City of Greenleaf

CITY CODE

This page left blank

Greenleaf City Code

PREFACE

This city code of the City of Greenleaf, as supplemented, contains ordinances up to and including: **Ordinance #316**

Ordinances of the city adopted after said ordinance supersede the provisions of this city code to the extent that they are in conflict or inconsistent therewith. Consult the office of the City Clerk in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

ORDINANCES AND CODIFICATION

Codification is the systematic collection of the laws of the city, which are adopted by ordinance as an action of the City Council. Not all ordinances are legislative actions that change the city code. For example, annexation ordinances, appropriation ordinances, and ordinances authorizing bond indebtedness are not codified. The code also does not include all parts and language included in an ordinance. Ordinance sections such as 'whereas' statements, ordaining clauses, savings clauses, severability clauses, repealer clauses, and effective date statements are not included in codification.

Codification also gives a final opportunity to correct “scriveners errors” such as obvious misspellings and formatting errors, and double-check for consistency with other portions of the code. The City of Greenleaf's approach is to make the minimum changes necessary to maintain the integrity of the code, to avoid any possibility of changing the City Council's intent or meaning when codifying the city's ordinances.

TRACKING HISTORY INFORMATION

At the end of each code section, the information in parentheses give a tracking history for that section of code. Some of the code remains unchanged from when the original code was adopted after city incorporation in 1973. The code later underwent a structural revision in 2003, with section information giving the original code location (1973 Code § *original location*). By ordinance, code can also be created (Ord. *number*, *date*), amended (amd, Ord. *number*, *date*) repealed (repl'd, Ord. *number*, *date*), or repealed and replaced (repl, Ord. *number*, *date*).

TIPS AND TOOLS FOR USING THIS CODE

The digital version of this code is in adobe acrobat (*.pdf) format, and has a data layer for optical character recognition (OCR) which makes the document 'search-able' using the 'search' or 'find' feature in your *.pdf viewing software. A detailed Table of Contents is also provided at the beginning of the code as a manual index.

Lee C. Belt
City Clerk
City of Greenleaf

04 June 2026

ORDINANCE # **250**

(Codification)
Sponsored by: Steve Jett

AN ORDINANCE OF THE CITY OF GREENLEAF, IDAHO, FOR REVISING, CODIFYING, AND COMPILING THE GENERAL ORDINANCES OF THE CITY OF GREENLEAF, IDAHO; ESTABLISHING AUTHORITY AND EVIDENCE OF CITY CODE FOR THE CITY OF GREENLEAF; ESTABLISHING TITLE FOR THE CODIFICATION AS THE "GREENLEAF CITY CODE"; PROVIDING FOR CODIFICATION OF SUBSEQUENT ORDINANCES; DEFINING PROCESS FOR REVISION; PROVIDING FOR PUBLICATION AND DISTRIBUTION; ESTABLISHING THIS ORDINANCE AS A PART OF THE CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AUTHORIZING PUBLICATION BY SUMMARY; AND DIRECTING THE CITY CLERK TO ASSIGN THE NEXT ORDINANCE NUMBER IN SEQUENCE AND SCHEDULE THIS ORDINANCE FOR PUBLICATION.

WHEREAS, numerous changes, additions, deletions, and corrections have been made to the general ordinances of the City of Greenleaf, Idaho, since the publication of the last codification made by Ordinance No. 175; and

WHEREAS, the City Council finds it fiscally prudent to bring codification of City Ordinances in-house by City Staff, with review by the City Attorney; and,

WHEREAS, it is necessary that such ordinances be revised, codified, and compiled with such changes, alterations, modifications, and additions as are necessary to replace all of the ordinances of a general and permanent character in one easily accessible and ready reference manual; and

WHEREAS, codification of ordinances adopted pursuant to law subsequent to Ordinance 217 but not previously codified are added to the city code with this codification.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Greenleaf, Idaho, as follows:

Section 1. Codification; Authority; Evidence: That the ordinances of a general nature of the City of Greenleaf, Idaho, including all ordinances adopted pursuant to law subsequent to Ordinance 217 but not previously codified, are hereby codified into the Greenleaf City Code, consisting of a preface, copy of ordaining ordinance, table of contents, and titles 1 through 9 as follows:

PREFACE
Ordaining Ordinance
Table of Contents
Title 1 ADMINISTRATION

Title 2 BOARDS AND COMMISSIONS
Title 3 BUSINESS AND LICENSE REGULATIONS
Title 4 PUBLIC HEALTH AND SAFETY
Title 5 POLICE REGULATIONS
Title 6 MOTOR VEHICLES AND TRAFFIC
Title 7 PUBLIC WAYS AND PROPERTY
Title 8 BUILDING REGULATIONS
Title 9 ZONING REGULATIONS

This code, along with all tables, maps, indices and charts contained therein, are hereby adopted and declared to constitute a single, original and comprehensive codification of the ordinances of the city. This codification is authorized pursuant to Idaho Code §50-903, §50-904, §50-905, and §50-906. This codification is hereby declared to be prima face evidence of the law of the City of Greenleaf, acceptable in all courts without question as the official code and law of the city as enacted by the Mayor and City Council.

Section 2. Title: The codification may be cited as the "Greenleaf City Code, 2013", and may be referred to as "this code" or "the code"

Section 3. Subsequent Ordinances:

A. Ordinances of a general regulatory nature shall be passed as amendments or additions to the Code, including the options of repealing, or repealing and replacing, sections of the Code. Amendments or additions to the Code shall be a part of the Code from and after their effective date and shall be incorporated into the code in the manner provided in Section 4 herein. Reference or citation to the Code shall be deemed to mean and include all amendments and additions then a part of the Code.

B. Ordinances of a special regulatory nature, such as tax levy ordinances, bond ordinances, franchise ordinances, vacating ordinances, annexation ordinances, or other special ordinances of limited or special application otherwise deemed not to be a part of the code shall be retained by the City Clerk but kept separate and not included in the code through the code revision process. Ordinances of a special regulatory nature shall nevertheless be as enforceable as other ordinances which are a part of the Code.

Section 4. Revisions: For ease of maintenance, the Code has been prepared electronically utilizing a word processor. For ease of use, the word processor file has been converted to Adobe Acrobat (*.pdf) format and made search-able by *.pdf file reading software through application of an optical character recognition (OCR) data layer as a part of the *.pdf file. The City Clerk, with assistance from the City Attorney, shall be the codifier and is responsible to prepare revised editions of the Code after the adoption of ordinances passed as amendments or additions to the Code and keep the Code up to date at all times. Such codification of ordinances shall delete ordinance numbers and titles, as well as whereas, ordaining, emergency, saving, severability, repealing and attestation clauses, but include revision history in parentheses at the end of each code section, and otherwise follow general best practices for codification as recommended by the City Attorney.

Section 5. Publication and Distribution: The Greenleaf City Code shall be made available in searchable Adobe Acrobat (*.pdf) format for viewing and download from the city's website. A paper hard-copy of the Code, marked "Official Copy," shall also be kept on file in the office of the City Clerk as a back-up reference copy of the Code, not to leave the office of the City Clerk. Copies of the Code or portions thereof on digital media and/or as a paper hard-copy shall also be available to any person from the office of the City Clerk as publications of the City with prices set by resolution of the City Council.

Section 6. Part of the Code: This ordinance shall be, and is, a part of the Code, to be located in the entirety of its text between the Preface and the Table of Contents.

Section 7. Severability Clause: If any section, subsection, sentence, clause or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The City Council of the City of Greenleaf hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 8. Repealer Clause: All previous ordinances, resolutions, orders, or parts thereof, in conflict herewith are hereby repealed, rescinded and annulled, to the extent of such conflict.

Section 9. Effective Date: This Ordinance shall be in full force and in effect immediately upon its adoption, approval, and publication.

Section 10. That the City Clerk is hereby directed to assign the next ordinance number in sequence and schedule this ordinance for publication.

Duly enacted by the City of Greenleaf, Canyon County, Idaho, on 06 August 2013.

Bradley Holton, Mayor

Attest: Lee C. Belt, City Clerk

TABLE OF CONTENTS

PREFACE

ORDAINING ORDINANCE

TABLE OF CONTENTS

Title 1 ADMINISTRATION

Chapter 1 OFFICIAL CITY CODE
1-1-1: TITLE:
1-1-2: ACCEPTANCE:
1-1-3: AMENDMENTS:
1-1-4: CODE ALTERATIONS:

Chapter 2 SAVING CLAUSE
1-2-1: REPEAL OF GENERAL ORDINANCES:
1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:
1-2-3: COURT PROCEEDINGS:
1-2-4: SEVERABILITY CLAUSE:

Chapter 3 DEFINITIONS
1-3-1: CONSTRUCTION OF WORDS:
1-3-2: DEFINITIONS, GENERAL:
1-3-3: CATCHLINES:

Chapter 4 GENERAL PENALTY
1-4-1: GENERAL PENALTY:
1-4-2: APPLICATION OF PROVISIONS:
1-4-3: LIABILITY OF OFFICERS:
1-4-4: FEES AND INTEREST ON DELINQUENT ACCOUNTS:

Chapter 5 OFFICIAL AND CORPORATE PROVISIONS
1-5-1: OFFICIAL SEAL:
1-5-2: OFFICIAL NEWSPAPER:
1-5-3: OFFICIAL DEPOSITORY:
1-5-4: CITY LIMITS; MAP:
1-5-5: CITY BASE AND BENCH MARK:

Chapter 6 MAYOR
1-6-1: ELECTION; TERM:
1-6-2: CONFLICTING INTERESTS:
1-6-3: WORK HOURS:
1-6-4: OFFICE IN CITY HALL:
1-6-5: POWERS AND DUTIES:
1-6-6: MAYOR PRO TEM:
1-6-7: VACANCY:

Chapter 7 CITY COUNCIL
1-7-1: ELECTION; TERM; QUALIFICATIONS:
1-7-2: COUNCIL PRESIDENT:
1-7-3: VACANCY IN OFFICE:
1-7-4: MEETINGS:
1-7-5: DUTIES:
1-7-6: ORDINANCES:

Chapter 8 CITY OFFICERS AND EMPLOYEES
1-8-1: APPOINTED OFFICERS:
1-8-2: SALARIES:
1-8-3: OATH OF OFFICE:
1-8-4: BONDS OF CERTAIN OFFICIALS:

Chapter 9 ELECTIONS
1-9-1: ELECTION PRECINCT:
1-9-2: POLLING PLACES:
1-9-3: POLL HOURS:
1-9-4: ELECTION OFFICIALS:
1-9-5: FILING FEE; PETITIONS OF NOMINATION:
1-9-6: INITIATIVE AND REFERENDUM:

