

CITY OF PAYETTE ORDINANCE NO. 938

COUNTY OF PAYETTE ORDINANCE NO. 33

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AND THE COUNTY OF PAYETTE, IDAHO, REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE PAYETTE MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE PAYETTE MUNICIPAL AIRPORT ZONING MAPS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; ESTABLISHING A METHOD OF APPEAL AND AMENDMENT; IMPOSING PENALTIES; AND PROVIDING FOR ENFORCEMENT OF SAID ORDINANCE BY EITHER OR BOTH THE COUNTY OF PAYETTE AND THE CITY OF PAYETTE, WITHIN PAYETTE COUNTY, IDAHO.

BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO, AND BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF PAYETTE, IDAHO, as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as the "Payette Municipal Airport Hazard Zoning Ordinance".

SECTION II: PURPOSE AND AUTHORITY

Pursuant to the authority conferred and granted by Article 12, Section 2, of the Idaho State Constitution, and by Title 67, Chapter 65, of the Idaho Code, it is hereby found that an airport hazard endangers the lives and property of users of Payette Municipal Airport, and property or occupants of land in its vicinity, and also such hazards may reduce the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Payette Municipal Airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Payette Municipal Airport.
- (2) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of aircraft hazards be prevented; and
- (3) that the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which a political subdivision may raise and expend public funds and acquire land or interest in land.

SECTION III: GENERAL SCOPE OF ORDINANCE

This ordinance is adopted to provide zoning to protect the present and long term use of the Payette Municipal Airport and to insure the harmonious development of the City of Payette and the unincorporated portions of Payette County which may be affected by airport related activities. This ordinance is part

of a long range development plan for the Payette Municipal Airport approved by the legislative bodies of the City of Payette and Payette County. This ordinance shall apply to the incorporated and unincorporated parts of Payette County as such boundaries exist at the effective date of this ordinance, or as such boundaries may be changed. It is intended that the City of Payette and Payette County will each enforce this ordinance to implement the long range development plan for the Payette Municipal Airport.

SECTION IV: DEFINITIONS

For the purpose of this ordinance, certain terms are defined as set forth. All words of the ordinance in the present tense include the future tense; all words in the plural includes the singular and all words in the singular include the plural unless the nature of sentence construction indicates otherwise. In this ordinance, the word "shall" is mandatory.

- (1) ADMINISTRATOR - The term "administrator" when used in conjunction with this ordinance shall mean the Building Inspector of the City of Payette, Idaho, when any enforcement or action is required concerning land and uses within its limits and jurisdiction; it shall mean the County Zoning Administrator of the County of Payette, Idaho, when any enforcement or action is required concerning land and uses within the County's jurisdiction; or it shall mean any other person appointed to enforce and administer the provisions in this ordinance.
- (2) AIRPORT OR PAYETTE MUNICIPAL AIRPORT - The Payette Municipal Airport.
- (3) AIRPORT ELEVATION - The highest point of the airport's usable land area having an elevation of 2228 feet above mean sea level.
- (4) AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- (5) AIRPORT LANDING STRIP OR RUNWAY - A conditioned strip of ground established for taking off of landing aircraft, equal in width to twice that of the pavement and running the length of the runways plus overrun areas at each end.
- (6) AIRPORT REFERENCE POINT - The approximate geographical center of the Payette Municipal Airport; latitude 44° 05' 33" and longitude 116° 53' 34".
- (7) AIRPORT TYPES - Any airport or terminal classification including utility, general, hub, non-hub and such other designations as the Federal Aviation Administration or substitute agencies may establish or classify.
- (8) BOARD - The Board of County Commissioners.
- (9) BOARD OF APPEALS - The Payette Airport Commission.
- (10) BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.
- (11) CITY - The City of Payette, Idaho.

- (12) COMMISSION - The term "Commission" when used in conjunction with this ordinance, shall mean the Payette Airport Commission, and in like manner when any enforcement or action is required by the City of Payette, "Payette Airport Commission", or "Commission" shall mean the Payette Planning and Zoning Commission, and in the case of Payette County, the Payette County Planning and Zoning Commission.
- (13) COUNCIL - The City Council of the City of Payette, Idaho.
- (14) COUNTY - The County of Payette, Idaho.
- (15) DEVELOPMENT PLAN - The long range development plan of the Payette Municipal Airport adopted as such to accomplish the purposes, objectives and declarations of such plan and this ordinance.
- (16) DIVISION OF AERONAUTICS AND PUBLIC TRANSPORTATION - The Idaho Division of Aeronautics and Public Transportation.
- (17) NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or any amendment thereto.
- (18) OVERRUN AREA - An area two hundred feet (200') long and five hundred feet (500') wide for non-precision instrument runways located immediately at each end of the runway.
- (19) MANAGER - The manager of the Payette Municipal Airport; referred to in this ordinance as manager.
- (20) PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
- (21) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed by the Federal Aviation Regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (22) STRUCTURE - An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formation, fences, and overhired transmission lines.
- (23) TREE - Any object of natural growth.
- (24) UTILITY RUNWAY - A runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.
- (25) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and with no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority.
- (26) ZONING MAP - As applied to this ordinance, the map or maps indicating the current hazard zoning for the Payette Municipal Airport.

