or private property) which obstructs the free passage of pedestrian or vehicular traffic or which obstructs public street lighting or which because of its condition constitutes a threat to any member of the public. Any tree or alternate host plant or part hereof (on public or private property) which harbors pests which reasonably may be expected to injure or harm public trees.

**12.18.070: ESTABLISHMENT AND DUTIES OF THE CITY FORESTER:**

Administrative/Management Duties:

A. Tree Planting Duties:

1. Order the pruning and removal of public trees to ensure public health, safety and welfare while considering the health of the tree and other elements of the infrastructure.
2. Recommend trees as public nuisances as defined in 12.18.020. Abatement of public nuisances shall be completed as identified in 12.18.200.

**12.18.110: PAYETTE CITY BUSINESS LICENSE REQUIRED:**

Evidence to satisfy section 12.18.130 of this chapter. (Ord. 1177, 200

**12.18.200: ABATEMENT OF PUBLIC NUISANCES:**

The following are the prescribed means of abating public nuisances under this chapter:

- A. Any tree or alternate host plant or part thereof (public or private) declared to be a public nuisance as set forth in the definitions of this chapter shall be pruned, removed or otherwise treated in

accordance with the requirements of this chapter. All costs for nuisance abatement shall be the responsibility of the adjacent property owner or of any person claiming ownership thereof;

- B. The city may cause a written notice to be personally served or sent by mail to the owner of the particular property;
- C. In the event the nuisance is not abated by the date specified in the notice, the city clerk, city forester, city parks supervisor, street supervisor or other authorized person is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be charged to the property owner upon which the tree is located or upon the immediately adjacent property. Monies which have not been recovered through the city bill collection procedures may result in a lien against the property or assessed on taxes as provided for in Idaho Code title 50. In addition, the owner of the property upon which the nuisance is located may be subject to prosecution under this chapter, or any other chapter of this code or the Idaho Code for maintaining a public nuisance. Nothing in this provision shall be construed to exempt any person from the requirement of obtaining permits under 12.18.110.
- D. The city clerk, city forester, street supervisor, parks supervisor or other authorized person is empowered to cause the immediate abatement of any nuisance if it is determined by the city forester or other authorized person to be an emergency or immediate hazard to public safety;
- E. If the city forester determines that disposal of the wood, branches and soil from removal or pruning of a nuisance tree is required to complete abatement, such disposal shall be done in such a manner to minimize the impact on other vegetation or members of the community. All costs associated with the disposal of material from private trees shall be the responsibility of the property owner.

**12.18.210: SEVERABILITY:**

The provision of this Chapter shall be deemed severable and findings by a court of law that a provision of this Chapter is unlawful shall have no effect on the remaining provisions.

Section 2. This Ordinance may be published in summary form allowed 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.

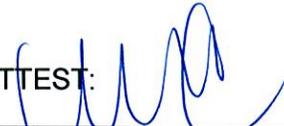
Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 5<sup>th</sup> day of MARCH, 2012.

CITY OF PAYETTE, IDAHO

by   
Jeffrey T. Williams, Mayor

ATTEST:

  
Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1360

Ordinance 1360 is an ordinance of the City Of Payette, Idaho, adopted January 3, 2012. The ordinance may be descriptively known as the Payette City Abatement of Nuisances Ordinance. Ordinance 1360 amends chapter 12.18 in title 12 of the Payette City Code by adding the definition of when a tree becomes a nuisance; The ordinance sets out the procedure for abatement of a nuisance when a tree is determined to be a public nuisance; Ordinance 1360 provides a severability clause, provides for publication by summary, sets an effective date and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1360 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 6th day of March, 2012.



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Bert L. Osborn