Chapter 10 CONTESTED HEARING PROCEDURES
1-10-1: TITLE:
1-10-2: DEFINITIONS:
1-10-3: APPLICABILITY:
1-10-4: LICENSE/PERMIT PROCEDURE:
1-10-5: APPEALS TO CITY COUNCIL:
1-10-6: CONTESTED CASES; NOTICE, HEARING, RECORDS:
1-10-7: APPOINTMENT OF A HEARING EXAMINER:
1-10-8: RULES OF EVIDENCE, OFFICIAL NOTICE:
1-10-9: EXAMINATION OF EVIDENCE BY AGENCY:
1-10-10: DECISIONS OR ORDER:
1-10-11: EX PARTE CONSULTATIONS:
1-10-12: RETENTION OF RECORD:
1-10-13: MEDIATION OF QUASI-JUDICIAL LAND USE MATTERS:

Chapter 11 FEE SCHEDULE
1-11-1: FEES FOR ADDITIONAL REVIEWS AND COSTS OF PROCESSING APPLICATIONS, PETITIONS, APPEALS:

Chapter 12 IMPACT AREA

ARTICLE A. AREA OF CITY IMPACT
1-12A-1: TITLE:
1-12A-2: PURPOSE:
1-12A-3: ANNEXATION, AREA OF IMPACT:

1-12A-4: ADOPTION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:
1-12A-5: ADOPTION OF CITY'S SUBDIVISION ORDINANCE; EXCEPTIONS:
1-12A-6: AVAILABILITY OF ORDINANCES:

ARTICLE B. IMPACT AREA PLANNING AND ZONING REPRESENTATIVE
1-12B-1: FINDINGS:
1-12B-2: POSITION CREATED:
1-12B-3: RESPONSIBILITY AND AUTHORITY:
1-12B-4: CITY COUNCIL TO RECEIVE RECOMMENDATION:

Title 2 BOARDS AND COMMISSIONS

Chapter 1 PUBLIC SERVICES DEPARTMENT, COMMISSION
2-1-1: TITLE:
2-1-2: DEPARTMENT CREATED:
2-1-3: PUBLIC SERVICES DIRECTOR:
2-1-4: PUBLICLY OWNED TREATMENT WORKS, DEPARTMENT DUTIES:
2-1-5: WATER SYSTEM, DEPARTMENT DUTIES:
2-1-6: HIGHWAYS, DEPARTMENT DUTIES:
2-1-7: MUNICIPAL IRRIGATION SYSTEM, DEPARTMENT DUTIES:
2-1-8: DRAINAGE SYSTEM, DEPARTMENT DUTIES:
2-1-9: PARKS AND RECREATION, DEPARTMENT DUTIES:
2-1-10: BUILDINGS AND GROUNDS, DEPARTMENT DUTIES:
2-1-11: PUBLIC SERVICES COMMISSION:
2-1-12: PARKS AND RECREATION COMMISSION:
2-1-13: DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE:

Chapter 2 PLANNING AND ZONING COMMISSION, HEARING EXAMINER
2-2-1: DEFINITIONS:
2-2-2: APPOINTMENT, MEMBERSHIP AND QUALIFICATIONS:
2-2-3: TERM OF OFFICE, VACANCIES AND REMOVALS:
2-2-4: ORGANIZATION:
2-2-5: DUTIES:
2-2-6: EXPENDITURES AND EXPENSE PAYMENT SCHEDULE:

Title 3 BUSINESS AND LICENSE REGULATIONS

Chapter 1 GENERAL LICENSING PROVISIONS
3-1-1: APPLICATION:
3-1-2: FEES:
3-1-3: PERSONS SUBJECT TO LICENSE:
3-1-4: FORMS:
3-1-5: SIGNATURES:
3-1-6: INVESTIGATIONS:
3-1-7: TERM OF LICENSE:
3-1-8: POSTING OF LICENSE:
3-1-9: LICENSE NOT TRANSFERABLE:
3-1-10: INSPECTIONS:

3-1-11: BUILDING AND PREMISES:
3-1-12: CHANGE OF LOCATION:
3-1-13: FRONTAGE CONSENTS:
3-1-14: NUISANCES:

Chapter 2 BEER AND LIQUOR LICENSES
3-2-1: LICENSE ACQUISITION PROHIBITED:

Chapter 3 PEDDLERS AND HAWKERS
3-3-1: DEFINITIONS:
3-3-2: APPLICATION FOR LICENSE:
3-3-3: LICENSE FEES:
3-3-4: BOND REQUIRED:
3-3-5: DISPLAY OF LICENSE:
3-3-6: AGRICULTURAL SALES EXCEPTED:
3-3-7: PEDDLERS A NUISANCE:
3-3-8: DUTY OF POLICE TO ENFORCE:
3-3-9: REVOCATION OF LICENSE:
3-3-10: PENALTY:

Chapter 4 JUNK SHOPS, PAWNSHOPS AND SECONDHAND STORES
3-4-1: DEFINITIONS:
3-4-2: APPLICATION FOR LICENSE:
3-4-3: LICENSE FEE:
3-4-4: RECORDS:
3-4-5: INSPECTION:
3-4-6: PURCHASES FROM MINORS:

Chapter 5 JUNK DEALERS
3-5-1: DEFINITION:
3-5-2: CONDITIONS REQUIRED FOR JUNK BUSINESS:
3-5-3: LITTERING PUBLIC THOROUGHFARES AND PROPERTY:
3-5-4: ABATEMENT BY CITY; COSTS A LIEN:
3-5-5: PENALTY:

Chapter 6 TREE TRIMMERS
3-6-1: LICENSE REQUIRED:
3-6-2: APPLICATION FOR LICENSE:
3-6-3: LICENSE FEE:
3-6-4: INSURANCE OR BOND REQUIRED:

Chapter 7 COMPRESSED GAS SYSTEMS
3-7-1: LICENSING REQUIREMENTS; FEE:
3-7-2: COMPLIANCE WITH CODES:

Title 4 PUBLIC HEALTH AND SAFETY

Chapter 1 NUISANCES

4-1-1: TITLE:
4-1-2: NUISANCE DEFINED:
4-1-3: MAINTENANCE OF NUISANCE UNLAWFUL:
4-1-4: ENFORCEMENT:
4-1-5: REQUEST FOR HEARING:
4-1-6: CLEANUP BY CITY; COST ASSESSMENT:
4-1-7: AUTHORITY TO EMPLOY LABOR:
4-1-8: INTERFERENCE WITH CITY AGENT:
4-1-9: PENALTY:

Chapter 2 ABANDONED, WRECKED VEHICLES
4-2-1: DEFINITION:
4-2-2: NUISANCE DECLARED:
4-2-3: JUNK IN PUBLIC VIEW:
4-2-4: EXEMPTIONS:
4-2-5: REMOVAL OF VEHICLES:
4-2-6: NOTICE TO REMOVE:
4-2-7: FAIL OR REFUSE TO REMOVE VEHICLE:
4-2-8: HINDER OR REFUSE ENFORCEMENT:
4-2-9: METHOD OF DISPOSAL:

Chapter 3 FIREWORKS
4-3-1: FIREWORKS DEFINED:
4-3-2: DANGEROUS FIREWORKS DEFINED:
4-3-3: SAFE FIREWORKS DEFINED:
4-3-4: PERMITS REQUIRED:
4-3-5: APPLICATION FOR PERMIT:
4-3-6: INVESTIGATION OF APPLICANT:
4-3-7: DISCRETION OF COUNCIL:
4-3-8: VALIDITY OF PERMIT:
4-3-9: TIME OF APPLICATION:
4-3-10: INSURANCE:
4-3-11: TIME OF SALE:
4-3-12: FIREWORKS STANDS AND BUSINESS STRUCTURES:
4-3-13: PENALTY:

Chapter 4 OPEN BURNING
4-4-1: TITLE:
4-4-2: DEFINITIONS:
4-4-3: OPEN BURNING RESTRICTIONS; PERMIT:
4-4-4: CONDITIONS OF PERMIT:
4-4-5: PENALTY:

Chapter 5 SOLID WASTE DISPOSAL
4-5-1 : TITLE:
4-5-2: DISPOSAL SERVICES REVENUE FUND:
4-5-3: LIABILITY:
4-5-4: APPEAL:

4-5-5: RESOLUTION TO ESTABLISH DISPOSAL SERVICES CHARGES AND FEES:
4-5-6: ADMINISTRATION AND ENFORCEMENT:
4-5-7: FRANCHISE AUTHORIZED; USE OF FRANCHISED DISPOSAL SERVICE REQUIRED; EXCEPTIONS:
4-5-8: GENERAL SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS:
4-5-9: TERMS OF FRANCHISE:
4-5-10: FRANCHISE FEE:
4-5-11: ADMINISTRATION AND ENFORCEMENT:
4-5-12: FRANCHISE AUTHORIZED; BOND; USE OF FRANCHISED DISPOSAL SERVICE REQUIRED; EXCEPTIONS:
4-5-13: GENERAL SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS:
4-5-14: TERMS OF FRANCHISE:
4-5-15: FRANCHISE FEE:

Title 5 POLICE REGULATIONS

Chapter 1 POLICE DEPARTMENT
5-1-1: CHIEF OF POLICE; APPOINTMENT:
5-1-2: POLICE DEPARTMENT OPERATION:

Chapter 2 STATE CRIMINAL AND TRAFFIC LAWS
5-2-1: STATE CRIMINAL AND MOTOR VEHICLE LAWS ADOPTED:

Chapter 3 GENERAL OFFENSES
5-3-1: DISORDERLY CONDUCT:
5-3-2: OBSCENE CONDUCT:
5-3-3: PUBLIC INTOXICATION:
5-3-4: PUBLIC NUISANCES:
5-3-5: FIREARMS; AIR GUNS:
5-3-6: POSTING NOTICES AND ADVERTISEMENTS:
5-3-7: ABANDONED CONTAINERS:
5-3-8: BARBED WIRE AND ELECTRIC FENCES:
5-3-9: WATER FLOWING UPON STREETS:
5-3-10: TAMPERING WITH IRRIGATION SYSTEM:

Chapter 4 MINORS
5-4-1: CURFEW:

Chapter 5 ANIMAL CONTROL
5-5-1: SHORT TITLE:
5-5-2: PURPOSES AND AUTHORITY:
5-5-3: DEFINITIONS:
5-5-4: CRUELTY TO ANIMALS:
5-5-5: COMMANDING AN ANIMAL TO ATTACK PROHIBITED:
5-5-6: INTERFERING WITH AN ANIMAL CONTOL OFFICER IN THE IMPOUNDMENT OF ANIMAL UNLAWFUL:
5-5-7: WILD ANIMALS PROHIBITED:
5-5-8: VICIOUS ANIMALS:

5-5-9: CONTROL OF VICIOUS ANIMALS:
5-5-10: LIABILITY OF OWNER OF VICIOUS ANIMAL; DESTRUCTION OF OFFENDING VICIOUS ANIMAL; CIVIL PENALTY
5-5-11: DETERMINATION OF A VICIOUS ANIMAL:
5-5-12: UNIFORM SUMMONS:
5-5-13: LIABILITY OF PARENTS FOR DAMAGES CAUSED BY ANIMAL OWNED BY A MINOR:
5-5-14: CANINE LICENSE REQUIRED; APPLICATION:
5-5-15: KENNEL AND CANINE LICENSE FEES:
5-5-16: RESIDENTIAL KENNEL LICENSE; APPLICATION AND CONDITIONS:
5-5-17: COMMERCIAL KENNEL LICENSE; APPLICATION:
5-5-18: CANINE COLLAR AND TAG REQUIRED:
5-5-19: IMITATION LICENSE TAGS:
5-5-20: CANINES RUNNING AT LARGE PROHIBITED:
5-5-21: CANINES UNATTENDED IN VEHICLES:
5-5-22: RABIES, DISEASES AND QUARANTINE:
5-5-23: ENFORCEMENT BY ANIMAL CONTROL OFFICER:
5-5-24: DISTURBING THE PEACE:
5-5-25: NUISANCES:
5-5-26: CANINE IMPOUNDING:
5-5-27: CANINE IMPOUND FEES:
5-5-28: LIVESTOCK RUNNING AT LARGE; IMPOUNDING OF LIVESTOCK; PERMIT FOR THE KEEPING OF LIVESTOCK WITHIN THE CITY LIMITS:
5-5-29: SALE OF ANIMAL (LIVESTOCK):
5-5-30: CANINE ADOPTION:
5-5-31: POULTRY RUNNING AT LARGE; PERMIT FOR THE KEEPING OF POULTRY WITHIN THE CITY LIMITS:
5-5-32: AQUACULTURE; PERMIT FOR THE FARMING OF FISH AND OTHER AQUACULTURE WITHIN THE CITY LIMITS:
5-5-33: OTHER ANIMALS AT LARGE:
5-5-34: APIARIES; BEEKPEEING:
5-5-35: ANIMAL FACILITY LICENSE:
5-5-36: PENALTIES; CONTINUING VIOLATION:
§5-5-37: FERAL CATS

Chapter 6 CIVIL EMERGENCIES
5-6-1: TITLE:
5-6-2: LEGAL AUTHORITY; POLICY, PURPOSE AND INTENT:
5-6-3: DEFINITIONS
5-6-4: HEADS OF HOUSEHOLD, EMERGENCY PREPARATION:
5-6-5: EMERGENCY OPERATIONS PLAN:
5-6-6: VOLUNTEERS AND TRAINING:
5-6-7: EXPENSES:
5-6-8: EMERGENCY POWERS OF THE MAYOR:
5-6-9: PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS:
5-6-10: EXCLUSIONS:
5-6-11: SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES,

POLICIES AND PROCEDURES:
5-6-12: FORCE MAJEURE
5-6-13: PENALTY:

Chapter 7 NOISE
5-7-1: TITLE:
5-7-2: PENALTY FOR AND DETERMINATION OF PUBLIC DISTURBANCE NOISES:

Title 6 MOTOR VEHICLES AND TRAFFIC

Chapter 1 PARKING REGULATIONS
6-1-1: TITLE:
6-1-2: FINDINGS:
6-1-3: DEFINITIONS:
6-1-4: PARKING PROHIBITED IN SPECIFIED PLACES:
6-1-5: OBSTRUCTING TRAFFIC:
6-1-6: EXTENDED PARKING PROHIBITED:
6-1-7: REQUIREMENTS FOR LEAVING VEHICLE UNATTENDED:
6-1-8: PARKING VIOLATIONS; NONPAYMENT OF FINES:
6-1-9: PARKING TICKETS AND PROCEDURES:

Title 7 PUBLIC WAYS AND PROPERTY

Chapter 1 STREETS, SIDEWALKS AND PUBLIC WAYS
7-1-1: STREET AND ALLEY CUTS:
7-1-2: REMOVAL OF SNOW AND ICE:
7-1-3: PERMIT TO PLACE SUBSTANCES ON STREETS:

Chapter 2 STREET NAMES, NUMBERING SYSTEM
7-2-1: TITLE, AUTHORIZATION:
7-2-2: PURPOSE:
7-2-3: DEFINITIONS:
7-2-4: NAMING OF STREETS:
7-2-5: NUMBERING OF STREETS:
7-2-6: ADMINISTRATOR; APPOINTMENT, DUTIES:
7-2-7: LANDS AFFECTED:
7-2-8: UNLAWFUL ACTS; PENALTY:

Chapter 3 NOXIOUS WEEDS
7-3-1: DEFINITION:
7-3-2: REMOVAL OF NOXIOUS WEEDS REQUIRED:
7-3-3: FAILURE TO COMPLY:

Chapter 4 MUNICIPAL WATER SYSTEM ORDINANCE
7-4-01: TITLE:
7-4-02: PURPOSE:
7-4-03: DEFINITIONS:
7-4-04: APPLICABILITY:

7-4-05: ADMINISTRATION AND MANAGEMENT OF WATER SYSTEM:
7-4-06: USE OF CITY WATER REQUIRED:
7-4-07: LIMITED GRANDFATHER RIGHTS:
7-4-08: WATER CONNECTION REQUIREMENTS; FEES:
7-4-09: WATER SERVICE INSTALLATION AND WATER METERS:
7-4-10: WATER SERVICE CONNECTIONS AND WATER LINES:
7-4-11: LIABILITY FOR MAINTENANCE:
7-4-12: WATER MAIN REGULATIONS:
7-4-13: AUTHORITY TO TURN OFF WATER; NON-LIABILITY OF CITY; HOLD HARMLESS:
7-4-14: SHUTOFF VALVES:
7-4-15: FIRE HYDRANTS; USE:
7-4-16: WASTE OF WATER OR INJURY TO WATER SYSTEM:
7-4-17: OVERSIZED WATER LINE EXTENSIONS; REIMBURSEMENT; AND LATECOMERS FEE:
7-4-18: WATER USE RESTRICTIONS:
7-4-19: GREENLEAF WATER REVENUE FUND:
7-4-20: SERVICE CHARGES AND FEES; COLLECTION:
7-4-21: BILLING, DELINQUENCY AND DISCONNECTION:
7-4-22: DEPOSIT:
7-4-23: USER LIABLE FOR VIOLATION:
7-4-24: PENALTIES:

ARTICLE A. BACKFLOW PREVENTION
7-4A-1: PURPOSE AND POLICY:
7-4A-2: DEFINITIONS:
7-4A-3: CROSS CONNECTION PROHIBITED:
7-4A-4: SURVEYS AND INVESTIGATIONS:
7-4A-5: TYPE OF PROTECTION REQUIRED:
7-4A-6: BACKFLOW PREVENTION ASSEMBLIES:
7-4A-7: BACKFLOW PREVENTION SUPERVISOR:
7-4A-8: ADMINISTRATIVE PROCEDURES:
7-4A-9: WATER SERVICE TERMINATION:
7-4A-10: NONCOMPLIANCE; BACKFLOW ASSEMBLY TEST AND INSTALLATION:

Chapter 5 SEWER SYSTEM REGULATIONS
7-5-1: SHORT TITLE:
7-5-2: PURPOSE:
7-5-3: DEFINITIONS:
7-5-4: APPLICABILITY:
7-5-5: ADMINISTRATION AND MANAGEMENT OF MUNICIPAL WASTEWATER SYSTEM:
7-5-6: GREENLEAF SEWER REVENUE FUND:
7-5-7: BUILDING SEWERS AND SERVICE CONNECTION REQUIREMENTS:
7-5-8: SERVICE CONNECTIONS OUTSIDE CITY:
7-5-9: USERS LIABLE FOR VIOLATION:
7-5-10: POINT OF LIABILITY FOR MAINTENANCE; SUPERVISION:

7-5-11: CITY NOT LIABLE FOR DAMAGE OR STOPPAGE:
7-5-12: SEWER LINE EXTENSIONS:
7-5-13: INFRASTRUCTURE REIMBURSEMENT:
7-5-14: BASIS FOR SEWER CHARGES:
7-5-15: SERVICE CHARGES AND FEES:
7-5-16: BILLING, DELINQUENCY AND DISCONNECTION:
7-5-17: DEPOSIT:
7-5-18: MAJOR CONTRIBUTING INDUSTRY:
7-5-19: PROHIBITED ACTS:
7-5-20: PENALTY:

ARTICLE A. PRETREATMENT REGULATIONS
7-5A-1: TITLE:
7-5A-2: PURPOSE AND POLICY:
7-5A-3: ADMINISTRATION OF ARTICLE:
7-5A-4: DEFINITIONS:
7-5A-5: ABBREVIATIONS:
7-5A-6: APPLICATION OF ARTICLE:
7-5A-7: PROHIBITED DISCHARGE STANDARDS:
7-5A-8: FEDERAL CATEGORICAL PRETREATMENT STANDARDS:
7-5A-9: STATE REQUIREMENTS:
7-5A-10: LOCAL POLLUTANT LIMITS:
7-5A-11: CITY'S RIGHT OF REVISION:
7-5A-12: SPECIAL AGREEMENT:
7-5A-13: DILUTION:
7-5A-14: PRETREATMENT FACILITIES:
7-5A-15: DEADLINE FOR COMPLIANCE WITH REQUIREMENTS:
7-5A-16: ADDITIONAL PRETREATMENT MEASURES:
7-5A-17: ACCIDENTAL SPILL PREVENTION PLANS:
7-5A-18: SEPTIC TANK WASTES:
7-5A-19: WASTEWATER DISCHARGE PERMIT REQUIREMENTS:
7-5A-20: REPORTING REQUIREMENTS:
7-5A-21: SAMPLING AND ANALYTICAL REQUIREMENTS:
7-5A-22: COMPLIANCE MONITORING:
7-5A-23: CONFIDENTIAL INFORMATION:
7-5A-24: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:
7-5A-25: ADMINISTRATIVE ENFORCEMENT REMEDIES:
7-5A-26: JUDICIAL ENFORCEMENT REMEDIES:
7-5A-27: SUPPLEMENTAL ENFORCEMENT ACTION:
7-5A-28: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:
7-5A-29: PRETREATMENT CHARGES AND FEES:
7-5A-27: SUPPLEMENTAL ENFORCEMENT ACTION:
7-5A-28: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:
7-5A-29: PRETREATMENT CHARGES AND FEES:

Chapter 6 IRRIGATION UTILITY
07-06-01: DEFINITIONS:
07-06-02: APPLICABILITY:

07-06-03: POWERS AND AUTHORITY OF CITY:
07-06-04: CONNECTION:
07-06-05: RESTRICTIONS ON WATER USE:
07-06-06: MAINTENANCE OF SERVICE PIPES AND FIXTURES:
07-06-07: IRRIGATION ASSESSMENTS:
07-06-08: SHUTTING OFF THE WATER SUPPLY:
07-06-09: FAILURE OF WATER SUPPLY:
07-06-10: PROHIBITED ACTS:
07-06-11: SAVING CLAUSE:
07-06-12: PENALTIES:
07-06-13: PROPERTY EXCLUSION:

Chapter 7 CATV SYSTEM
7-7-1: DEFINITIONS:
7-7-2: GRANT OF FRANCHISE:
7-7-3: STANDARDS OF SERVICE:
7-7-4: REGULATION BY CITY OF GREENLEAF:
7-7-5: COMPLIANCE AND MONITORING:
7-7-6: BONDS AND OTHER SURETY:
7-7-7: LIABILITY & INDEMNIFICATION:
7-7-8: TERMINATION AND TECHINICAL VIOLATIONS:
7-7-9: MISCELLANEOUS PROVISIONS:

Chapter 8 TREES AND LANDSCAPE MAINTENANCE
7-8-1: MINIMUM STANDARDS:
7-8-2: PUBLIC NUISANCES; ABATEMENT:
7-8-3: PENALTY:

Title 8 BUILDING REGULATIONS

Chapter 1 BUILDING CODES
8-1-1: CODES ADOPTED:
8-1-2: BUILDING PERMIT REQUIRED; APPEALS:
8-1-3: AIRCRAFT HANGAR REGULATION

ARTICLE A. FIRE CODE

8-1A-1: ADOPTION OF INTERNATIONAL FIRE CODE:
8-1A-2: AMENDMENTS TO INTERNATIONAL FIRE CODE:
8-1A-3: SAVING CLAUSE:
8-1A-4: PENALTIES:
8-1A-5: VALIDITY:

Chapter 2 MOVING BUILDINGS
8-2-1: PERMIT REQUIRED; CONDITIONS:
8-2-2: APPLICATION FOR PERMIT:
8-2-3: BOND:
8-2-4: NOTICE OF TIME OF MOVING:

8-2-5: DUTY OF PUBLIC SERVICE CORPORATIONS:
8-2-6: POLICE NOTIFIED BEFORE MOVING:

Chapter 3 MANUFACTURED HOUSING COMMUNITIES
8-3-1: TITLE:
8-3-2: DEFINITIONS:
8-3-3: PLANNED UNIT DEVELOPMENT, CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT REQUIREMENT

Chapter 4 MANUFACTURED HOME REGULATIONS
8-4-1: PURPOSE:
8-4-2: DEFINITIONS:
8-4-3: ADMINISTRATION AND ENFORCEMENT:
8-4-4: DEVELOPMENT STANDARDS:
8-4-5: ACCESSORY STRUCTURES:
8-4-6: NONCONFORMING MANUFACTURED HOMES:
8-4-7: PLACEMENT OF INDIVIDUAL MANUFACTURED HOMES:

Chapter 5 FLOOD DAMAGE PREVENTION ORDINANCE
8-5-1: TITLE:
8-5-2: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES:
8-5-3: DEFINITIONS:
8-5-4: GENERAL PROVISIONS:
8-5-5: ADMINISTRATION:
8-5-6: PROVISIONS FOR FLOOD HAZARD REDUCTION:
8-5-7: VARIANCE AND APPEAL PROCEDURES:
8-5-8: PENALTIES FOR VIOLATION:

Title 9 ZONING REGULATIONS

Chapter 1 AUTHORITY AND PURPOSE
9-1-1: AUTHORITY:
9-1-2: PURPOSE:
9-1-3: AFFECTED LANDS:
9-1-4: AREA OF CITY IMPACT:
9-1-5: APPLICATION OF REGULATIONS:
9-1-6: ESTABLISHMENT OF ZONING DISTRICTS:
9-1-7: ADMINISTRATION:
9-1-8: SCHEDULE OF FEES, CHARGES AND EXPENSES:

Chapter 2 DEFINITIONS
9-2-1: INTERPRETATION:
9-2-2: DEFINITIONS OF WORDS AND TERMS:

Chapter 3 RESIDENTIAL ZONES
9-3-1: PURPOSE AND INTENT:
9-3-2: USE REGULATIONS:

9-3-3: GENERAL DEVELOPMENT STANDARDS:

Chapter 4 COMMERCIAL AND OVERLAY ZONES
9-4-1: PURPOSE AND INTENT:
9-4-2: COMMERCIAL USE REGULATIONS:
9-4-3: COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS:
9-4-4: COMMERCIAL ZONE SPECIAL DEVELOPMENT STANDARDS:
9-4-5: STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE CBD:
9-4-6: CIVIC AND RESIDENTIAL AIRPARK OVERLAY ZONES USE REGULATIONS:
9-4-7: CIVIC AND AIRPARK OVERLAY ZONES GENERAL DEVELOPMENT STANDARDS:
9-4-7.1: APPROVALS:
9-4-08 RESIDENTIAL AIRPARK OVERLAY ZONING
9-4-08.1 SHORT TITLE:
9-4-08.2 PURPOSE:
9-4-08.3 RESIDENTIAL AIRPARK ZONES:
9-4-08.4 AIRPARK ZONE HEIGHT LIMITATIONS:
9-4-08.5 USE RESTRICTIONS:
9-4-08.6 AIRPARK NON-CONFORMING USES
9-4-08.7 PERMITS:
9-4-08.8 ENFORCEMENT:
9-4-08.9 CONFLICTING REGULATIONS:
9-4-08.10 APPEALS:
9-4-08.11 JUDICIAL REVIEW:

Chapter 5 INDUSTRIAL ZONE
9-5-1: PURPOSE AND INTENT:
9-5-2: USE REGULATIONS:
9-5-3: GENERAL DEVELOPMENT STANDARDS:

Chapter 6 SUBDIVISIONS
9-6-1: JURISDICTION:
9-6-2: PROCEDURES:
9-6-3: SUBDIVISION APPROVAL REQUIRED:
9-6-4: PREAPPLICATION:
9-6-5: PRELIMINARY PLAT:
9-6-6: FINAL PLAT:
9-6-7: PROTECTIVE COVENANTS:

Chapter 7 GENERAL DEVELOPMENT STANDARDS
9-7-1: GENERAL REQUIREMENTS:
9-7-2: PROHIBITED USES:
9-7-3: TEMPORARY STORAGE AND MERCHANDISING FACILITIES:
9-7-4: PARKING PROVISIONS, DRIVEWAYS, AND LOADING AREAS:
9-7-4-1: PARKING AREA DEVELOPMENT STANDARDS:
9-7-4-2: OFF STREET PARKING REQUIREMENTS:
9-7-4-3: DRIVEWAYS:
9-7-4-4: LOADING AREAS:

9-7-5: LOCATION OF STREETS:
9-7-6: SPECIFICATIONS:
9-7-7: STREET NAMES:
9-7-8: INTERSECTIONS:
9-7-9: PEDESTRIAN WALKWAYS:
9-7-10: EASEMENTS:
9-7-11: BLOCKS:
9-7-12: LOTS:
9-7-13: PUBLIC SITES, OPEN SPACE, AND PATHWAYS:
9-7-14: ANIMALS:
9-7-15: ANTENNAS:
9-7-16: FENCES:
9-7-17: ACCESSORY USES, BUILDINGS, AND STRUCTURES:
9-7-18: CORNER VISION:
9-7-19: LANDSCAPING, SCREENING, AND BUFFERING:
9-7-20: SLOPES:
9-7-21: MOSQUITO ABATEMENT:

Chapter 8 SIGNS
9-8-1: PURPOSES:
9-8-2: SIGN STANDARDS:
9-8-3: TEMPORARY SIGNS:
9-8-4: EXEMPT SIGNS:
9-8-5: NONCONFORMING SIGNS:
9-8-6: PROHIBITED SIGNS:
9-8-7: ILLUMINATION:
9-8-7-1: GENERAL REQUIREMENTS:
9-8-8: PERMITS AND FEES:
9-8-9: STRUCTURAL REQUIREMENTS:
9-8-10: INSPECTION; REMOVAL; SAFETY:

Chapter 9 PLANNED UNIT DEVELOPMENTS
9-9-1: PURPOSE AND INTENT:
9-9-2: PERMIT REQUIRED:
9-9-3: OWNERSHIP REQUIREMENTS:
9-9-4: STANDARDS:
9-9-5: USES PERMITTED:
9-9-6: DEVELOPER/APPLICANT INCENTIVES AND BENEFITS:
9-9-7: OPEN SPACE/COMMON AREA AMENITIES:
9-9-8: UTILITY REQUIREMENTS:
9-9-9: ARRANGEMENT OF COMMERCIAL USES:
9-9-10: PROCEDURE FOR APPROVAL OF A PUD:
9-9-11: APPLICATION FOR A PLANNED UNIT DEVELOPMENT:
9-9-12: REVIEW AND RECOMMENDATION OF APPLICATION:
9-9-13: EXPIRATION AND EXTENSION FOR APPROVAL PERIOD:
9-9-14: AMENDMENTS TO THE FINAL DEVELOPMENT PLAN:

Chapter 10 DEVELOPMENT AGREEMENTS

9-10-1: PURPOSE:
9-10-2: APPLICATIONS:
9-10-3: PROCESS:
9-10-4: GENERAL REGULATIONS:
9-10-5: REQUIRED FINDING:
9-10-6: PERIODIC REVIEW:
9-10-7: AMENDMENT OR TERMINATION OF FINAL DEVELOPMENT AGREEMENT:

Chapter 11 NONCONFORMING BUILDINGS, STRUCTURES AND USES
9-11-1: INTENT:
9-11-2: NONCONFORMING LOTS OF RECORD:
9-11-3: NONCONFORMING STRUCTURES:
9-11-4: NONCONFORMING LAND USES:
9-11-5: CONDITIONAL USES:
9-11-6: NONCONFORMING USES OF STRUCTURES:
9-11-7: REPAIRS AND MAINTENANCE:
9-11-8: NONCONFORMING PARKING, LOADING, OR OTHER CHARACTERISTICS OF USE:
9-11-9: CONTINUITY OF PRIOR CONDITIONAL USES AND VARIANCES:

Chapter 12
RECREATIONAL VEHICLES REGULATION
9-12-1: DEFINITIONS:
9-12-2: PARKING AND TEMPORARY USE OF RECREATIONAL VEHICLES ON RESIDENTIAL PROPERTY:
9-12-3: PARKING AND TEMPORARY USE OF RECREATIONAL VEHICLES ON NON-RESIDENTIAL PROPERTY:
9-12-4 : EXISTING NON-COMPLIANCE:
9-12-5: FEES AND CHARGES:
9-12-6 : PENALTY:
9-12-7: EXCEPTIONS:

Chapter 13 PERMITS AND APPLICATIONS
9-13-1: ADMINISTRATIVE APPROVAL:
9-13-1-1: REVOCATION OF ADMINISTRATIVE APPROVAL:
9-13-1-2: LAPSE OF ADMINISTRATIVE APPROVAL:
9-13-1-3: APPEAL OF ADMINISTRATIVE ACTIONS:
9-13-2: VARIANCES AUTHORIZED:
9-13-2-1: MAJOR VARIANCE STANDARDS:
9-13-2-2: VARIANCE APPLICATION:
9-13-2-3: LAPSE OF VARIANCE:
9-13-2-4: VIOLATION OF CONDITIONS OF APPROVAL OF A VARIANCE:
9-13-2-5: VARIANCE APPLICATION ENVIRONMENTAL ASSESSMENT:
9-13-2-6: RECORDATION OF VARIANCES:
9-13-3: CONDITIONAL USE PERMIT STANDARDS:
9-13-3-1: APPLICATION FOR CONDITIONAL USE PERMIT:
9-13-3-2: CONDITIONAL USE PERMIT ENVIRONMENTAL ASSESSMENT:
9-13-3-3: EXPIRATION OF CONDITIONAL USE PERMIT:

9-13-3-4: CONDITIONAL USE PERMIT RECORDATION:
9-13-3-5: RENTAL OF ACCESSORY DWELLING UNITS:
9-13-4: LAND USE DEVELOPMENT ORDINANCE AMENDMENTS:
9-13-5: ZONING MAP AMENDMENTS:
9-13-5-1: PROCEDURE FOR AMENDMENTS TO THE LAND USE DEVELOPMENT ORDINANCE OR ZONING MAP:
9-13-5-2: APPLICATION FOR LAND USE DEVELOPMENT ORDINANCE AMENDMENTS:
9-13-5-3: APPLICATION FOR ZONING MAP AMENDMENTS:
9-13-5-4: RESUBMISSION OF ZONING MAP AMENDMENT APPLICATION:
9-13-6: ZONING UPON ANNEXATION:
9-13-7: DEVELOPMENT AGREEMENTS; ZONING ACTION:
9-13-8: FEES AND INTEREST ON DELINQUENT ACCOUNTS:

Chapter 14 OUTDOOR LIGHTING
9-14-1: GENERAL PROVISIONS:
9-14-2: GUIDELINES:
9-14-3: APPLICABILITY:
9-14-4: OUTDOOR LIGHTING STANDARDS:
9-14-4-1: GENERAL STANDARDS:
9-14-4-2: TYPE OF LUMINARIES:
9-14-4-3: PLACEMENT AND HEIGHT OF LUMINARIES:
9-14-4-4: LUMINANCE AND TYPE OF LAMP:
9-14-4-5: FIGURES AND TABLES:
9-14-5: PROCEDURE:
9-14-6: VIOLATIONS AND LEGAL ACTIONS:
9-14-7: EXEMPTIONS:

Chapter 15 PROCEDURES, APPEALS AND ACTION
9-15-1: APPLICATION; GENERAL PROCEDURES:
9-15-2: PRELIMINARY DEVELOPMENT PLAN REVIEW:
9-15-3: DATE AND NOTICE OF PUBLIC HEARING:
9-15-4: CONDUCT OF HEARINGS:
9-15-5: ACTION BY THE COMMISSION:
9-15-6: NOTIFICATION TO APPLICANT:
9-15-7: ACTION BY THE CITY COUNCIL:
9-15-8: APPEAL OR REQUEST FOR HEARING BY AGGRIEVED PERSONS:
9-15-9: ADMINISTRATIVE APPEALS:
9-15-10: JUDICIAL REVIEW:

Chapter 16 DESIGN REVIEW
9-16-1: GENERAL:
9-16-2: DESIGN APPROVAL:
9-16-3: PERMITS:
9-16-4: PROCESS:
9-16-5: APPLICATION:
9-16-6: CRITERIA:
9-16-7: SIDEWALKS, CURBS AND GUTTERS:

9-16-8: APPEAL:

Chapter 17 ENFORCEMENT
9-17-1: GENERAL:
9-17-2: COMPLIANCE BY ISSUERS OF PERMITS:
9-17-3: DETECTION OF VIOLATION:
9-17-4: ENFORCEMENT OF SUBDIVISION PLATS:
9-17-5: SALE OF LOTS VIOLATION:
9-17-6: CITY ENFORCEMENT:
9-17-7: CIVIL AND CRIMINAL ENFORCEMENT:
9-17-8: INVESTIGATIONS:
9-17-9: PENALTIES:
9-17-10: ELECTION OF REMEDIES:

Title 10 FIRE DISTRICT INTERGOVERNMENTAL AGREEMENT DEVELOPMENT IMPACT FEES

Chapter 1 SHORT TITLE, APPLICABILITY, BINDINGS AND PURPOSE
10-1-1: SHORT TITLE
10-1-2: AUTHORITY
10-1-3: APPLICABILITY
10-1-4: FINDINGS
10-1-5: PURPOSE
10-1-6: ADVISORY COMMITTEE / CAPITAL IMPROVEMENTS PLAN

Chapter 2 DEFINITIONS
10-2-1: DEFINITIONS

CHAPTER 3 SERVICE AREA AND IMPOSITION OF CALDWELL RURAL FIRE PROTECTION DISTRICT DEVELOPMENT IMPACT FEES
10-3-1: ESTABLISHMENT OF THE DISTRICTS' SERVICE AREA
10-3-2: IMPOSITION OF DISTRICT IMPACT FEES
10-3-3: DISTRICT IMPACT FEES SCHEDULES
10-3-4: DEVELOPER'S ELECTION
10-3-5: PROCEDURES

CHAPTER 4 COLLECTION OF DISTRICT IMPACT FEES
10-4-1: CERTIFICATION
10-4-2: PAYMENT AND RECEIPT OF DISTRICT IMPACT FEES.

CHAPTER 5 EXEMPTIONS
10-5-1: EXEMPTIONS
10-5-2: EXEMPTION CLAIM PROCESS

CHAPTER 6 INDIVIDUAL ASSESSMENT PROCESS
10-6-1: INDIVIDUAL ASSESSMENT PROCESS

CHAPTER 7 CREDITS AND REIMBURSEMENTS

10-7-1: DEVELOPER CREDITS AND REIMBURSEMENT
10-7-2: LIMITATIONS
10-7-3: VALUATION OF CREDIT AT PRESENT VALUE
10-7-4: WHEN CREDITS BECOME EFFECTIVE
10-7-5: CREDIT REQUEST PROCEDURES

CHAPTER 8 METHODOLOGY FOR THE CALCULATION OF FIRE PREVENTION AND EMS DISTRICT IMPACT FEES
10-8-1: GENERAL PROVISIONS
10-8-2: METHODOLOGY; PROPORTIONATE METHODOLOGY
10-8-3: PROPORTIONATE SHARE DETERMINATION

CHAPTER 9 EXTRAORDINARY IMPACTS
10-9-1: EXTRAORDINARY IMPACTS:

CHAPTER 10 FEE PAYER REFUNDS
10-10-1: DUTY TO REFUND

CHAPTER 11 ESTABLISHMENT OF DISTRICT DEVELOPMENT IMPACT FEE CAPITAL PROJECTS TRUST FUND
10-11-1: ESTABLISHED BY DISTRICT
10-11-2: DEPOSITS

CHAPTER 12 EXPENDITURE AND SURCHARGE REIMBURSEMENT
10-12-1: EXPENDITURE ELIGIBILITY
10-12-2 SURCHARGE REIMBURSEMENT

CHAPTER 13 APPEALS, PROTEST AND MEDIATION
10-13-1: APPEALS TO THE DISTRICT BOARD OF COMMISSIONERS
10-13-2: APPEALS TO THE CITY COUNCIL
10-13-3: PAYMENT UNDER PROTEST
10-13-4: MEDIATION

CHAPTER 14 PERIODIC REVIEWS
10-14-1: REVIEW AND MODIFICATION OF CAPITAL IMPROVEMENTS PLAN.
10-14-2: ANNUAL CAPITAL BUDGET.

CHAPTER 15 AUDIT
10-15-1 ANNUAL REPORT

CHAPTER 16 ENFORCEMENT AND COLLECTION
10-16-1: CITY AND DISTRICT ADMINISTRATOR POWERS TO REQUIRE PAYMENT OF IMPACT FEES

CHAPTER 17 CITY/DISTRICT INTERGOVERNMENTAL AGREEMENT
10-17-1: AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS
10-17-2: CITY AND DISTRICT INTERGOVERNMENTAL AGREEMENT
10-17-3: DISTRICT GOVERNED BY THIS TITLE

10-17-4 AMENDMENTS TO INTERGOVERNMENTAL AGREEMENT

CHAPTER 18 MISCELLANEOUS PROVISIONS
10-18-1 FIRE CODES AND OTHER RULES APPLICABLE TO PROJECT IMPROVEMENTS
10-18-2 AGREEMENTS BETWEEN PROPERTY OWNERS AND ITD AND OTHER GOVERNMENTAL ENTITIES FOR CONSTRUCTION OR INSTALLATION OF SYSTEM IMPROVEMENTS
10-18-3 NO REQUIREMENT OF THE CITY TO APPROVE EXTRAORDINARY IMPACT DEVELOPMENT
10-18-4 DISTRICT NOT OBLIGATED TO APPROVE DEVELOPMENT THAT REDUCES LEVELS OF SERVICE
10-18-5 NO ADDITIONAL RIGHT TO DEVELOP CREATED BY THIS TITLE
10-18-6 NO LIMIT ON CITY'S EMINENT DOMAIN AUTHORITY
10-18-7 NO LIMIT ON CITY'S POWER TO ANNEX PROPERTY
10-18-8 DISTRICT PLAN OF ALTERNATIVE SOURCES OF REVENUE
10-18-9 DEVELOPMENT APPROVED BY THE CITY PRIOR TO THE EFFECTIVE DATE OF THIS TITLE NOTE SUBJECT TO IMPACT FEES
10-18-10 MONIES IN TRUST FUND NOT EXPENDED CARRIED OVER FROM FISCAL YEAR TO FISCAL YEAR
10-18-11 CAPITAL IMPROVEMENTS PLAN ERROR DISCOVERY
10-18-12 IMPACT FEE PAYMENT MISTAKE OR MISREPRESENTATION

