

ORDINANCE NO. 2014-01

AN ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO PROVIDING FOR AMENDMENT OF SECTION 1.28.010 ENTITLED THE GENERAL PENALTY PROVISION DESIGNATED; THE REPEAL OF SECTION 1.28.020 ENTITLED THE GENERAL PENALTY PROVISION, LABOR; AMENDMENT OF SECTION 1.28.040 ENTITLED THE GENERAL PENALTY PROVISION, APPLICATION OF PENALTY; AMENDMENT OF SECTION 2.68.030 ENTITLED AIRPORT REGULATIONS, VIOLATIONS AND PENALTIES SECTION B; AMENDMENT OF SECTION 5.12.160 ENTITLED BUSINESS LISCENSES, PENALTY; AMENDMENT OF SECTION 6.08.220 ENTITLED DOGS, UNLAWFUL TO INTERFERE WITH SEIZURE OR DESTRUCTION OF DOGS; AMENDMENT OF SECTION 6.08.230 ENTITLED DOGS, MANNER OF DESTRUCTION; AMENDMENT OF SECTION 8.12.300 ENTITLED GARBAGE, NONCOMPLIANCE WITH NOTICE UNLAWFUL—PENALTY; AMENDMENT OF SECTION 8.28.170 ENTITLED NUISANCES, PENALTY; AMENDMENT OF SECTION 9.08.070 ENTITLED FIREARMS, VIOLATIONS—PENALTIES; AMENDMENT OF SECTION 9.12.070 ENTITLED FAIR HOUSING PRACTICES, JUDICIAL REVIEW AND PENALTIES SECTION C; AMENDMENT OF SECTION 10.12.010 ENTITLED OPERATION OF VEHICLES, TRUCK ROUTES—PENALTY—EXCEPTIONS SECTION A; AMENDMENT OF SECTION 10.42.030 ENTITLED COMPRESSION BRAKE LAWS, VIOLATION—PENALTY; AMENDMENT OF SECTION 12.14.121 ENTITLED PUBLIC SIDEWALKS, VIOLATION—PENALTY; AMENDMENT OF SECTION 13.12.080 ENTITLED USE REGULATIONS, PENALTIES; AMENDMENT OF SECTION 15.01.050 ENTITLED BUILDING AND CONSTRUCTION GENERAL PROVISION PENALTY AND VIOLATION; AMENDMENT OF SECTION 15.28.070 ENTITLED FENCE CONSTRUCTION REGULATION, VIOLATION—PENALTY; AMENDMENT OF SECTION 15.36.170 ENTITLED MOBILE HOMES, VIOLATION AND PENALTY.

WHEREAS, the City Council finds it to be in the best interests of the public to amend certain penalty provisions of the code now punishable as misdemeanors to infractions, and

WHEREAS, the City Council finds that allowing for certain violations of the City Code be changed as infractions will provide a way for the city of St. Anthony to be more efficient and effective in the administration of its ordinances, and

WHEREAS, the City Council of the City of St. Anthony finds that amending the penalties for violation of certain ordinances is in the best interests of justice,

BE IT THEREFORE ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT THE FOLLOWING SECTIONS OF THE CITY CODE ARE HEREBY AMENDED AND/OR REPEALED AS FOLLOWS:

Section 1.28.010 Entitled General Penalty Provision, Designated: That the City of St. Anthony City Code Section 1.28.010 General Penalty Provision, is amended as follows:

Section 1.28.010 General Penalty Provision: Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of ~~a misdemeanor~~ an infraction. Except in cases where a different punishment is prescribed by any ordinance of the city, any person ~~convicted of a misdemeanor~~ cited for an infraction under the ordinances of the city shall be ~~punished by a fine of not days, or by both such fine a more than three hundred dollars, or by imprisonment not to exceed thirty and imprisonment~~ required to pay a penalty of one hundred dollars.

Section 1.28.020 Entitled General Penalty Provision, Labor: Repeal. General Penalty Provision 1.28.020 Labor, enacted August 8, 2013, is repealed.

Section 1.28.040 Entitled General Penalty Provision, Application of Penalty: That the City of St. Anthony City Code Section 1.28.040 General Penalty Provision, is amended as follows:

Section 1.28.040 General Penalty Provision: The Penalty provided in this chapter shall be applicable to every section of this code the same as though it were part of each and every separate section. Any person convicted of a violation of any section of this code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature is forbidden or declared to be unlawful, shall be deemed guilty ~~of a misdemeanor~~ of an infraction.