SECTION V: AIRPORT ZONES ESTABLISHING AND DESCRIBED

In order to carry out the provisions of the ordinance, there are hereby created and established certain zones as they apply to the Payette Municipal Airport. Such zones are shown on the Payette Municipal Airport Height Limitation Zoning Map and The Hazard Zoning Map both of which are attached to this ordinance and made a part hereof. Any area located in more than one (1) zone is considered to be only in the zone with the more restrictive limitations unless specifically found to be otherwise proper by the Commission. The various zones are hereby established and described as follows:

A. Height Limitation Zones

The following zones relate to height considerations above the airport elevation:

1. Zone P or Primary Surface Areas

All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending: 200 feet beyond each end of the runway, 13/31.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 250 feet for runway 13/31.

2. Zone H or Horizontal Zone

All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 2378 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet.

3. Zone C or Conical Zone

All that land which lies directly under an imaginary conical surface extending outward and upward from the periphery of the horizontal zone at a slope of 20 horizontal feet to 1 vertical foot for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal zone.

4. Zones A & B or Approach Zones

All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines outward and upward at a slope of 20 horizontal feet to 1 vertical foot.

The approach surface expands uniformly to a width of 1,500 feet from each end of the primary surface centered on runway 13/31.

The approach surface extends for a horizontal distance of 5,000 feet from each end of the primary surface on runway 13/31.

The approach zone on the northerly end of runway 13/31 is zone A; the approach zone on the southerly end of runway 13/31 is zone B.

5. Zone T or Transitional Zone

All that land which lies directly under an imaginary surface extending outward and upward at right angles to the runway centerline and extended at a slope of 7 horizontal feet to 1 vertical foot from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal zone.

B. Height Restrictions

Except as otherwise provided in this Ordinance, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Subsection V A so as to project above any of the imaginary airspace surfaces described in said Subsection V A hereof. Where an area is covered by more than one height limitation, the most restrictive limitations shall prevail. Nothing in this ordinance shall be construed as prohibiting the growth, construction, alteration or maintenance of any tree or structure to a height up to 30 feet above the surface of the land except in zones A-2 and B-2 as defined in Section VI of this ordinance. However, this condition or interpretation of the severability clause shall in no way foreclose the public right to acquire easements, through purchase or condemnation, over such area, when necessary.

SECTION VI: LAND USE SAFETY ZONING

A. SAFETY ZONE BOUNDARIES:

In order to carry out the purpose of this Ordinance, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Payette Municipal Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones.

1. SAFETY ZONE B-1: All land in that portion of the approach zones of runway 13/31 as defined in Subsection V A.4. hereof, which extends outward from the Southerly end of the primary surface a distance of 2450 feet along the extended center of runway 13/31. The East boundary being the Easterly boundary of Section 26 of Township 9 North, Range 5 West of the Boise Meridian. The South boundary being the Southerly boundary of said Section 26.
2. SAFETY ZONE A-1: All land in that portion of the approach zone of runway 13/31 as defined in Subsection V A.4. hereof, which extends outward from the Northerly end of the primary surface a distance of 2450 feet along the extended centerline of runway 13/31.
3. SAFETY ZONE B-2: All land in that portion of the approach zone of runway 13/31 as defined in Subsection V A.4. hereof, which extends outward from the Southerly end of the primary surface a distance of 1000 feet.
4. SAFETY ZONE A-2: All land in that portion of the approach zone of runway 13/31 as defined in Subsection V A.4. hereof, which extends outward from the Northerly end of the primary surface a distance of 1000 feet.