CHAPTER 19 PUNISHMENT
10-19-1: PUNISHMENT

CHAPTER 20 CONSTRUCTION OF INTENT
10-20-1: LIBERAL CONSTRUCTION

This page left blank

Title 1
ADMINISTRATION

Chapter 1
OFFICIAL CITY CODE

1-1-1: TITLE:
1-1-2: ACCEPTANCE:
1-1-3: AMENDMENTS:
1-1-4: CODE ALTERATIONS:

1-1-1: TITLE: Upon the adoption by the city council, this city code is hereby declared to be and shall hereafter constitute the official city code of Greenleaf. This city code of ordinances shall be known and cited as the GREENLEAF CITY CODE and is hereby published by authority of the city council and shall be supplemented to incorporate the most recent legislation of the city as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this city code by title in any legal documents. (2003 Code)

1-1-2: ACCEPTANCE: The city code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2003 Code)

1-1-3: AMENDMENTS: Any ordinance amending the city code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this city code. The City Clerk, with assistance from the City Attorney, shall be the codifier and shall be responsible for preparing all such ordinance material for insertion in its proper place in each copy of this city code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the city code. (2003 Code, amd. Ord 250, 08-06-2013)

1-1-4: CODE ALTERATIONS: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this city code in such a manner that the meaning of any phrase or order may be changed or omitted. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the city and shall be returned to the office of the city clerk when directed so to do by order of the city council. (2003 Code)

Chapter 2
SAVING CLAUSE

1-2-1: REPEAL OF GENERAL ORDINANCES:
1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:

1-2-3: COURT PROCEEDINGS:
1-2-4: SEVERABILITY CLAUSE:

1-2-1: REPEAL OF GENERAL ORDINANCES: All general ordinances of the city passed prior to the adoption of this city code are hereby repealed, except such as are included in this city code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city; and all special ordinances. (2003 Code)

1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES: No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this city code or by virtue of the preceding section, excepting as the city code may contain provisions for such matters, in which case, this city code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2003 Code)

1-2-3: COURT PROCEEDINGS:

A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. Extend To All Repeals: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Current Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting

the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this city code. (2003 Code)

1-2-4: SEVERABILITY CLAUSE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this city code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part hereof or any portion adopted by reference or any codes or portions of codes adopted herein. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2003 Code)

Chapter 3
DEFINITIONS

1-3-1: CONSTRUCTION OF WORDS:
1-3-2: DEFINITIONS, GENERAL:
1-3-3: CATCHLINES:

1-3-1: CONSTRUCTION OF WORDS:

A. Whenever any word in any section of this city code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this city code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this city code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

B. The word "ordinance" contained in the ordinances of the city has been changed in the content of this city code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the city's ordinances is not meant to amend passage and effective dates of such original ordinances. (2003 Code)

1-3-2: DEFINITIONS, GENERAL: Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

CITY: The city of Greenleaf, county of Canyon, state of Idaho.

CODE: The Greenleaf city code.

COUNCIL: Unless otherwise indicated, the council of the city of Greenleaf.

COUNTY: The county of Canyon, state of Idaho.

EMPLOYEES: Whenever reference is made in this code to a city employee by title only, this shall be construed as though followed by the words "of the city of Greenleaf".

FEE: A sum of money charged by the city for the carrying on of a business, profession or occupation.

FISCAL YEAR: The fiscal year of the city shall commence on October 1 of each year.

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

HIGHWAYS: Roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands or interests lawfully acquired, pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of the city council, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of the city council, are highways.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the city, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS: Whenever reference is made in this code to a city officer by title only, this shall be construed as though followed by the words "of the city of Greenleaf".

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

STATE: The state of Idaho.

STREET: See definition of Highway.

TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

WHOLESALER: The terms "wholesaler" and "wholesale dealer" as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (2003 Code)

1-3-3: CATCHLINES: The catchlines of the several sections of the city code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2003 Code)

Chapter 4
GENERAL PENALTY

1-4-1: GENERAL PENALTY:
1-4-2: APPLICATION OF PROVISIONS:
1-4-3: LIABILITY OF OFFICERS:

1-4-4: FEES AND INTEREST ON DELINQUENT ACCOUNTS:

1-4-1: GENERAL PENALTY:

A. Infraction Penalty: When the offense is designated as an infraction by any section or provision of this Code, it is punishable as set forth below and no incarceration may be imposed.

1. Unless otherwise specified herein, a first offense violation of any provision of this Code designated as an infraction shall be assessed a fixed penalty of one hundred dollars ($100.00) plus any such costs as the court may impose.

2. Unless otherwise specified herein, for a second infraction violation within a five-year period of any provision of this Code, a fixed penalty of three hundred dollars ($300.00) shall be imposed plus any such costs as the court may assess.

3. Unless otherwise specified herein or by statute, for third or subsequent violations of any provision of this Code within a five year period, a violation shall be deemed a General Misdemeanor.

B. General Misdemeanor Penalty. It shall be unlawful to violate any provision, requirement, duty or standard contained in this Code. Unless a different punishment is prescribed in this Code or by statute, any violation of this Code shall be deemed a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment in the county jail not exceeding six (6) months, or both; and in addition, any person so convicted shall pay such costs as the court may assess.

C. Failure To Pay Infraction A Misdemeanor: Failure to pay any infraction within thirty (30) days of the date of entry of a default judgment, guilty plea, or conviction shall itself be deemed a separate misdemeanor punishable as provided herein. (Ord. 198, 9-13-2005; Repl Ord #300, 03-14-2023)

1-4-2: APPLICATION OF PROVISIONS:

A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.

B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2003 Code)

1-4-3: LIABILITY OF OFFICERS: No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2003 Code)

1-4-4: FEES AND INTEREST ON DELINQUENT ACCOUNTS:

A. Upon the request to the City by any person or other legal entity for services the City provides and which services require the payment of a fee, charge, or deposit, such person or other legal entity agrees by his, her, or its request to pay the fee, charge, or deposit, and agrees to pay interest on delinquent accounts. Such person or other legal entity also agrees, by his, her, or its request, to pay a late fee as shall be established by resolution of the City Council.

B. Payments made on delinquent accounts that do not bring the account current shall be applied first to any penalties and interest, beginning with the longest delinquent penalties and interest and thenceforth in a manner so that payments are applied to the longest delinquencies. Once all penalties and interest have been paid, payments shall apply to the principal owing.

C. The City may negotiate with any person owing on an account for payment of delinquencies over a period and according to terms agreed to by the City and customer.

D. This section shall apply to all accounts with the City except those for which the City has enacted an ordinance providing for penalties and interest on delinquent accounts. (Ord. 228, 03-03-2009)

Chapter 5
OFFICIAL AND CORPORATE PROVISIONS

1-5-1: OFFICIAL SEAL:
1-5-2: OFFICIAL NEWSPAPER:
1-5-3: OFFICIAL DEPOSITORY:
1-5-4: CITY LIMITS; MAP:
1-5-5: CITY BASE AND BENCH MARK:

1-5-1: OFFICIAL SEAL:

A. Design: The corporate seal of the city shall be circular in form with inner and outer circles. The outer edge of the outer circle shall be one-and-three-fourths inches (1 3/4") in diameter, and the inner circle between one-and-three-sixteenth inches (1 3/16) and

one-and-one-sixteenth inches (1 1/16) in diameter. It shall bear, upon the space between the two (2) circles, the words, "City of Greenleaf, Canyon County, Idaho.", and upon the space within the inner circle the words, "Incorporated June 8, 1973".

B. Adoption: The seal described in subsection A of this section is hereby adopted as the seal of the city1. (1973 Code § 1-10-2, Amd. Ord 248, 02-02-2013)

1-5-2: OFFICIAL NEWSPAPER: Pursuant to the provisions of Idaho Code Section 50-213 and Idaho Code Section 60-106, the “Idaho Press-Tribune” is hereby appointed, designated, and constituted the official newspaper of the City of Greenleaf and such writings as are required by law to be given publication in a newspaper shall be published therein. (Ord. 124, 12-11-1996, Amd. Ord 232, 10-06-2009, Amd. Ord 282, 05-07-2019)

1-5-3: OFFICIAL DEPOSITORY: Chase Bank, Columbia Bank, D.L. Evans Bank, First Interstate Bank of Montana, Idaho Independent Bank, Key Bank, U.S. Bank, Washington Federal Bank, Wells Fargo Bank, and Zions Bank are hereby designated as the official depositories of municipal funds for the city. Any or all designated banks may, but are not required to be, utilized. The city treasurer, or any other city council designated official, is hereby ordered, required and directed to keep monies belonging to or in the care of the city in said depository, except that the city treasurer may be directed and empowered by resolution of the city council to invest any or all of such monies in any investment instruments allowed by Idaho Code section 50-1013. (Ord. 193, 2-9-2005, Amd. Ord 233, 10-06-2009, Amd. Ord 235, 12-10-2009; Amd. Ord. 276, 08/08/2017)

1-5-4: CITY LIMITS; MAP: The city limits shall be as shown on the official city map, which map shall be on file in the office of the city engineer at all times. (1973 Code § 12-1-1)]

1-5-5: CITY BASE AND BENCH MARK:

A. City Base: The official city base, or plane of reference for the elevations in the city shall be as ascertained by the United States geological survey bench marks. (1973 Code § 12-2-1; amd. 2003 Code)

B. Primal Bench Mark: The "." mark chiseled on the top of the concrete irrigation abutment on the north side of highway 19 and just across the road east of Greenleaf Farm Supply by the department of highways for the state is hereby declared to be the primal bench mark of the city, and the elevation thereof is two thousand four hundred twenty two and ninety-hundredths feet (2,422.90') above sea level. (1973 Code § 12-2-2; amd. 2003 Code)

Chapter 6
MAYOR

1-6-1: ELECTION; TERM:
1-6-2: CONFLICTING INTERESTS:
1-6-3: WORK HOURS:

1-6-4: OFFICE IN CITY HALL:
1-6-5: POWERS AND DUTIES:
1-6-6: MAYOR PRO TEM:
1-6-7: VACANCY:

1-6-1: ELECTION; TERM: The mayor shall be elected for a four (4) year term, and shall serve until his successor is elected and qualified as provided by statute. (1973 Code § 1-2-1)

1-6-2: CONFLICTING INTERESTS: The mayor shall not, during his term of office, operate, keep, maintain or be employed at, or in any business, establishment, concern or enterprise that shall in any way conflict with his duties as mayor of the city as herein set forth. (1973 Code § 1-2-2)

1-6-3: WORK HOURS: The mayor shall be expected to maintain whatever hours or time that is necessary to govern the affairs of the city or as set by council action. (1973 Code § 1-2-3)

1-6-4: OFFICE IN CITY HALL: The mayor and council shall provide offices in the city hall for the mayor. (1973 Code § 1-2-4)

1-6-5: POWERS AND DUTIES:

A. General Duties: The mayor shall be the chief executive officer of the city, shall preside over the meetings of the city council and shall perform such duties as may be required of him by law. He shall have supervision over all of the executive officers and employees of the city, and shall have the power and authority to inspect all books and records pertaining to city affairs and kept by any officer or employee of the city.

