

Re-record to
correct legal description error

515137

516984

ORDINANCE NO. 2008- /

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF ST. ANTHONY, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF ST. ANTHONY, IDAHO, AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the lands hereinafter described are contiguous and adjacent to the City of St. Anthony, Idaho, and have been laid off, subdivided or platted, and have been determined to be reasonably necessary to assuring the orderly the City of St. Anthony, Idaho, and

WHEREAS, it appears to the Mayor and City Council of the City of St. Anthony, Idaho, that the hereunder described properties are subject to annexation to the City of St. Anthony under and pursuant to the provisions of Section 50-222, Idaho Code, and that said lands should be annexed to and become a part of the City of St. Anthony, Idaho, and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission, and the Planning and Zoning Commission made its report and recommendations for zoning classification of the hereinafter described properties proposed to be annexed, and

WHEREAS, the City Council has determined that the proper classification under the Zoning Ordinance of the City of St. Anthony, Idaho, for the properties to be annexed are as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, AS FOLLOWS:

SECTION I. That the following described lands situated in the impact area of St. Anthony, Fremont County, Idaho have been proposed for annexation into the City of St. Anthony, to-wit:

Part of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 31, Township 8 North, Range 41 East of the Boise Meridian, Fremont County, Idaho described as follows:

Beginning at the intersection of the centerline of Radio Road and the Northerly right-of-way line of U.S. Highway No. 20 - 191 that is S.89°46'38"W. 768.04 feet along the section line and N.00°13'22"W. 642.83 feet from the South Quarter corner of said Section 31 and running thence N.44°50'50"E. 575.58 feet along the centerline of said Radio Road to the Southwest corner of Radio Road Addition to the City of St. Anthony, Fremont County, Idaho; thence S.45°39'07"E. 175.00 feet along the South line of said Radio Road Addition; thence ~~S.44°50'50"W. 256.38~~ S.44°50'51"W. 258.17 feet along the East line of the properties as described in Instrument Numbers 339709, 459693 and 371052 to the North line of the property as described in Instrument No. 500923; thence along said North line the following two (2) courses: (1) S.89°46'57"E. 2.55 feet; thence (2) N.71°10'55"E. 286.02 feet; thence

S.00°24'57"E. 183.55 feet to the Northerly right-of-way line of U.S. Highway No. 20 - 191; thence S.88°57'04"W. 623.71 feet, shown of record to be S.89°22'00"W., along said Northerly right-of-way line to the point of beginning.

Area contains 2.94 acres.

These Parcels, also identified on the Annexation Map dated October 3, 2007, shall be, and the same hereby are annexed to the City of St. Anthony and shall be, and are hereby declared to be a part of the City of St. Anthony, Idaho.

SECTION II. That the above described properties hereby annexed to the City of St. Anthony be, and the same are hereby classified under the Zoning Ordinance of the City of St. Anthony as R-1 Residential; that the Zoning shall be amended to show this annexation and classification of the above described properties so annexed and that said amendment shall be certified to and declared to be the official Zoning Map of the City of St. Anthony by a certificate of the Mayor and Council of the City of St. Anthony endorsed thereon.

SECTION III. This ordinance shall be in full force and effect from and after its passage, approval and due publication.

ENACTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 9th day of January, 2008.



CITY OF ST. ANTHONY, IDAHO

Willard D. Beck
WILLARD D. BECK, MAYOR

ATTEST:

Taci Stoddard
TACI STODDARD, CITY CLERK

515137
Microfilm No. _____ Day 28 Jun 2008
At 10:41 O'Clock A M
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 0 Deputy

Recorded at Request of
Taci Stoddard
City of St. Anthony

516984
Microfilm No. _____ Day 28 May 2008
At 12:01 O'Clock P M
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 0 Deputy

Recorded at Request of
Taci Stoddard
City of St. Anthony

ORDINANCE NO. 2008- 2

AN ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO; ADOPTING THE LATEST VERSION OF THE INTERNATIONAL BUILDING CODE INCLUDING APPENDICES C AND I; ADOPTING THE LATEST VERSION OF THE INTERNATIONAL RESIDENTIAL CODE INCLUDING, PARTS I-VI, IX AND APPENDIX H; ADOPTING THE LATEST VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE LATEST VERSION OF THE INTERNATIONAL MECHANICAL CODE AND THE INTERNATIONAL FUEL GAS CODE; PROVIDING EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING FOR FEES; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNSEL OF THE CITY OF ST. ANTHONY, IDAHO:

Section 1. Repeal of Section 15.01.010 of the St. Anthony Municipal Code.

Section 15.01.010 of the St. Anthony Municipal Code is hereby repealed in its entirety

Section 2. Adoption of Codes.

That the approved editions of the following 2006 nationally recognized codes are adopted as the official building codes of the City of St. Anthony, except as provided herein:

- International Building Code including Appendices C & I, except for Sections 103.2 and 103.3
- International Residential Code, parts I-IV, IX & Appendix H, except for Sections R103.2 and R103.3
- International Energy Conservation Code
- International Mechanical Code, except for Sections 103.2
- International Fuel Gas Code, except for Sections 103.2

The foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the state of Idaho effective on the 1st day of January the year following the date any such codes are made effective for the state, unless a different date is required by state statute.

Section 3. Amendments to Adopted Codes:

That the following amendments shall be applicable to the adopted building codes:

- A. To the 2006 International Building Code:

1. Section 101.4.5 PROPERTY MAINTENANCE shall be DELETED.
2. Section 903.2.7 Group R-4: An automatic sprinkler system shall be provided throughout all buildings with a Group R-4 fire area with more than eight occupants.
3. Section 903.2.7 Exceptions: 3 or 4 unit Group R buildings.

B. To the 2006 International Residential Code:

1. Section G2406.2, Delete Exceptions: 2, 3, and 4.
2. Section R404.1, Amend section R404.1 and Tables R404.1(1), R404.1(2) and R404.1(3) as provided for in Section R404.1 of the 2007 Supplement to the 2006 International Residential Code.
3. Section R405.1 Shall be amended to read; Exception: A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I and Group II Soils, as detailed in Table R405.1
4. Amending R408.2 retaining Exception #2 from the 2003 Edition of the IRC in some form, to provide for additional option for under-floor ventilation in dry climates with the appropriate ground cover.

C. To the 2006 International Fuel Gas Code:

1. Section 505.1.1. Exception: An interlock between the cooking appliance and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems.
2. Section 620.4 Prohibited locations. Unvented room heaters shall not be installed within occupancies in Use Groups A, B, E, I, M, and R. The location of unvented room heaters shall also comply with Section 303.3
3. Amending Section 108.4 deleting provisions for unnecessary job protection for the Code Official.

Section 4. Ground Snow Load:

The ground snow load shall be 50 PSF.

Section 5. Minimum Frost Depth for Footings:

The minimum frost depth for footings shall be 32 inches.

Section 6. Permit Fees:

Application fees for each type of permit established by this ordinance shall be established by resolution of the board. Applicants shall pay permit and plan review fees in amounts established by the following schedule. All permits required under this ordinance require fees to be paid prior to a permit being issued, unless specified otherwise herein.

Section 7. Exemptions:

Agricultural buildings, as defined by the International Building Code, are exempt from the building codes adopted herein but shall remain subject to placement requirements and permits established by zoning regulations. Any building that is found to be permitted under this exemption and is found to be used for uses other than those listed in the definition shall be revoked and a building permit shall be required to be obtained and shall be subject to any fines for an illegal structure.

Section 8. Severability.

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 9. Repeal of Conflicting Provisions:

All provisions of the ordinances of the County of Fremont which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

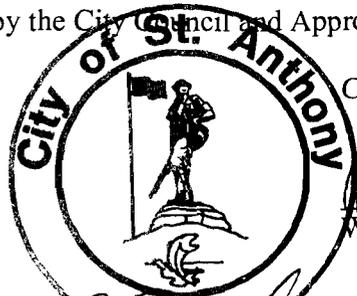
Section 10. Conflicting Regulations:

If conflicts occur between different regulations of this Ordinance, or between this ordinance and other regulations of Fremont County, the most restrictive regulation shall apply.