Section 2.68.030 Entitled Airport Regulations, Violation-Penalties Sec B: That the City of St. Anthony City Code Section 2.68.030 Airport Regulations Violation-Penalties Sec B, is amended as follows:

Section 2.68.030 Airport Regulations, Violation-Penalties Sec. B: B. Willfully, and without authorization from the airport manager, permit livestock within confines of the airport proper. Any person violating this section of the ordinance shall be guilty of ~~a misdemeanor~~ an infraction and upon conviction shall be ~~punished by a fine not exceeding three hundred dollars and imprisonment not exceeding six months for each violation~~ required to pay a penalty of one hundred dollars.

Section 5.12.160 Entitled Business Licenses, Penalty: That the City of St. Anthony Code Section 5.12.160 Business Licenses, Penalty, is amended as follows:

Section 5.12.160 Business Licenses, Penalty: Any person violating any provision of this chapter or any ordinance relating to licensing shall be guilty of ~~a misdemeanor~~ an infraction, ~~Where no other penalty is provided, such person shall be fined not less than twenty five dollars nor more than five hundred dollars for each offense. Any person violating any such provision may in addition to a fine or in lieu of a fine be imprisoned for a term in the county jail of not more than six months.~~ and upon conviction shall be required to pay a penalty of one hundred dollars. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 6.08.220 Entitled Dogs, Unlawful to interfere with the seizure or destruction of dogs: That the City of St. Anthony Code Section 6.08.220 Dogs, Unlawful to interfere with the seizure or destruction of dogs, is amended as follows:

Section 6.08.220 Dogs, 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 one thousand dollars~~ incur an infraction and shall be required to pay a penalty of one hundred dollars.

Section 6.08.230 Entitled Dogs, Manner of destruction: That the City of St. Anthony Code Section 6.08.230 Dogs, Manner of destruction, is amended as follows:

Section 6.08.230 Dogs, 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 one thousand dollars~~ incur an infraction and shall be required to pay a penalty of one hundred dollars.

Section 8.12.300 Entitled Garbage, Noncompliance with notice unlawful—Penalty: That the City of St. Anthony Code Section 8.12.300 Garbage, Noncompliance with notice unlawful—Penalty, is amended as follows:

Section 8.12.300 Garbage, Noncompliance with notice unlawful—Penalty: Any person who fails to comply with the notice, shall be guilty of a ~~misdemeanor, and upon conviction, shall be punishable as set forth in Idaho Code § 18-113~~ an infraction and shall be required to pay a penalty of one hundred dollars, and each day's failure to comply with any such provision shall constitute a separate violation.

Section 8.28.170 Entitled Nuisances, Penalty: That the City of St. Anthony Code 8.28.170 Nuisances, Penalty, is amended as follows:

Section 8.28.170 Nuisances, Penalty: Failure to abate a nuisance within the city limits after reasonable notice to the landowner, tenant or person responsible for the nuisance shall be a ~~misdemeanor~~ an infraction and shall be required to pay a penalty of one hundred dollars. Each day a nuisance is not abated shall constitute a separate offense.

Section 9.08.070 Entitled Firearms, Violations—Penalty: That the City of St. Anthony Code Section 9.08.070 Firearms, Violations—Penalties, is amended as follows:

Section 9.08.070 Firearms, Violations—Penalties: Any person violating the provisions of this chapter is guilty of a ~~misdemeanor and shall be punishable by a fine not to exceed two hundred dollars~~ an infraction and shall be required to pay a penalty of one hundred dollars. In addition

thereto, the weapon may be confiscated and either destroyed or sold as surplus property as may be ordered by the magistrate's court. If sold, the proceeds thereof are to be paid into the general fund of the city.

Section 9.12.070 Entitled Fair Housing Practices, Judicial review and penalties Sec C: That the City of St. Anthony Code Section 9.12.070 Fair Housing Practices, Judicial review and penalties Sec C, is amended as follows:

Section 9.12.070 Fair Housing Practices, Judicial review and penalties Sec C: C. Any Person who violates any of the provisions of this chapter shall be guilty of ~~a misdemeanor~~ an infraction, ~~punishable by a fine not exceeding one hundred dollars and shall be required to pay a penalty of one hundred dollars per day.~~ Each day such violation is continued, or permitted to continue, shall constitute a separate offense up to a total of three days. However, each new violation will constitute a separate offense also ~~having a maximum penalty of one hundred dollars per day for up to three days~~ incurring an infraction and shall be required to pay one hundred dollars.