B. USE RESTRICTIONS:

1. GENERAL: Subject at all times to the height restrictions set forth in Subsection V B. no use shall be made of any land in any of the safety zones defined in Subsection V A. which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
2. ZONES A-2 & B-2: Subject at all times to the height restrictions set forth in Subsection V B. and to the general restrictions contained in Subsection VI B.1., areas designated as Zones A-2 and B-2 shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include agriculture, light outdoor recreation (nonspectator), cemeteries and auto parking.
3. ZONES A-1 & B-1: Subject at all times to the height restrictions set forth in Subsection V B. and to the general restrictions contained in Subsection VI B.1., areas designated as Zones A-1 and B-1 shall be restricted in use as follows:
 - a. Each use shall be on a site whose area shall not be less than three acres.
 - b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.
 - c. Each site shall have not more than one building plot upon which any number of structures may be erected.
 - d. A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at Lease (Acres)	But Less Than (Acres)	Ratio of Site Area to Bldg. Plot Area	Building Plot Area (sq. ft.)	Max. Site Population (15 Persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

SECTION VII: AIRPORT ZONING MAP

The several zones and the comprehensive plan herein established are shown on the Hazard Zoning Map and Payette Municipal Airport Height Limitation Zoning Map and the Airport Master Plan, prepared by Blakley Engineers, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

SECTION VIII: NONCONFORMING USES

Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two years thereof.

SECTION IX: PERMITS

- A. FUTURE USES: Except as specifically provided in Subsection B and C hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the Administrator, as hereinafter provided for. Each application for a permit shall indicate the purpose for which the permit is desired, be on the form provided by the Administrator, and with sufficient particularity to permit the Administrator to determine whether it conforms to the regulations herein prescribed and other pertinent laws and ordinances. If such determination is in the affirmative, the permit may be granted.
- B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit may be granted.
- C. NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, destroyed, physically deteriorated, or decayed no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the Administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at the landowner's expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Ordinance. In the event the owner of the nonconforming structure shall neglect or

refuse to comply with such order for ten days after receipt of written notice of such order, the Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped, and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner of the land, the sum shall bear interest at the maximum legal rate from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

SECTION X: VARIANCES

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Appeals, hereinafter provided for, for a variance from such regulations on the form provided by the Inspector. Such variance may be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance; provided any variance so allowed may be subject to any reasonable conditions that the Board of Appeals may deem necessary to effectuate the purposes of this ordinance.

SECTION XI: LIMITATIONS

The requirements established by this ordinance in no way preempt or waive the requirements for notification or review established by other public agencies, such as those established by Federal Aviation regulations.

SECTION XII: HAZARD MARKING AND LIGHTING

- A. **NONCONFORMING USES:** The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markings and lighting shall be in conformance with existing published standards provided by the State or Federal Government. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Payette.
- B. **PERMITS AND VARIANCES:** Any permit or variance granted by the Administrator or Commission as the case may be, may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question at his own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SECTION XIII: SOUND CONTROL, NOISE ABATEMENT AND SAFETY PRECAUTIONS

- A. NOTICES TO OPERATORS OF AIRCRAFT: Within the airport zones referred to herein, aircraft shall be operated in accordance with Federal Administration Regulations and other applicable laws and regulations in order to minimize the noise thereof and to provide for the safety of such operation, and the residents within the separate zoning districts of the Payette Municipal Airport.
- B. ACTION ON COMPLAINTS: Acting on any complaint of a violation within the separate zoning districts of FAA Regulations or other applicable laws or regulations, the Administrator shall notify the Planning and Zoning Commissions of the City of Payette and of Payette County of the incident. Upon 15 days notice to all parties concerned, including the complainant and the alleged offender, the Planning and Zoning Commissions of the City of Payette and of Payette County jointly shall hold a hearing, and shall make prompt written findings of the incident complained of, and also make a recommendation to the City Council of Payette, Idaho, as to whether the offending party's authority to use the municipal airport should be suspended. The City Council shall hold a hearing upon 15 days notice to all parties concerned, including complainant and alleged offender, and then determine, after reviewing the recommendations of the Planning and Zoning Commissions of the City of Payette, and Payette County, whether the operator of the aircraft alleged to have violated certain laws and regulations should be prohibited from using the Payette Municipal Airport for aircraft operation.
- C. LAND USE SOUND CONTROL REQUIREMENTS: In all cases where sound control features are required, the developers shall submit to the Administrator technical details and data to assure complete consideration of the proposed construction. Such conditions and controls may be required as are found to be necessary to eliminate adverse effects of aircraft, and aircraft related noises on the land use proposed. The sound control requirements shall be required in Zone J or Sound control zone. The sound control requirements are recommended for all construction that takes place within Zone T, Zone A and Zone B, but is not required.
1. Zone J OR SOUND CONTROL ZONE: All land in that portion of the approach Zone B that is located within Section 26, Township 9 North, Range 5 West, Boise Meridian. All land in that portion of the approach Zone A that is located within 3000 feet of the northerly end of the primary surface as measured along the extension of the centerline of runway 13/31.
 2. Within Zone J noise levels of 65 decibels and greater are anticipated. Sound control features shall be required for residences, and other occupied buildings which are permitted to be constructed within Zone J. Said features shall be implemented in accordance with architecturally recognized standards, for the purpose of eliminating the adverse effects of the noise levels of aircraft.