Section 11. Effective Date:

This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the City Council and Approved by the Mayor, on the 9th day of January, 2008.



CITY OF ST. ANTHONY, IDAHO

Willard D. Beck

WILLARD D. BECK, MAYOR

ATTEST:

Taci Stoddard

TACI STODDARD, CITY CLERK

ORDINANCE NO. 2008- 3

AN ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO; PROVIDING FOR APPOINTMENT OF A LIAISON MEMBER OF THE CITY COUNCIL TO EACH DEPARTMENT OF THE CITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO:

Section 1. Repeal of Section 2.04.060 of the St. Anthony Municipal Code.

Section 2.04.060 of the St. Anthony Municipal Code is hereby repealed in its entirety.

Section 2. Appointment of a Liaison from the City Council to Each City Department and Activity.

2.04.060 Appointment of Liaison. The Mayor shall, soon after the Council is organized, appoint from among the members of the Council the following liaisons:

- A. Finance
- B. Public Works
- C. Police
- D. Parks and Recreation
- E. Fire
- F. Others as determined by the Mayor and City Council

It shall be the responsibility of each liaison to communicate with the concerned department/activity head to facilitate communication between the Council and the department. Liaisons shall make such reports to the Council as necessary to promote the Council's understanding of the operation and budget of the City's departments and activities.

Section 3. Severability.

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 4. Repeal of Conflicting Provisions.

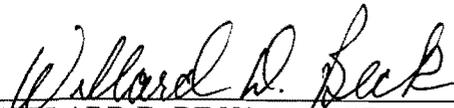
All provisions of the ordinances of the City of St. Anthony which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date.

This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the City Council and Approved by the Mayor on the 13th day of February, 2008.

CITY OF ST. ANTHONY, IDAHO



WILLARD D. BECK, MAYOR

ATTEST:



TACI STODDARD, CITY CLERK



ORDINANCE NO. 2008- 3A

AN ORDINANCE RECLASSIFYING CERTAIN LAND WITHIN THE IMPACT AREA OF THE CITY OF ST. ANTHONY (SUCH LAND BEING COMMONLY KNOWN AS THE FREMONT COUNTY FAIR GROUNDS) UNDER CITY'S ZONING ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the land hereinafter described is within area of impact of the City of St. Anthony; Idaho and is currently zoned as C-1--Light Commercial District, and

WHEREAS, it appears to the Mayor and City Council of the City of St. Anthony, Idaho, that the proper classification of said land is that of Public Service District, as defined in Chapter 17.33 of the St. Anthony Municipal Code, and

WHEREAS, the City Council referred the re-zoning of the affected land for report and recommendations to the Planning and Zoning Commission, and, after public hearing on the same, the Planning and Zoning Commission made its report and recommendations for a zoning classification of PSD--Public Service District for the hereinafter described property, and

WHEREAS, the City Council has determined that the proper classification under the Zoning Ordinance of the City of St. Anthony, Idaho, for the property is as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, AS FOLLOWS:

SECTION I. That the following described lands situated in the impact area of St. Anthony, Fremont County, Idaho have been proposed for re-zoning as into PSD--Public Service District:

TAX 4329 LESS TAX 5953 SEC 12 TWP 7 RGE 40 (FAIRGROUNDS)

Also known as 2350 Airport Road, St. Anthony, Idaho, 83445.

This Parcel, also identified on the Zoning Overlay Map dated February, 2004, shall be, and the same hereby is reclassified under the Zoning Ordinance of the City of St. Anthony as PSD--Public Service District; that the Zoning Overlay Map shall be amended to show this classification of the above described property and that said amendment shall be certified to and declared to be the official Zoning Overlay Map of the City of St. Anthony by a certificate of the Mayor and Council of the City of St. Anthony endorsed thereon.

SECTION II. This ordinance shall be in full force and effect from and after its passage, approval and due publication.

ENACTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 27th
day of February, 2008.



CITY OF ST. ANTHONY, IDAHO

Willard D Beck

WILLARD D. BECK, MAYOR

ATTEST:

Taci Stoddard

TACI STODDARD, CITY CLERK

ORDINANCE NO. 2008-4

AN ORDINANCE RECLASSIFYING CERTAIN LAND WITHIN THE CITY OF ST. ANTHONY (SUCH LAND BEING COMMONLY KNOWN AS PART OF THE LEE ADDITION TO THE CITY OF ST. ANTHONY) UNDER CITY'S ZONING ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the land hereinafter described is within the City of St. Anthony; Idaho and is currently zoned as C-1--Light Commercial District, and

WHEREAS, it appears to the Mayor and City Council of the City of St. Anthony, Idaho, that the proper classification of said land is that of R-1-Residential District, as defined in Chapter 17.16 of the St. Anthony Municipal Code, and

WHEREAS, the City Council referred the re-zoning of the affected land for report and recommendations to the Planning and Zoning Commission, and, after public hearing on the same, the Planning and Zoning Commission made its report and recommendations for a zoning classification of R-1-Residential District for the hereinafter described property, and

WHEREAS, the City Council has determined that the proper classification under the Zoning Ordinance of the City of St. Anthony, Idaho, for the property is as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, AS FOLLOWS:

SECTION I. That the following described lands situated in the City of St. Anthony, Fremont County, Idaho have been proposed for re-zoning as into R-1-Residential District:

Lots 3 through 12 of Block 1 of the Lee Addition to the City of St. Anthony, Fremont County, Idaho, as per the recorded plat thereof.

This Parcel, also identified on the Zoning Overlay Map dated February, 2004, shall be, and the same hereby is reclassified under the Zoning Ordinance of the City of St. Anthony as R-1-Residential District; that the Zoning Overlay Map shall be amended to show this classification of the above described property and that said amendment shall be certified to and declared to be the official Zoning Overlay Map of the City of St. Anthony by a certificate of the Mayor and Council of the City of St. Anthony endorsed thereon.

SECTION II. This ordinance shall be in full force and effect from and after its passage, approval and due publication.

ENACTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 12th day of March, 2008.

CITY OF ST. ANTHONY, IDAHO

ATTEST:


JAN STODDARD, CITY CLERK




WILLARD D. BECK, MAYOR

ORDINANCE 2008-5

2009 FISCAL YEAR FINAL APPROPRIATION BUDGET

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, APPROPRIATING THE SUM OF \$2,782,989 TO DEFRAY THE EXPENSE AND LIABILITIES OF THE CITY OF ST. ANTHONY FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

BE IT ORDAINED by the Mayor and City Council of the City of St. Anthony, Fremont County, Idaho:

Section 1: That the sum of \$2,782,989 be, and the same is appropriated to defray the necessary expenditures and liabilities of the City of St. Anthony, Fremont County, Idaho, for the fiscal year beginning October 1, 2008.

Section 2: The objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

| ESTIMATED EXPENDITURES | |
|----------------------------------|------------------|
| GENERAL FUND | 1,172,615 |
| STREET FUND | 210,440 |
| GREENWAY FUND | 150 |
| AIRPORT FUND | 7,000 |
| WATER FUND | 464,584 |
| SEWER FUND | 643,000 |
| SANITATION FUND | 209,000 |
| INDUSTRIAL PARK FUND | 60,000 |
| PLAYGROUND EQUIPMENT FUND | 7,500 |
| POLICE GRANTS FUND | 5,000 |
| DARE | 3,700 |
| TOTAL | 2,782,989 |

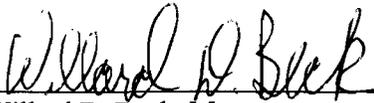
| ESTIMATED REVENUES | |
|----------------------------------|------------------|
| GENERAL FUND | |
| Property Tax | 614,642 |
| Franchise Tax, Licenses, Permits | 43,000 |
| State of Idaho | 218,450 |
| General Fund Other | 296,523 |
| STREET FUND | |
| State Hwy Users Fund | 123,254 |
| County Road and Bridge | 28,000 |
| City Contribution | 58,186 |
| Street Fund Other | 1,000 |
| GREENWAY | 150 |
| AIRPORT | 7,000 |
| WATER FUND | 464,584 |
| SEWER FUND | 643,000 |
| SANITATION FUND | 209,000 |
| INDUSTRIAL PARK FUND | 60,000 |
| PLAYGROUND EQUIPMENT FUND | 7,500 |
| POLICE GRANTS FUND | 5,000 |
| DARE | 3,700 |
| TOTAL | 2,782,989 |

Section 3: That a general tax levy on all taxable property within the City of St. Anthony be levied in and amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2008.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Standard Journal, a newspaper of general circulation in the City of St. Anthony, and the official newspaper of the City.