B. Ex Officio Member Of Committees, Commissions: The mayor shall be an ex officio member of all committees and commissions existing under this code. (1973 Code § 1-2-5)

C. Appointments: The mayor shall appoint, by and with the consent and advice of the city council, all officers of the city whose election or appointment is not otherwise provided for. Any vacancies occurring in an appointive office shall be filled in the same manner. (1973 Code § 1-2-6)

D. Removal From Office: The mayor may remove from office, by and with the consent and advice of four (4) members of the city council, any appointed officer of the city, any member of any board or commission whose removal from office is not otherwise provided for. (1973 Code § 1-2-7)

E. Designation Of Duties: Whenever there is a question or dispute as to the respective duties or powers of any appointed officer of the city, the question or dispute shall be settled by the mayor; and the mayor shall have the power to

delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty. (1973 Code § 1-2-8)

F. Vote In Case Of Tie: The mayor shall have a vote on any decision to be made by the council only when the council is equally divided. (1973 Code § 1-2-11)

G. Veto: The mayor shall have power to veto or sign any law passed by the council; provided, that any law vetoed by the mayor may be passed over his veto by a vote of two-thirds (2/3) of the elected members of the council; and should the mayor neglect or refuse to sign any law and return the same with his objections, in writing, at the next regular meeting of the council, the same shall become a law without his signature. (1973 Code § 1-2-12)

H. Messages To Council: The mayor shall deliver to the council such information and such recommendations as, in his opinion, will be of benefit to the city. (1973 Code § 1-2-13)

I. Contract: The mayor is authorized and empowered to sign his name officially for and in behalf of the city on all contracts, documents and papers to which the city is a party, and to require that the conditions of any instruments are faithfully performed. He may borrow money on the credit of the city when so authorized by the council. (1973 Code § 1-2-15)

J. Police Powers: The mayor shall have the jurisdiction over all places within five (5) miles of the corporate limits of the city for the enforcement of any health or quarantine ordinance and regulation and shall have jurisdiction in all matters, excepting taxation, within one mile of the corporate limits of the city. (1973 Code § 1-2-16)

K. May Require Aid: The mayor is hereby authorized to call on every male inhabitant of the city of the age of twenty one (21) years or over to aid him in enforcing the law. (1973 Code § 1-2-17)

L. Reward: The mayor, whenever he deems it expedient, is hereby empowered to offer a reward not exceeding one hundred dollars ($100.00) for the arrest and conviction of any person charged with violating any of the provisions of this code. (1973 Code § 1-2-18)

M. Additional Duties: The mayor shall perform all of the duties required of mayors under the provisions of chapter 3, title 50, Idaho Code, and such other duties as may be reasonably required by the city council. (1973 Code § 1-2-19)

1-6-6: MAYOR PRO TEM: During a temporary absence or disability of the mayor, the president of the city council, who shall have been elected by the members of the council, shall act and serve as mayor pro tem, and during such absence or disability of the mayor, the mayor pro tem shall possess all of the powers and perform all of the duties of the mayor. (1973 Code § 1-2-9)

1-6-7: VACANCY: In the event of a vacancy in the office of mayor, the president of the city council shall serve until the next regular election as provided by law. The council shall determine the time to be spent in the office. The amount of the salary shall be commensurate with the time required to be spent in the office. (1973 Code § 1-2-10)

Chapter 7
CITY COUNCIL

1-7-1: ELECTION; TERM; QUALIFICATIONS:
1-7-2: COUNCIL PRESIDENT:
1-7-3: VACANCY IN OFFICE:
1-7-4: MEETINGS:
1-7-5: DUTIES:
1-7-6: ORDINANCES:

1-7-1: ELECTION; TERM; QUALIFICATIONS:

A. Election; Term: The city council finds that the citizens of Greenleaf would best be served by providing for election of council persons by designated council seats, pursuant to Idaho Code section 50-707. There shall be four (4) council persons who shall be elected according to the assigned seat number. Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified.

B. Residency: Each candidate for the city council shall meet the residency requirements in the city as set out in Idaho Code.

C. Numbered Council Seats: At least one hundred twenty (120) days prior to the next general election, the city clerk shall assign a number for each council seat. Any candidate seeking election to the council shall file for one of the assigned council seats that is up for election.

D. Filing For Candidacy: Candidates for council seats, as established by this chapter, shall file for a designated council seat in the manner and time prescribed by Idaho Code. Beginning with the general municipal elections to be held in November 1995, those two (2) council persons with terms ending in 1996, shall stand for election, after filing for candidacy, as required by this chapter, against other qualified candidates pursuant to and for council seats as created by this chapter at the next general municipal election immediately prior to the termination of that council person's term of office.

E. Majority Vote Of Electors: Members of the city council shall be elected by a majority of the qualified electors as established by the state code.

F. Installation: Council members elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the

incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one item of which shall be the election of a member as president of the council. (Ord. 191, 3-1-2005)

1-7-2: COUNCIL PRESIDENT: At the time of taking office, the city council shall elect one of its members president of the council who shall preside at all meetings of the council and perform all other duties of the mayor in the absence of the mayor; and, in the absence of the president, the council shall elect one of their members to occupy his place temporarily, who shall be styled acting president of the council, and the president and acting president, when occupying the place of mayor shall have the same privileges as other members of the council and all actions of the president and acting president, while so acting, shall be binding upon the council and upon the city as if performed by the mayor. (1973 Code § 1-3-5)

1-7-3: VACANCY IN OFFICE: In the event an office of council person shall become vacant, through death, change of residence or for any other cause, the mayor shall appoint, with the approval of the council, a resident of the city to fill the unexpired portion of the term to serve until the next general election, at which time the unexpired term shall be filled by regular election. (1973 Code § 1-3-3)

1-7-4: MEETINGS:

A. Regular Meetings; Time And Place:

1. The city council shall hold regular monthly sessions in the city hall located at 20523 North Whittier Drive, Greenleaf, Idaho. In the event that the audience attendance is anticipated to exceed the attendance capacity of city hall, then at the mayor's discretion, the meeting may be moved to a location that is large enough to accommodate the attendees.

2. The date and time of the regular monthly city council meeting shall be established by resolution approved by the mayor and city council. (Ord. 188, 11-23-2004)

B. Special Meetings: The mayor, or any three (3) members of the council, shall have the power to call special meetings of the council, the object of which shall be submitted in writing, and the object as well as the disposition thereof shall be entered upon the journal by the city clerk. (1973 Code § 1-2-14)

C. Open Meetings: Council meetings shall be open to the public pursuant to Idaho Code section 67-2341 et seq. (2003 Code)

1-7-5: DUTIES: Members of the city council, the legislative and policy making branch of the city, shall devote so much of their time to the duties of their office as an efficient and faithful discharge thereof may require. They shall attend all meetings of the council

unless lawfully excused therefrom by the mayor or by a majority of the remaining members, and perform all duties which by the nature of their office they should reasonably perform, such as the passing of ordinances, resolutions and the investigation and study of work done for the city according to the committees upon which they may severally be appointed by the mayor. (1973 Code § 1-3-1)

1-7-6: ORDINANCES:

A. Presentation: All ordinances of a general or permanent nature shall be written or printed and presented to the city council by a member, at a regular or special meeting. (1973 Code § 1-14-1)

B. Passage: Every ordinance shall be read in meetings of the council on three (3) different days. At each reading of an ordinance it shall be open to discussion and amendment and may be referred to a committee, and shall be passed to the next reading, unless some other disposition is made by a vote of the council. After the second reading the ordinance shall be engrossed by the city clerk as amended. On final passage the yeas and nays shall be called and recorded, and a concurrence of a majority of the council shall be required; provided, that one-half (1/2) plus one of the members of the full council may, by yea vote, recorded in the minutes, dispense with the three (3) readings of the ordinance and pass the same at any meeting. (1973 Code § 1-14-2)

C. Endorsement: When any ordinance is passed, it shall be signed by the city clerk, and the date of its passage by the council shall be added thereto, and it shall, within three (3) days thereafter, be presented to the mayor; or in case of his absence from the city, to the president of the council for his approval. If he approves the same, he shall attach his signature thereto. (1973 Code § 1-14-3)

D. Date Of Passage: An ordinance shall be considered passed on the date of its first approval by the mayor, and in case of his veto, on the date of the passage of such ordinance over such veto, and in case of the failure of the mayor to sign or veto an ordinance, on the date of the next regular meeting after such ordinance shall have been presented to him. (1973 Code § 1-14-4)

E. Effective Date: All ordinances shall take effect and be in force from and after their passage, approval and publication. Publication shall be made in the designated official newspaper or at five (5) public locations within the city. (1973 Code § 1-14-5)

F. Voting: On the final passage of any ordinance, resolution or order, the yeas and nays shall be called and recorded, and the concurrence of a majority of the whole number elected to the council shall be necessary to pass the same. (1973 Code § 1-14-6)

Chapter 8
CITY OFFICERS AND EMPLOYEES

1-8-1: APPOINTED OFFICERS:
1-8-2: SALARIES:
1-8-3: OATH OF OFFICE:
1-8-4: BONDS OF CERTAIN OFFICIALS:

1-8-1: APPOINTED OFFICERS:

A. Appointments By Mayor: The mayor shall appoint, subject to approval of the city council, a city clerk, city attorney, and city treasurer. The mayor may appoint, subject to approval by the council, such other officers as may be deemed necessary for the efficient operation of the business of the city.