Section 10.12.010 Entitled Operation of vehicles, Truck routes—penalty—exceptions Sec A: That the City of St. Anthony Code Section 10.12.010 Operation of vehicles, Truck routes—penalty—exceptions Sec A, is amended as follows:

Section 10.12.010 Operation of vehicles, Truck routes—penalty—exceptions Sec A: A. It is unlawful and ~~a misdemeanor~~ an infraction for any person to operate a truck or any commercial vehicle with or without a load, including heavy construction equipment or farm vehicles, within the city limits upon those streets or parts of streets restricted by the city council by resolution and posted by signs.

Section 10.42.030 Entitled Compression Brake Law, Violation—penalty: That the City of St. Anthony Code Section 10.42.030 Compression Brake Law, Violation—penalty, is amended and described as follows:

Section 10.42.030 Compression Brake Law, Violation—penalty: Any person or entity which violates this chapter shall be guilty of ~~a misdemeanor, and shall be punished by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed three hundred dollars, and/or both such fine and imprisonment~~ an infraction and shall be required to pay a penalty of one hundred dollars.

Section 12.14.121 Entitled Public Sidewalks, Violation—penalty: That the City of St. Anthony Code Section 12.14.121 Entitled Public Sidewalks, Violation—penalty, is amended and described as follows:

Section 12.14.121 Public Sidewalks, Violation—penalty: Any person, firm or corporation violating any provision of the ordinance from which this chapter was derived shall, upon conviction thereof, be guilty of ~~a misdemeanor, and shall be punishable by a fine not to exceed three hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment~~ an infraction and shall be required to pay a penalty of one hundred dollars. In addition, the city shall have the right to remove the obstruction at their discretion, and the cost of

so doing shall be added to the monthly utility billing sent out by the city to the appropriate property owner or account holder.

Section 13.12.080 Entitled Use Regulations, Penalties: That the City of St. Anthony Code Section 13.12.080 Use Regulations, Penalties, is amended and described as follows:

Section 13.12.080 Use Regulations, Penalties: Any person violating any of the provisions of these rules and regulations shall, upon conviction thereof, be ~~punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment~~ guilty of an infraction and shall be required to pay a penalty of one hundred dollars.

Section 15.01.050 Entitled Building and Construction General Provision, Penalty and violation: That the City of St. Anthony Code Section 15.01.050 Building and Construction General Provision, Penalty and violation, is amended and described as follows:

Section 15.01.050 Building and Construction General Provision, Penalty and violation: Unless otherwise prescribed, violations of the building codes ~~are a misdemeanor and shall be punished by a fine not exceeding three hundred dollars or imprisonment for a term not exceeding six months, or both such fine and imprisonment~~ are an infraction.

Section 15.28.070 Entitled Fence Construction Regulation, Violation—penalties: That the City of St. Anthony Code Section 15.28.070 Fence Construction Regulation, Violation—penalty, is amended and described as follows:

Section 15.28.070 Fence Construction Regulation, Violation—penalty: Violation of this chapter shall constitute a ~~misdemeanor, and may be punished by a fine of not more than five hundred dollars, and imprisonment of not more than thirty days, or by both such fine and imprisonment~~ an infraction and shall be required to pay a penalty of one hundred dollars. Each day that a violation of this chapter continues shall constitute a separate violation of this act.

Section 15.36.170 Entitled Mobile Homes, Violation and penalty: That the City of St. Anthony Code Section 15.36.170 Mobile Homes, Violation and penalty, is amended and described as follows:

Section 15.36.170 Mobile Homes, Violation and penalty: A. Any person, firm or corporation in violation any of provisions of this chapter shall be deemed guilty of a ~~misdemeanor~~ an infraction, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed continued or permitted. B. Upon conviction of any violation, of any of the provisions of this chapter such persons ~~shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or both such fine and imprisonment~~ shall be required to pay a penalty of one hundred dollars.

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

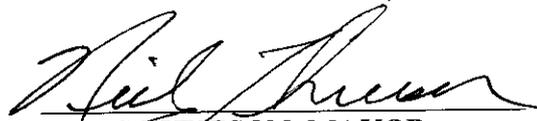
full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

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

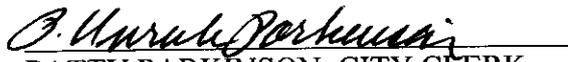
This Ordinance 2014-01 shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this 22nd day of May, 2014.

CITY OF ST. ANTHONY, IDAHO


NEILS THUESON, MAYOR

ATTEST:


PATTY PARKINSON, CITY CLERK