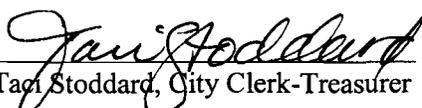
PASSED under suspension of rules upon which a roll call vote was taken and duly enacted an Ordinance of the City of St. Anthony, Fremont County, Idaho, at a convened meeting of the City of St. Anthony City Council held on the 27th day of August, 2008.



Willard D. Beck, Mayor



Attest:



Tami Stoddard, City Clerk-Treasurer

Ordinance No. 2008- 6

AN ORDINANCE ADOPTING THE 2008 COMPREHENSIVE PLAN FOR THE CITY OF ST. ANTHONY.

WHEREAS, by Idaho Code, Section 67-6508 and 67-6509, the City of St. Anthony is required to adopt and update a comprehensive plan at least once every ten years; and

WHEREAS, the city last adopted a comprehensive plan on June 11, 1990; and

WHEREAS, after several years of work, receiving public and professional input and a hearing seeking public comment, the Planning and Zoning Commission of the City of St. Anthony has presented a proposed comprehensive plan with a land use map and other appendices, schedules and attachments to the city council with the recommendation that the City of St. Anthony adopt the same; and

WHEREAS, the City Council has held a public hearing on the proposed comprehensive plan and received no comment thereon from the public;

WHEREAS; the City of St. Anthony is desirous of adopting an updated comprehensive plan as recommended by the city's Planning and Zoning Commission;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT THE 2008 COMPREHENSIVE PLAN TOGETHER WITH ITS LAND USE MAP AND OTHER APPENDICES, SCHEDULES AND ATTACHMENTS, IS HEREBY ADOPTED AS THE COMPREHENSIVE PLAN OF THE CITY OF ST. ANTHONY AND THAT THE PREVIOUS COMPREHENSIVE PLAN ADOPTED JUNE 11, 1990 IS OF NO FURTHER FORCE OR EFFECT.

This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this 10th day of September, 2008.

CITY OF ST. ANTHONY, IDAHO



WILLARD D. BECK, MAYOR

ATTEST:



PATTY UNRUH PARKINSON, CITY CLERK

ORDINANCE NO. 2008-7

AN ORDINANCE FOR THE CITY OF ST. ANTHONY, IDAHO, AMENDING CHAPTER 17.07 OF THE ST. ANTHONY CITY CODE TO INCORPORATE A NEW IMPACT AREA BOUNDARY MAP, AND PROVIDE FOR ADDITIONAL ZONES THEREIN; ESTABLISHING THE APPLICABLE PLANS AND POLICIES, INCLUDING ESTABLISHING ZONING DISTRICTS WITHIN THE IMPACT AREA; PROVIDING FOR AMENDMENTS AND ZONING APPLICATIONS; ESTABLISHING HEARING PROCEDURES; PROVIDING FOR REEVALUATION AND RENEGOTIATION; AND, DETERMINING THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO, AS FOLLOWS:

1. New Chapter: A new chapter 17.07 is hereby created in the St. Anthony Municipal Code, which chapter shall be known as the Impact Area for the City of St. Anthony, Idaho.
2. Impact Area Boundary Map:
 - A. The City of St. Anthony Impact Area Map, hereby adopted is hereby incorporated herein by reference, and attached hereto, copies of which are available for inspection at the City Office and the Fremont County Planning and Building Office.
 - B. In the case where a property under single ownership is divided by the boundary line of the City of St. Anthony Impact Area, and the line divides such property so that one or both of the parts have a depth of three hundred feet (300') or less, such part shall be included in the jurisdiction within which the larger portion of the property is located.
 - C. Upon annexation of any portion of the Impact Area into the City, the provisions of this Chapter shall no longer apply to such annexed areas.
3. Applicable Plan Policies and Ordinances:
 - A. The City of St. Anthony Comprehensive Plan adopted by the City of St. Anthony as of September 10, 2008, shall apply within the city of St. Anthony Impact Area.
 - B. Sections 17.04, and 17.08 through 17.56 of the City of St. Anthony Municipal Code, constituting the City's Zoning Ordinance, shall apply

within the Impact Area. Accordingly, the Impact Area is hereby specifically zoned, in accordance with the applicable sections of the City Code:

- 1) The Impact Area shall be designated as able to contain as many as seven (7) separate zones, namely: R-1, R-1A, R-2, C-1, C-2, C-3 and PSD.
 - 2) The Impact Area Zoning Map, attached hereto, is hereby adopted as establishing the current separate zoning districts within the Impact area.
- C. The City of St. Anthony Municipal Code shall be used to implement and administer this Chapter.
- D. Fremont County shall be responsible for the administration and enforcement of the ordinances within the Impact Area, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, any development fees or other costs arising from fulfilling the terms of each ordinance or regulation.
- E. All subdivision plat applications in the Impact Area shall require a street and utility easement plan, providing for such streets and utilities to connect into and become a part of the existing City system. Said plan shall provide for future re-subdividing to urban densities and shall be included on the final plat.
- F. City road widths and profiles found in the City Municipal Code, including all amendments thereto, shall apply within the Impact Area, except where improved standards of the County differ from those of the City, the provisions imposing the highest level of improvements shall prevail.
- G. A condition of approval for all subdivision plats in the Impact Area shall require that: 1) prior to occupancy of the subdivision's first dwelling unit, sewer and water lines shall be installed to accommodate the future resubdivision to urban densities; and, 2) development agreements be in place.
- H. All lands in the Impact Zone may be considered for rezoning to urban density as urban services become available.
- I. The Fremont County street and address numbering system, and ordinance (if applicable) shall apply to all property within the Impact Area. Street

names and addresses shall be assigned by the County.

- J. All subdivision applications within the Impact Area shall comply with the City Code governing subdivisions.
- K. A certificate shall appear on the face of each final plat within the Impact Area, for execution by the City Public Work's Director, attesting to the plat's conformance with the City infrastructure standards.

4. Amendments and Zoning Applications:

- A. Prior to Amendment by the County of any of its ordinances, which are applicable in the Impact Area, the County shall forward the proposed change to the City for review and comment at least 30 days prior to the first public hearing at which such amendment will be considered.
- B. Prior to amendment by the City of any of its ordinances, which are applicable in the Impact Area, the City shall forward the proposed change to the County for review and comment at least 30 days prior to the first public hearing at which such amendment will be considered.
- C. All County applications for planned developments, subdivisions, rezones, conditional use permits and private roads within the Impact Area shall be sent to the City, for review and comment at least 30 days prior to the public meeting at which such application will be considered.

5. Hearing Procedures within the Impact Area:

- A. All applications for subdivision plats and all other applications (e.g., zone change, Comprehensive Plan amendments, variance, conditional use, etc.) within the Impact Area shall be filed by the applicant with Fremont County. All public hearings in the Impact Area shall be held before the County and City.
- B. It is the intent of this Section that the processing of subdivisions be administered by the County, but with the inclusion of City infrastructure improvement standards, including but not limited to water, sewer and roads. City infrastructure standards shall apply to all subdivisions in the Area of Impact. In furtherance thereof, applicants for preliminary plat approval shall solicit comments and recommendations from the City in the same manner as they are required to solicit comments and recommendations from the City in the same manner as they are required to solicit the same from other agencies and districts.