SECTION XIV: AIRPORT ADMINISTRATOR

It shall be the duty of the Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Administrator upon a form furnished by him. Permit applications shall be promptly considered and granted or denied by him. Variance applications shall be forthwith transmitted by the Administrator for action by the Commission.

SECTION XV: APPEALS

- A. Any person aggrieved by any decision of the Administrator made in his administration of this Ordinance may appeal to the Commission. Such appeals may also be made by any governing body of a municipality, county, or commission, which is of the opinion that a decision of the Administrator is an improper application of this ordinance as it concerns such governing body or board.
- B. All appeals hereunder must be commenced within 30 days of the Administrator's decision, by filing with the Administrator a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Commission all the paper constituting the record upon which the action appealed from was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Commission, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Commission on notice to the Administrator and on due cause shown.
- D. The Commission shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- E. The Commission may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Administrator.
- F. Secondary appeal: A second appeal of any decision made by the Commission may be made directly to the Payette County Commissioners or Payette City Council having jurisdiction over the appellants property. Such second appeal shall be in accordance with the procedures outlined.

SECTION XVI: JUDICIAL REVIEW

Any person aggrieved by any decision of the Board of Appeals or appellant authority defined in XV F, or any governing body of a municipality, or county, which is of the opinion that a decision of the Board of Appeals or appellant authority is illegal may present to the District Court of Payette County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Commission. The petitioner must exhaust the remedies provided in this Ordinance before availing himself of the right to petition a court as provided by this section.

SECTION XVII: PENALTIES

Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair

any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, or any person who shall violate any section of this ordinance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$300 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. The Administrator may enforce all provisions of this ordinance through such proceedings for injunctive relief and other relief as may be proper under the laws of Idaho and other applicable laws.

SECTION XVIII: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail. This ordinance may be coordinated with and become an appendices to area-wide comprehensive zoning ordinances encompassing the areas described.

SECTION XIX: SEVERABILITY

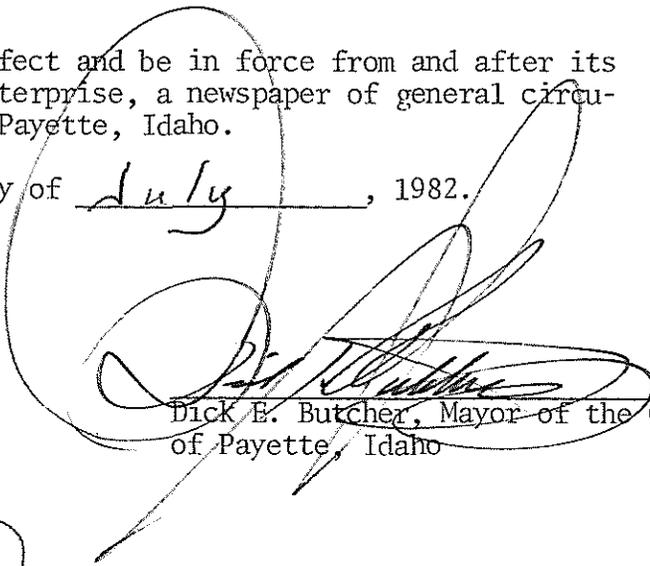
- A. In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable. Such holding will not foreclose the public right to exercise its authority to obtain title over land affected thereby through acquisition or condemnation action.
- B. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION XX: RECORDATION AND FILING

Copies of this ordinance and accompanying zoning map shall be filed with the County Recorder, the County Assessor, the State Division of Aeronautics of the Idaho Transportation Department, and the Community Affairs Bureau of the Division of Budget, Policy Planning and Coordination. All amendments, permits and variances granted pursuant to authority herein shall be recorded and filed at County and City level in a manner prescribed and adopted by the zoning authority.

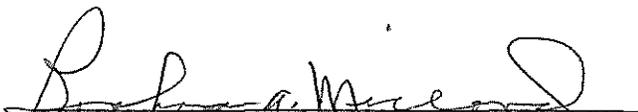
That this Ordinance shall take effect and be in force from and after its publication in the Independent Enterprise, a newspaper of general circulation in the City and County of Payette, Idaho.

PASSED and APPROVED this 20th day of July, 1982.



Dick E. Butcher, Mayor of the City of Payette, Idaho

ATTEST:



Barbara A. Millard, Clerk of the City of Payette, Idaho

WITNESS:



Arnold Howard
Chairman of Payette County Commissioners



Eula Cheese
Clerk of Payette County Board of Commissioners