- C. Within the Impact Area, the County will provide the City notice of any public hearing related to an application to the County or the County's Planning Commission for a zone change, Comprehensive Plan change, request for a special or conditional use permit, planned unit development, variance request, subdivision plat or similar land use request. The City shall have fifteen (15) days after receipt of the notice but prior to any public hearing to comment.
- D. The City and County may elect to jointly hear an application.

6. Reevaluation and Renegotiation:

- A. The Area of Impact shall be reevaluated by the City and County at such times as they may agree upon to consider possible changes in the Geographic area affected and/or other provisions of this Chapter, including, but not limited to applicable standards.
- B. In accordance with Idaho Code 67-6526(d), the City Council or the Board of County Commissioners may request, in writing, to renegotiate any provision of this Chapter at any time. Within thirty (30) days of receipt of such written requests by each part, a meeting between the two jurisdictions shall occur.
- D. While renegotiation is occurring, the provisions of this Chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by the City and County, in accordance with the notice and hearing procedures provided in the County and State Codes, or until a declaratory judgment from the District Court is final. Provided however, that this Chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.

7. Effective Date: This ordinance shall be in full force and effect, from and after its passage and publication, all as provided by law.

ENACTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 10th
day of ~~August~~, 2008.
September

CITY OF ST. ANTHONY, IDAHO

Willard D. Beck
WILLARD D. BECK, MAYOR

ATTEST:

JACI STODDARD, CITY CLERK
Patricia Linnah Parkinson

D. Wayne Robinson

ORDINANCE 2008- 8

AN ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO, AMENDING ORDINANCE NO. 2007-5, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF ST. ANTHONY, IDAHO IN THE SUM OF \$394,468; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO:

SECTION 1. That Ordinance No. 2007-5, the appropriation ordinance for the City of St. Anthony, Idaho, for the fiscal year commencing October 1, 2007, and ending September 30, 2008, be and the same is hereby amended as follows:

That the additional sum of \$394,468 be appropriated out of the following revenues to be used for lawfully authorized activities within the funds indicated:

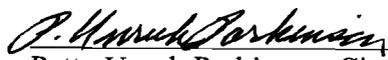
| | |
|-----------------------------|---------------|
| General Fund | \$ 89,468 |
| Street Fund | 62,000 |
| Greenway Fund | 15,000 |
| Playground Equipment Fund | 13,000 |
| Police Grant Fund | 12,000 |
| 12 th West Grant | 120,000 |
| Safe Route to School Fund | 11,000 |
| Industrial Park Fund | <u>72,000</u> |
| Grand Total | \$394,468 |

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council the 24th DAY OF September 2008, and **APPROVED** by the Mayor of the City of St. Anthony, Idaho, this 24th DAY OF September, 2008.


Willard D. Beck, Mayor

Attest:


Patty Unruh Parkinson, City Clerk

NOTICE IS HEREBY GIVEN that the City Council of the City of St. Anthony will hold a public hearing for consideration of an amendment to the 2008 fiscal year budget by appropriating additional monies received by the City of St. Anthony, said hearing to be held at City Hall at 420 North Bridge on the 24th day of September, 2008 at 7:00 pm

| | FY 2006 | | FY 2007 | | FY 2008 | | FY2008 |
|---------------------------|--------------|-------------|--------------|-----------|--------------|-------------|---------------|
| | ACTUAL | ACTUAL | ACTUAL | ACTUAL | PROPOSED | PROPOSED | INCREASE |
| | EXPENDITURES | REVENUES | EXPENDITURES | REVENUES | EXPENDITURES | REVENUES | OVER ORIGINAL |
| | | | | | | | APPROPRIATION |
| General Fund | \$1,049,024 | \$1,032,558 | \$1,099,998 | \$539,768 | \$1,211,565 | \$1,211,565 | \$89,468 |
| Street Fund | 216952 | 216534 | 220,606 | 221,303 | 260988 | 260988 | 62,000 |
| Greenway Fund | 31,995 | 34,555 | 4,534 | 805 | 15350 | 15350 | 15,000 |
| Playground Equipment Fund | 0 | 0 | 3,338 | 3,736 | 13000 | 13000 | 13,000 |
| Police Grant Fund | 0 | 0 | 0 | 0 | 12000 | 12000 | 12,000 |
| 12th West Grant | 0 | 0 | 0 | 0 | 120000 | 120000 | 120,000 |
| Safe Route to School Fund | 0 | 0 | 0 | 0 | 11000 | 11000 | 11,000 |
| Industrial Park Fund | 0 | 563,521 | 228,762 | 222,537 | 132000 | 132000 | 72,000 |

At said hearing any interested person may appear and show cause, if any he has, why such proposed appropriations ordinance amendment should or should not be adopted.

DATED this 12th day of September, 2008
Patty Parkinson, City Clerk-Treasurer

Ordinance No. 2008-9

AN ORDINANCE AMENDING SECTIONS 8.12.030, 8.12.090, 8.12.160, 8.12.170, 8.12.240, 8.12.270, 8.12.280, and 8.12.300 OF THE ST. ANTHONY CITY CODE; REGULATING THE USE OF REFUSE CONTAINERS, LOCATION FOR PICKUP OF REFUSE AND STORAGE OF CONTAINERS BETWEEN PICKUPS, AND ESTABLISHING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Code currently provides for a type of refuse container, placement of and storage of which is no longer used or usable under current city refuse pickup contract; and

WHEREAS, the City Council finds that amendment of the current provisions of the municipal code is necessary to bring the City's requirements into conformance with the current practices relating to refuse containers and garbage pickup; and

WHEREAS, the City Council concludes that it is in the public interest to amend the current municipal code as it relates to refuse container type, storage and pickup to conform to current conditions and practice;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT SECTIONS 8.12.030, 8.12.090, 8.12.160, 8.12.170, 8.12.240, 8.12.270, 8.12.280, and 8.12.300 OF THE ST. ANTHONY MUNICIPAL CODE BE AMENDED AS FOLLOWS:

8.12.030 DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the single number, and words used in the singular number include the plural number:

A. "Approved container" means only ~~those containers which have been approved by the "inspector" as to type and make. Only those containers meeting the following specifications shall be approved by the "inspector."~~ They shall be constructed of galvanized metal or other material which is strong, not easily corrodible, rodent, fly, and dog proof, with ~~two handles, a capacity of not more than thirty-two gallons, and having a tight fitting lid or cover which are contractor issued 95 gallon plastic containers on wheels.~~ Containers shall be kept in a sanitary condition with the inside and outside washed so as to be free and clean of accumulated dirt, grease, and decomposed material so that no nuisance shall exist; ~~provided, that refuse containers meeting all other requirements and having a capacity of ten gallons or less, may have a ball-type handle. The term "approved container" shall include bushel baskets in good condition when used solely for the purpose of disposal of grass clippings, leaves or weeds;~~

B. "Ashes and clinkers" means the residue from fire used for cooking, heating or burning of trash, after combustion has entirely ceased and the residue has entirely cooled;

C. "Collector" includes the person holding a license or contract with the city, or employed and thereby authorized and designated by the city to collect, handle, transport and

dispose of refuse;

D. "Garbage" includes wastes resulting from the handling, preparation, cooking and consumption of food, and wastes from the handling and storage of produce;

E. "Inspector" means the authorized employee or employees of the city or some individual designated by the council to enforce this chapter;

F. "Owner" and "Occupant" may be used interchangeably and shall include every person in possession, charge, or control of any commercial and industrial property or area where refuse is created or accumulated;

G. "Person" includes any person, firm, partnership, association, institute, company, corporation, or organization of any kind;

H. "Refuse" includes garbage and trash as defined in this section;

I. "Shall" is construed as being mandatory;

J. "Trash" includes wastes other than garbage, such as tin cans, bottles, dust, ashes, clinkers, paper, pasteboard, cardboard or wooden boxes, lumber scraps and shavings, leaves, weeds, cuttings from trees, lawns, shrubs and gardens, or other similar waste material produced in normal course of everyday living that will fit into the approved container. "Trash" shall not include *burning or hot embers or ashes*, recognized construction wastes, industrial wastes or by-products, carcasses of dead animals, appliances, furniture, automobile parts and bodies, and other similar items. (Prior code §8-2-3).

8.12.090 REFUSE CONTAINERS - USE All refuse must be placed in "approved containers," as defined in Section 8.12.030. In residential, commercial and industrial areas, all refuse that is mixed with water or other liquid shall be drained and shall be bagged before being placed in the container. No free liquids shall be placed in the container. Approved containers, when filled, shall not weigh more than ~~seventy-five~~ *two hundred pounds*. ~~Lids of containers shall not be removed except when necessary to place or remove refuse, and~~ The lid or cover of every refuse container shall at all times be kept securely in place and no refuse container shall be so overloaded that the lid or cover cannot be properly kept in place.

8.12.160 REFUSE COLLECTION - SCHEDULE Refuse shall be collected from all premises within the city at least once each week. Premises wherein large accumulations of refuse occur may be classified separately with more frequent collection from the premises. The council shall establish a schedule of collection and the person who owns or occupies premises within the city shall place all containers on the premises ~~adjacent to the alley line of the premises~~ *within two feet of the roadway* upon the day scheduled for the pickup.

8.12.170 REFUSE COLLECTION-STORAGE OF CONTAINERS ~~Where there is no alley entrance to premises, refuse containers shall be placed at the street curb or at the inside edge of the side-walk, where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection, and the Empty containers shall be withdrawn off the city right of way as soon after collection as possible on the same day. No refuse containers, refuse burners, or~~

piles of refuse shall be placed in or upon the alley right-of-way.

8.12.240 SANITARY LANDFILL The disposal of all refuse collected pursuant to the provisions of this chapter shall be in ~~the city a landfill and under the supervision of the inspector approved by the City Council.~~ (Prior Code §8-2-19)

~~**8.12.270 CONTAINERS MUST BE OFF GROUND EXCEPTIONS** All refuse containers shall be placed on racks, stands or pedestals which may be of metal, wood, concrete, concrete blocks, or other comparable material, or built in a fence, or hung from a device commonly used from which containers are hung, with the base firmly imbedded in an automobile wheel, concrete, or the ground, or any other ingenious device which has been constructed or which will be constructed in the future, which will keep the containers off the ground and so that they cannot be easily tipped and so that they are readily accessible to the collector. The racks, stands, pedestals, etc., upon which the refuse containers shall be placed or hung shall be maintained upon the person's property adjacent to and accessible from the alley, if possible. Deviation from this regulation shall be permissible when there is no alley entrance to the premises, when refuse containers shall be placed at the street curb or at the inside edge of the sidewalk where the sidewalk is adjacent to the curb on the morning of the day scheduled for collection, with the emptied containers to be withdrawn from the front of the premises as soon as possible after collection. Further deviation from this regulation shall be permissible when alley collections are impracticable because of weather conditions and when notice is published in the official newspaper and over the local radio station suspending alley collections.~~

8.12.280 VIOLATION - NOTICE ISSUANCE Whenever *the code enforcement officer*, a police officer or the council determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, ~~they~~ *such person as may be appointed by the Mayor* shall give notice of such alleged violation to the person responsible therefor, as provided in this section. Such notice shall:

- A. Be put in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time *not to exceed ten (10) days*, for the performance of any act it requires;
- D. Be served *personally or by certified mailing* upon the owner or his agent or the occupant of any premises within the city.

Such notice may:

- A. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of the chapter;
- B. State that, unless conditions or practices described in such notice, which violate the provisions of this chapter, are corrected within the reasonable time specified in such notice, the alleged violator shall be prosecuted under the provisions of this chapter. (Ord. 506 §2(part), 1970: prior code §8-2-23(part)).

8.12.300 NON COMPLIANCE WITH NOTICE UNLAWFUL - PENALTY Any person who intentionally and willfully refuses *fails* to comply with the notice, and ~~after given an~~

~~opportunity for a hearing, shall be deemed in violation of this chapter guilty of a misdemeanor, and shall be subject to arrest and upon conviction, of a fine of not less than twenty-five dollars, or by imprisonment for not less than one day nor more than ten days shall be punishable as set forth in Idaho Code, §18-113, and each day's failure to comply with any such provision shall constitute a separate violation. (Ord. 587 §1, 1974; Ord. 506 §3, 1970; prior code §8-2-24).~~

3. This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this 21st day of October, 2008.

CITY OF ST. ANTHONY, IDAHO

Willard D. Beck
WILLARD D. BECK, MAYOR

ATTEST:

Patty Unruh Parkinson
PATTY UNRUH PARKINSON, CITY CLERK



Ordinance No. 2008-_____

AN ORDINANCE REPEALING SECTION TITLE 6, ANIMALS, OF THE ST. ANTHONY CITY CODE, ENACTING A NEW TITLE 6 ANIMALS, AND ESTABLISHING THE EFFECTIVE DATE HEREOF.

WHEREAS, Title 6 of the St. Anthony Municipal Code as now enacted fails to address several areas of public safety and animal regulation which are of concern to the City; and

WHEREAS, the new Title 6 as proposed addresses these concerns; and

WHEREAS, the City Council finds that it is in the public interest that Title 6 of the St. Anthony Municipal Code be repealed and replaced with a new Title 6 as set forth herein;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT TITLE 6, ANIMALS, OF THE ST. ANTHONY CITY CODE BE AND HEREBY IS REPEALED AND THAT ALL OF SUCH TITLE SHALL BE STRICKEN FROM THE CODE AND REPLACED BY A NEW TITLE 6, ANIMALS, AS FOLLOWS:

THIS SPACE INTENTIONALLY LEFT BLANK

Title 6

ANIMALS

Chapters:

6.04 Cruelty to Animals

6.08 Dogs

6.12 Stock and Fowl

Chapter 6.04

CRUELTY TO ANIMALS*

Sections:

6.04.010 Cruelty unlawful.

6.04.020 Abandonment prohibited.

6.04.010 Cruelty unlawful. It is unlawful for any person to torture or beat cruelly, starve or otherwise ill-treat any animal, whether belonging to himself or any other person. Violation of this section shall constitute a criminal misdemeanor punishable by up to six months in jail, and/or fine of up to \$1000.00.

6.04.020 Abandonment prohibited. It is unlawful to abandon animals within the city limits or to abandon city animals in the surrounding area. The fine for this offense is set forth in Appendix 1.

Chapter 6.08

DOGS**

Sections:

6.08.010 Definitions.

6.08.020 License—Required – Address change—Ownership transfer.

6.08.030 License – Fee.

6.08.040 Tags to be placed on collar—Duplicate tags.

6.08.050 License – Record.

* For statutory provisions governing cruel mistreatment of animals, see IC Section 18-21.

** For statutory provisions authorizing cities to regulate running at large of domestic animals, to impose a license tax on owners, and to authorize the sale or destruction of unlicensed or stray animals, see IC Section 50-319.

Sections: (Continued)

- 6.08.060 Unlicensed dog -- Impoundment .
- 6.08.070 Public nuisance.
- 6.08.080 Running at large – Unlawful when (Leash Law) – Feces Disposal.
- 6.08.090 Running at large – Exception.
- 6.08.100 Impoundment duties of officers.
- 6.08.110 Notice of impoundment and redemption.
- 6.08.120 Citation – In lieu of impoundment.
- 6.08.130 Citation – Issuance.
- 6.08.140 Vicious dogs.
- 6.08.150 Kennel license—Required when—Application – Requirements
- 6.08.160 Kennel license—Application—Contents.
- 6.08.170 Kennel license—Non-transferrable – Expiration -- Change.
- 6.08.180 Individual license required – Effect on zoning ordinances.
- 6.08.190 Rabies—Quarantine.
- 6.08.200 Rabies—Destruction.
- 6.08.210 Destruction of dogs.
- 6.08.220 Unlawful to interfere with the seizure or destruction of dogs.
- 6.08.230 Manner of destruction.
- 6.08.240 Violation—Penalties.

Appendix 1 Violation Penalties

Appendix 2 Kennel requirements

6.08.010 Definitions. As used in this chapter the following definitions apply:

- A. “Dog”: Includes either male or female.

- B. “Owner”: Any person harboring, keeping or having in charge a dog within the corporate limits.

- C. “Vicious Dog”:
 - 1. Any dog which, when not physically provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing. Exception: a police work dog in the performance of duties.

 - 2. Any dog which kills or inflicts severe injury on a dog or cat without provocation while off the owner’s property.

- D. “Officer”: Police officer or code compliance officer.

6.08.020 License—Required – Address change – Ownership transfer. It is unlawful for any owner to harbor, keep or have in charge an unlicensed dog over four months of age within the city limits. The owner shall obtain a license from the city clerk for each dog. These licenses shall

be valid for the life of the animal on condition that the owner provides appropriate change of address or change of owner notification to the clerk as these events occur. Failure to provide address or ownership change notification to the clerk within 30 days of such change will be punishable by a fine as set forth in Appendix 1. It shall be the duty of the clerk to issue a license to the person bearing the same number as the number worn on the collar of the dog as provided in Section 6.08.040. The license shall give the date of issuance, the name and address of the person to whom issued and the name and sex of the dog. The clerk shall furnish with each license a metal tag which shall be stamped with the number to correspond with the number of the license and the year for which it is issued. The fine for not having a license for a dog is set forth in Appendix 1. The provisions of this section shall not apply to any person visiting the city for a period not exceeding 30 days and owning or possessing a dog currently licensed and bearing the license issued by another licensing authority.

6.08.030 License—Fee. Licenses for all dogs kept within the city will be provided an owner upon the payment of a fee as set forth in such schedule of fees as may be adopted by the city council.

6.08.040 Tags to be placed on collar. The metal tag, as described in section 6.08.020, shall be attached to the collar of the dog, which the owner shall provide and which shall be placed and kept upon the neck of the dog so licensed. If the metal tag is lost, the owner shall obtain a duplicate tag from the city clerk, who shall issue such a duplicate tag upon the payment by the applicant of a fee as set forth in such schedule of fees as may be adopted by the city council.

6.08.050 License – Record. The city clerk shall keep a record of the licenses issued under the provisions of this chapter and shall record all the facts required to be stated in the license.

6.08.060 Unlicensed dogs – Impoundment. All dogs not collared and licensed, as provided in Sections 6.08.020 through 6.08.040, are declared to be a public nuisance, and it is the duty of all officers to take up and impound any dog not so collared and licensed.

6.08.070 Public nuisance.

A. Any dog which molests passerby or passing vehicles, attacks other animals, trespasses on school grounds, damages and/or trespasses on private or public property, or barks whines or howls in a continuous or untimely fashion, shall be considered a public nuisance.

B. Every dog owner who permits or allows a public nuisance as described above, after reasonable notice in writing from the code compliance officer has been served upon such person to cease such nuisance, is guilty of a misdemeanor. The existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense. The penalties for such are set forth in Appendix 1.

6.08.80 Running at large – Unlawful when (Leash Law.) – Feces Disposal.

Except as provided by section 6.08.090, it is unlawful for any owner to cause, permit, or allow any dog, whether licensed or not, to roam, run or stray away from the premises of the owner, and to be or remain upon the streets or alleys of the city, or on any public place in the city, or upon any other premises without the consent of the person in possession of such premises, unless:

A. Such dog is in the charge of the owner or some duly authorized and competent person and controlled by a leash or chain not exceeding ten feet in length.

B. Such dog is safely and securely confined or completely controlled while in or upon any motor vehicle.

It is unlawful for the owner or person having charge, custody or control of any dog to fail to immediately remove any feces deposited by such dog upon public or private property or right-of-way and dispose of the feces in a sanitary manner by depositing the same in a trash receptacle the provision of this section shall not apply to any fecal matter deposited by a dog on the property of that dog's owner, custodian, controller or to a blind person being assisted by a guide dog.

6.08.090 Running at large – Exception. The city council may designate areas of a public park and other rules and regulations for the use of such areas for the training or exercise of dogs, or for holding dog shows or exhibits. Dogs within such areas need not be controlled by leash or chain but shall be under the control of a responsible person by whistle, voice or other effective command. Failure to comply with this Section shall be punishable by a fine as set forth in Appendix 1.

6.08.100 Impoundment duties of police and code compliance officers. It shall be the duty of all officers to seize and impound any dog found to be running at large as provided in Section 6.08.080, as set forth herein.

6.08.110 Impoundment and redemption.

A. Licensed Dogs: The owner of every licensed dog so seized and impounded shall be notified by the police department of the seizure and impoundment within 48 hours thereafter. Notice shall be sufficient when made telephonically to the owner, or if the telephone number is unknown, it is made in writing. If made in writing, identify the dog by license number, state the date, time and place of the seizure, and place the notice in a sealed envelope addressed to the owner at his residence as appears on the application for the current license, and deposit it in the U.S. mail. Every licensed dog so seized shall be retained in the pound for a period of three business days after notice to the owner. At any time while the dog is so impounded, the owner may redeem the same by paying the city clerk the fees set forth in Such schedule of fees as may be adopted by the city council, including that specified for each 24 hour period that the dog has been held in the pound. This will not relieve the owner from appearing in the county magistrate's court to answer any charges which may be filed for violating any provision of this chapter.

B. Unlicensed Dogs: All dogs seized and impounded which do not have a collar and license as provided in Section 6.08.040, and whose ownership is unknown to the police department, shall be retained in the pound for a period of 72 hours, during which time the dog may be released to the owner upon the payment of the pound fees as set forth in Such schedule of fees as may be adopted by the city council and upon purchasing a license. This will not relieve the owner from appearing in the county magistrate's court to answer any charges that may be filed for violating any provisions of this chapter.

C. Unclaimed Dogs: The ownership of any dog not redeemed within the periods of time herein stated may be forfeited and the dog may be sold thereafter to any person or released to any humane society organization. Failure to redeem the dog will subject the owner to a penalty set forth in Appendix 1.

D. Disposal of Dogs: If any dog is not redeemed, sold or released to a humane society organization, the dog may be humanely destroyed and the carcass disposed of in any lawful manner.

6.08.120 Citation – in lieu of impoundment. In lieu of seizing and impounding any dog found to be running at large in violation of Section 6.08.080 (Leash Law), officers may, if the owner is known, issue a citation which shall meet the following requirements: must have consecutive serial numbers, space to provide date, time and location of the offense, name and address of the owner, and the offense by brief description.

6.08.130 Citation – Issuance. The citation shall be issued by the officer by handing a copy of the original to the owner, or by mailing him a copy as provided in Section 6.08.130. The police or code compliance officer shall include whether it is a first, second, third or subsequent offense, as set out in Section 6.08.240.

6.08.140 Vicious dogs. Any person who keeps or has possession of a vicious dog within the city limits is guilty of a misdemeanor. Dogs determined to be vicious under this chapter shall be impounded and disposed of as follows:

A. Impounding of Vicious Dogs: Officers shall take up and impound any vicious dog found within the city limits.

B. Disposal of Unlicensed Vicious Dogs: All vicious dogs not licensed or identified by tag shall be retained in the pound for a minimum of 72 hours. If the owner of such dog does not appear at the pound within this 72 hour period, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the owner appears at the pound at any time during the 72 hour period, the code enforcement officer or his authorized representative shall deliver a written notice to the owner stating that the dog has been impounded as a vicious dog and the dog will be destroyed within 10 days after the date of such delivery of the notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the city clerk requiring the city to show cause why the dog should be destroyed. If such order is not served upon the city clerk within 10 days of the date of the delivery of the notice to the owner, the dog shall be destroyed and disposed of as provided herein. If the order to show cause is issued and served upon the city clerk within 10 days of the delivery of the notice to the owner the dog shall be retained in the pound until further order of the court.

C. Disposal of Licensed Vicious Dogs: If a vicious dog is licensed and properly identified with a dog tag, the code compliance officer shall notify the owner of the impoundment, within 48 hours of the impoundment, by certified mail addressed to the owner at his last known address. Such notice shall be deemed to be complete upon its deposit in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the owner at such address. This notice shall state that the dog has been impounded as a vicious dog and the dog will be destroyed within 10 days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the city clerk, requiring the city to show cause why the dog should be destroyed. If such order is not served upon the city within 10 days of mailing of the notice, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the order to show cause is issued and served upon the city clerk within 10 days of the mailing of the notice, the dog shall be retained in the pound until further order of the court.

D. Impound Fees: If the court orders the release of any dog impounded under this Section, the owner shall pay a boarding fee of \$10 per day for each day of impoundment, but no further impound fee shall be charged.

6.08.150 Kennel license – Required when – Application -- Requirements.

A. It is unlawful for an owner to possess upon property within the city limits more than two dogs, unless the owner has obtained a commercial or noncommercial kennel license.

B. Noncommercial Kennel:

1. Application for a noncommercial kennel license shall be made to the city clerk, accompanied by the fee as set forth in Such schedule of fees as may be adopted by the city council, which deposit fee will be returned to the applicant if the license is not finally issued. Dogs kept in a noncommercial kennel shall be owned only by members of the immediate household and a separate license shall be obtained for each dog. Such license shall not be issued unless at least 75 percent of all the owners or persons in possession of premises within 500 feet of the premises upon which the kennel is to be maintained have consented to the operation of such a kennel. Upon receipt of such application, the city clerk shall request the code compliance officer to poll such persons to determine if they are willing to consent to the issuance of a noncommercial kennel license to the applicant. For purposes of determining the percentage, persons having joint control or ownership of such premises, shall be considered one person. Also upon receipt of the application the city clerk shall request the code compliance officer to review the plans for the proposed location and type of kennel for compliance with health and safety requirements for the dogs to be kept therein in accordance with Appendix 2.

2. Upon completion of kennel construction, the code compliance officer shall inspect it for such compliance. Periodically or upon receipt of a complaint, the code compliance officer shall check the kennel facility for such compliance. No person holding a noncommercial license shall keep any dog for breeding purposes for sale or for the purpose of raising such dog(s) for commercial sale. All dogs kept pursuant to a noncommercial kennel license shall be spayed or neutered within 12 weeks after their birth. No license shall be issued unless the applicant shall provide written certification by a licensed veterinarian that all licensed animals have been spayed

or neutered or unless the applicant shall provide a certificate from the code compliance officer that he or she has inspected each animal and verified such spaying or neutering. A maximum of five dogs may be kept upon the premises owned by a person holding a noncommercial kennel license.

3. If more than 25 percent of the persons in possession of premises within 500 feet as described above, file complaints against the existence of a noncommercial kennel, the code compliance officer may give the kennel licensee written notice that he/she has 30 days within which to eliminate the area of complaint, or the license may be terminated. At the end of the 30 day period, if each complaint is not withdrawn in writing by the complainant, the license shall be rescinded, and the licensee shall have an additional 30 days to bring himself into compliance with the statute by either removing dogs in excess of two, or obtaining another kennel license, as set out above. Consenting to any new kennel license by a complainant under a former license shall constitute a withdrawal of that prior complaint.

C. Commercial Kennel: A commercial kennel is a kennel where the owner or a keeper of dogs sells, boards, breeds, trains, treats or handles dogs for consideration, provided however that any clinic or place owned or operated by a veterinarian licensed under state law or the city pound shall not be considered a commercial kennel. Applications for a commercial kennel license shall be made to the city clerk. The application must be accompanied by a license fee as set forth in Such schedule of fees as may be adopted by the city council, which fee shall be returned to the applicant if a license is not issued. No license may be issued unless at least 75 percent of all property owners within 500 feet of the property upon which the kennel will be operated have consented to the issuance of such license. Upon receipt of such application the city clerk shall request the code compliance officer to poll such owners to see if they are willing to consent to such commercial kennel. A commercial kennel shall not be issued for any premises where such use is not permitted under city zoning ordinances. Upon renewal of a commercial kennel license a re-polling of neighboring owners shall not be required unless within one year prior to the expiration of such license one or more complaints have been filed in writing with the police department regarding the applicant's maintenance of such kennel. In such event no license shall be issued until the code compliance officer has conducted a new poll and the required consents have been obtained.

D. Re-applications Limited: No application for a commercial or non-commercial license shall be accepted or processed if an application for the same type of license to operate on the same property has been denied within one year previous to the date of application.

6.08.160 Kennel license – Application – Contents. The application shall state the name and address of the owner, location of the proposed kennel, the number of dogs to be kept and the breed(s) of the dogs. New license applications will have attached a sketch of the proposed kennel or fenced in area of the property. For commercial licenses the application must state the city zone in which the kennel will be maintained.

6.08.170 Kennel license – Nontransferable – Expiration -- Changes. Kennel licenses shall not be transferrable to any person or location not stated in the application. Noncommercial kennel licenses do not expire unless revoked or otherwise terminated. Commercial kennel licenses shall expire one year from the date of issuance. Whenever additions are made to the number of dogs for which a kennel license has been issued, the licensee shall, within five days,

report same to the city clerk and pay the required license fee; provided however that whatever puppies are born as the issue of a dog previously counted in computing the license fee such puppies shall not be counted as additions until four months old. Delinquent penalties are as set forth in Appendix 1.

6.08.180 Individual license required – Effect on zoning ordinances. The issuance of a kennel license shall not obviate the necessity of obtaining an individual dog license, nor shall any of the provisions of this chapter be deemed to vary or alter any of the zoning ordinances of the city.

6.08.190 Rabies – Quarantine. An officer shall have authority to order the owner of any dog showing symptoms of rabies or any dog which has bitten any person, so as to cause an abrasion or puncture of the skin, to subject such dog to the city pound for quarantine for a period of at least 10 days and not to exceed 15 days. If such dog is determined to be free of rabies, the same shall be returned to the owner upon payment of one-half of the regular fee for keeping dogs impounded. No other fee will be charged. If such fee is not paid, the dog will be subject to disposal as provided in Section 6.08.110 D. In lieu of submitting such dog to the pound, the owner may, at his expense, admit such dog to a licensed veterinarian for examination.

6.08.200 Rabies – Destruction. Any dog afflicted with rabies shall be disposed of immediately, either by the code compliance officer or the owner.

6.08.210 Destruction of dogs.

A. With the approval of a supervisor, an officer may euthanize a dog that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

B. In circumstances where officers encounter an unexpected dangerous dog or are surprised by the dog which reasonably appears to pose an immediate threat to the safety of officers or others, officers are authorized to use deadly force to neutralize such a threat.

6.08.220 Unlawful to interfere with the seizure or destruction of dogs. It is unlawful for any person to hinder, molest or interfere with any person who is lawfully engaged in seizing, impounding, or destroying any dog, or removing the carcass, as provided in this chapter. Violation of this Section shall constitute a criminal misdemeanor punishable by up to six months in jail, and/or fine of up to \$1000.00.

6.08.230 Manner of destruction. It is unlawful for any person having the right or authority to destroy any dog, to destroy such dog in an inhumane manner. Violation of this Section shall constitute a criminal misdemeanor punishable by up to six months in jail, and/or fine of up to \$1000.00.

6.08.240 Violations – Penalties.

A. Any person(s) violating the provisions of this chapter is guilty of a misdemeanor and shall be punishable as indicated in Appendix 1, unless otherwise indicated.

B. In addition to subsection A, any person(s) found guilty will be assessed court costs.

APPENDIX 1, Violation penalties

| Code No. | Violation Description | 1 st Offense | 2 nd Offense | Each Subsequent |
|----------|---|-------------------------|-------------------------|-----------------|
| 6.04.020 | Abandon animal | \$500 | \$500 | \$500 |
| 6.08.020 | Unlicensed dog | \$50 | \$100 | \$200 |
| 6.08.040 | Proper ID on dog | \$50 | \$100 | \$100 |
| 6.08.070 | Public Nuisance | \$50 | \$100 | \$200 |
| 6.08.080 | Running at large | \$50 | \$100 | \$200 |
| 6.08.090 | Running at large | \$50 | \$50 | \$50 |
| | Designated areas | | | |
| 6.08.110 | Impoundment | \$100 | \$100 | \$100 |
| | redemption -- | | | |
| | Failure | | | |
| 6.08.150 | Unlicensed kennel | \$100 | \$100 | \$100 |
| 6.08.170 | Delinquency charge for annual license renewal not obtained on or before expiration date | | \$20.00 | |

APPENDIX 2, Kennel requirements

Kennels shall be erected and maintained so as to provide safe and humane accommodations for the dogs enclosed therein.

1. Primary enclosures shall be designed and constructed so that they are structurally sound and shall be kept in good repair. A primary enclosure is the primary structure that restricts a dog's ability to move in a limited amount of space, such as a room, cage or compartment. The term does not include any run.

2. Primary enclosures shall meet the following requirements:

- A. Have no sharp or pointed edges that could injure the dogs.
- B. Be maintained in a manner to protect the dogs from injury.
- C. The height of a primary enclosure that is not fully enclosed on the top shall be five feet.
- D. Keep other animals from entering the enclosure.

- E. Enable the dogs to remain dry and clean.
- F. Provide shelter and protection from temperature and weather conditions that may be hazardous to the breeds of dogs contained.
- G. Provide sufficient space to shelter all the dogs housed in the primary enclosure at one time.
- H. Provide potable water at all times.
- I. Enable all surfaces in contact with the dogs to be readily cleaned or be replaceable when worn or soiled (see paragraph 4, below).
- J. Have floors that are constructed in such a manner that protects the dogs' feet and legs from injury, for example, no wire-floored areas. Floors must be impervious to moisture, solid, and strong enough that they do not sag or bend between the structural supports .
- K. Provide space to allow each dog to turn about freely, to stand, sit, and lay in a comfortable and normal position. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face or feet touching any side of the enclosure.
- L. The interior height shall be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
- H. Have an entryway that will allow the dogs unfettered clearance out of the enclosure to an exercise area when the enclosure is opened.

3. All dogs must be provided with adequate food that is clean and free from contaminants.

4. All kennels shall be kept clean as follows:

- A. Excreta, feces, hair, dirt, debris and food waste shall be removed from the primary enclosures at least daily to prevent an accumulation thereof.
- B. Hard surfaces and food and water receptacles shall be sanitized at least every two weeks with appropriate detergent or disinfectant.
- C. Premises where primary enclosures are located, including surrounding buildings and grounds shall be kept clean and in good repair.

3. This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this ____ day of November, 2008.

CITY OF ST. ANTHONY, IDAHO

Garth Rose, ACTING MAYOR

ATTEST:

PATTY UNRUH PARKINSON, CITY CLERK

Chapter 6.12

STOCK AND FOWL*

Sections:

- 6.12.010 Herding unlawful when.
- 6.12.020 Stock running at large prohibited.
- 6.12.030 Keeping or maintaining of hives of bees prohibited.
- 6.12.040 Keeping of animals in city limit.

6.12.010 Herding unlawful when. It is unlawful for any person to hold, pasture or detain any herd or band of livestock within the corporate limits. This provision does not prohibit the herding of livestock on designated stock trails through the corporate limits of the city. (Prior code §6-2-1)

6.12.020 Stock running at large prohibited. It is unlawful for any person to permit or allow any livestock belonging to him or under his control to run at large within the corporate limits. (Prior code §6-2-2).

6.12.030 Keeping or maintaining of hives of bees prohibited. It is unlawful for any person to keep and maintain within the corporate limits any hives of bees during the period from March 1, to November 30 of each year. (Prior code §6-2-17).

6.12.040 Keeping of animals in city limits. It is unlawful for any person to keep, maintain, stable, or pasture, within any area of the city, any cattle, swine, goats, sheep, or mules; provided, however, that for the purpose of shipment of any such animal, it is lawful to keep the same in pens provided for such purpose for a period of not to exceed twelve hours, which period may be extended for such further time as may be necessary for such shipping purpose by written permission of the mayor or any councilman. (ord. 670 §3, 1980; Ord. 669 §3, 1980; prior code §6-2-18).

* For statutory authority for cities to regulate the running at large of animals, see IC §50-319.

Ordinance No. 2008- 11

AN ORDINANCE AMENDING AND REPLACING TITLE 8, CHAPTER 8.50, SECTION 010 OF THE ST. ANTHONY CITY CODE; ESTABLISHING THE HOURS OF CLOSURE OF CITY PARKS TO CHANGE THE TIME OF OPENING AND CLOSURE TO SUCH TIMES AS ARE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL

WHEREAS, the City Code currently provides for the closure of parks one hour following sundown; and

WHEREAS, the City Council finds that this limitation is too uncertain and does not allow for appropriate utilization of parks as it intends;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT THE SECTION 8.50.010 OF THE ST. ANTHONY CITY CODE BE AMENDED BY STRIKING OUT THE WORDS “ONE HOUR AFTER SUNDOWN;” AND INSERTING THE WORDS “AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL” AS FOLLOWS:

8.50.010 Public Parks – Hours of Closure: All public parks within the city limits of the city of St. Anthony *and the Henry’s Fork Greenway* shall be closed between ~~one hour after sundown~~ *as established by resolution of the City Council.*

2. That except as amended hereby, Section 8.50.010 shall continue in full force and effect, unmodified

3. This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this 10th day of December, 2008.

CITY OF ST. ANTHONY, IDAHO

GARTH ROSE, ACTING MAYOR

ATTEST:

PATTY UNRUH PARKINSON, CITY CLERK

Ordinance No. 2008- 12

AN ORDINANCE AMENDING AND REPLACING TITLE 5, CHAPTER 5.08, SECTION 140 OF THE SAINT ANTHONY CITY CODE; REGULATING LIQUOR WITHIN THE CITY OF ST. ANTHONY TO PERMIT THE SALE OF LIQUOR BY THE DRINK ON PRIMARY AND GENERAL ELECTION DAYS

WHEREAS, the City Code currently forbids the sale of liquor by the drink on the days of primary and general elections; and

WHEREAS, the City Council finds that this limitation is inconsistent with the Idaho State law that permits the sale of liquor by the drink on primary and general election days; and

WHEREAS, such inconsistency unfairly restricts businesses in St. Anthony from doing business as permitted by state law;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT THE SECTION 5.08.140 OF THE ST. ANTHONY CITY CODE BE AMENDED BY STRIKING OUT THE WORDS “ON ANY DAY OF GENERAL OR PRIMARY ELECTION UNTIL AFTER THE TIME WHEN THE POLLS ARE CLOSED;” AS FOLLOWS:

5.08.140 HOURS OF SALE: No liquor either by the drink or packaged sales not for consumption on the premises shall be sold, offered for sale or given away upon any licensed premises during the following hours:

A. Memorial Day, Thanksgiving Day and Christmas Day and from one a.m. to ten a.m. the following day;

B. ~~On any day of general or primary election until after the time when the polls are closed;~~

~~———C. On any day between one a.m. and ten a.m. (Ord. 07-2 § 1, 2007: Prior code §5-9-12).~~

2. That except as amended hereby, Section 5.08.140 shall continue in full force and effect, unmodified

3. This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this 10th day of December, 2008.

CITY OF ST. ANTHONY, IDAHO

GARTH ROSE, ACTING MAYOR

ATTEST:

PATTY UNRUH PARKINSON, CITY CLERK