B. Term Of Office: All appointments of officers as herein this section provided for shall be made for a term to commence immediately upon approval by the city council, and shall then terminate at the first city council meeting conducted by a newly elected or appointed mayor who was not the mayor that appointed said official, unless a shorter term is provided for in the order of appointment, or upon resignation or removal per Idaho Code section 50-206, as amended. (Ord. 210, 1-9-2007)

1-8-2: SALARIES:

A. Elected Officials:

1. The salaries of the mayor and council persons shall be set by the city council by ordinance published at least seventy-five (75) days prior to any general city election when a change in salary is deemed desirable, such ordinance to take effect on January 1 of the following year.

2. The following salaries are hereby established:

City Officers	Salary Per Year	From What Fund Paid
Council member	$4,800.00 per council member	General fund
Mayor	$30,000.00	General fund

B. Appointed Officers And Employees: The salaries of all other city officers and/or employees shall be set from time to time in an amount as provided for in the annual appropriation ordinance.

C. Individual elected officials may choose to take less pay than is authorized by this Ordinance and/or annual budget. The elected official must declare their choice to take less pay in an open meeting of the City Council, specifying the reduced amount that the official should receive. This information shall be forwarded by the City Clerk to the City Treasurer to be implemented with the

following month's payroll. (Ord. 190, 3-1-2005, eff. 1-1-2006, Amd. Ord 216, 08-07-2007, eff. 01-01-2009, Amd. Ord 230, 08-04-2009, eff. 01-01-2010, Amd. Ord 261, 08-04-2015, Amd. Ord 292, 08-09-2021, Amd, Ord #303, 04-11-2023)

1-8-3: OATH OF OFFICE: The various officers of the city shall take and subscribe before some officer authorized to administer oaths, such official oath as is required by law of municipal officers, which oaths shall be filed with the city clerk. No officer shall enter upon the performance of the duties of his office until he shall have subscribed and filed such oath as herein required. (1973 Code § 1-15-1)

1-8-4: BONDS OF CERTAIN OFFICIALS:

A. Officers: The city clerk, city treasurer and chief of police, before entering upon the duties of their offices, shall execute bonds to the city in such penal sums as the city council may by ordinance determine, conditioned on the faithful performance of their duties. All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor. (1973 Code § 1-16-1; amd. 2003 Code)

B. Employees: All other employees of the city whose duties involve the handling of monies shall be covered by blanket bond in amounts as may be determined and approved by the council. (1973 Code § 1-16-1)

Chapter 9
ELECTIONS

1-9-1: ELECTION PRECINCT:
1-9-2: POLLING PLACES:
1-9-3: POLL HOURS:
1-9-4: ELECTION OFFICIALS:
1-9-5: FILING FEE; PETITIONS OF NOMINATION:
1-9-6: INITIATIVE AND REFERENDUM:

1-9-1: ELECTION PRECINCT: The city shall consist of one precinct. (1973 Code § 12-3-1)

1-9-2: POLLING PLACES: The city council shall designate suitable polling places and shall cause the same to be provided with voting compartments, supplies, official stamps, ballot boxes and such other supplies as are required to provide for the elections. (1973 Code § 12-4-2)

1-9-3: POLL HOURS: Pursuant to the authority of Idaho Code section 50-453, it is hereby established for all general and special city elections that the polls be open at twelve o'clock (12:00) noon and remain open until all registered electors of the precinct have voted or until eight o'clock (8:00) P.M. of the same day, whichever occurs first. (Ord. 146, 9-13-1999)

1-9-4: ELECTION OFFICIALS:

A. Appointment: The city council shall in the month prior to an election, whether general or special, appoint an election judge and such clerks as may be necessary for each voting precinct within the city. The said election judge and clerks shall be qualified city electors, and it shall be the duty of the election judge to supervise the election in his polling place and designate the duties of the clerks. Within five (5) days following appointment, the city clerk shall so notify the election officers, and said clerk shall request such appointee to give notice of his acceptance or declination within ten (10) days thereafter; and the council shall at its next meeting thereafter fill such vacancies as shall appear. (1973 Code § 12-4-1)

B. Compensation: Judges, clerks and constables of election shall receive as compensation per hour for each hour employed in election service a sum per hour equal to the then minimum hourly wage as prescribed by the laws of the state. (1973 Code § 12-4-3)

1-9-5: FILING FEE; PETITIONS OF NOMINATION: The filing fee for petitions of nomination shall be five dollars ($5.00) to be paid at time of filing. (1973 Code § 12-4-4)

1-9-6: INITIATIVE AND REFERENDUM: (Ord. 253, 12-03-2013, Repl'd, Ord. 265, 10-07-2015)

Chapter 10
CONTESTED HEARING PROCEDURES

1-10-1: TITLE:
1-10-2: DEFINITIONS:
1-10-3: APPLICABILITY:
1-10-4: LICENSE/PERMIT PROCEDURE:
1-10-5: APPEALS TO CITY COUNCIL:
1-10-6: CONTESTED CASES; NOTICE, HEARING, RECORDS:
1-10-7: APPOINTMENT OF A HEARING EXAMINER:
1-10-8: RULES OF EVIDENCE, OFFICIAL NOTICE:
1-10-9: EXAMINATION OF EVIDENCE BY AGENCY:
1-10-10: DECISIONS OR ORDER:
1-10-11: EX PARTE CONSULTATIONS:
1-10-12: RETENTION OF RECORD:
1-10-13: MEDIATION OF QUASI-JUDICIAL LAND USE MATTERS:

1-10-1: TITLE: This chapter shall be referred to and known as THE CITY OF GREENLEAF CONTESTED HEARING PROCEDURES ORDINANCE. (Ord. 95, 4-13-1994)

1-10-2: DEFINITIONS: As used in this chapter:

AGENCY: Each city board, commission, department or officer, including the council, authorized by law to make rules, grant licenses or permits, or to determine contested

cases and quasi-judicial matters, except legislative matters.

CONTESTED CASES: A proceeding, including, but not restricted to, licensing/permitting, in which the legal rights, duties or privileges of a party are required by law to be determined.

LICENSE: The whole or part of any permit, certificate, approval, registration, charter or similar form of permission required by law, but does not include a license/permit required solely for revenue purposes.

LICENSING/PERMITTING: The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license and/or a permit.

PARTY: Each person or agency named or admitted as a party, or properly seeking and entitled of right, to be admitted as a party.

PERSON: Any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than an agency.

QUASI-JUDICIAL: The action of any agency in applying general laws, ordinances, rules or policies to specific persons and/or parties, interests or situations. (Ord. 95, 4-13-1994)

1-10-3: APPLICABILITY:

A. Except for section 1-10-4 of this chapter, the provisions of this chapter shall apply to the procedures employed by an agency or the city council when that agency and/or the city council are acting in a quasi-judicial capacity involving an appeal of an initial determination of an agency.

B. When licensing/permitting is required to be preceded by notice and opportunity for hearing by ordinance or state statute, the provisions of this chapter apply, unless specifically in contravention to state statute; or when the provisions of this chapter are specifically excepted by city ordinance or where a specific procedure is prescribed by another city ordinance.

C. This chapter applies to contested matters involving planning and zoning ordinances.

D. This chapter appertains to contested matters arising out of orders, decisions or determinations made by the building official and appeals of the building official under the uniform building code, abatement of dangerous buildings and the uniform housing code, except that in the event of any conflicts between the provisions of this chapter and/or the provisions contained in the uniform codes therein adopted, the provisions of those codes shall control. (Ord. 95, 4-13-1994)

1-10-4: LICENSE/PERMIT PROCEDURE:

A. Investigation; Conditions: No license/permit shall be granted until there has been an investigation by the appropriate agency upon the application submitted pursuant to the terms and conditions of the ordinance applicable. After the investigation, the application shall be forwarded to the appropriate agency, which is provided by ordinance of the city and the agency shall act upon the license/permit request, or the agency shall submit its recommendations to the city council for appropriate action. If the agency recommends or if it determines the application be denied, the agency shall state in writing:

1. The statutes, ordinances and standards used in evaluating the application;

2. The reasons for the denial; and

3. The actions, if any, that the applicant could take to obtain the license/permit, transfer or renewal thereof.

B. Expiration: When a licensee and/or permittee has made timely and sufficient application for the renewal of a license/permit, the existing license/permit does not expire until either the application has been finally determined by the agency; or in the case the application is denied or in the case the terms of the new license/permit are limited, the license/permit does not expire until the last day for seeking review of the agency order.

C. Notice Of Revocation Or Suspension: No agency revocation, suspension, annulment or withdrawal of any license/permit shall be effective until the agency shall have served personally and/or by mail notifying the licensee/permittee of the intended action. The notice shall state the facts or conduct upon which the intended action is based. The notice shall also state that the licensee/permittee may show cause that the licensee/permittee is in compliance with all lawful requirements and why the intended action should not be taken. If good and sufficient cause is not shown, the intended action becomes effective on the fifteenth day after notice has been personally served or from the date of mailing of the notice which fact shall also be stated in the notice. If the agency finds that the public health, safety or welfare imperatively requires emergency action, the agency is empowered to order a summary suspension of a license/permit pending proceedings for revocation and/or intended action. The order and notice shall specify the facts and findings relied upon for summary suspension. (Ord. 95, 4-13-1994)

1-10-5: APPEALS TO CITY COUNCIL:

A. Filing Of Notice: Any action by an agency, when acting in a quasi-judicial capacity, or when licensing/permitting, shall become final unless within fifteen (15) days after notice as provided in section 1-10-4 of this chapter, a notice of appeal to the city council has been filed with the city clerk by a party.

B. Persons Entitled To Notice: All interested parties, that is all parties entitled to notice either pursuant to the city ordinance or pursuant to state statute, or persons who are considered applicants under city ordinance or state statute, shall be entitled to service of notice as set forth in section 1-10-4 of this chapter. (Ord. 95, 4-13-1994)

1-10-6: CONTESTED CASES; NOTICE, HEARING, RECORDS:

A. Hearing Opportunity: In a contested case, or in an appeal of agency action, all parties shall be afforded an opportunity for a hearing after reasonable notice.

B. Notice:

1. The notice shall include:

a. A statement of time, place and nature of hearing.

b. A statement of the legal authority and jurisdiction under which the hearing is to be held.

c. A reference to the particular sections of the statutes and rule involved.
ci.
d. A short and plain statement of the matters asserted.

2. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

C. Presentation Of Evidence: Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

D. Informal Disposition: Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent, order or default.

E. Record: The record in a contested case shall include:

1. Applications, staff reports and decisions of agency action which is being appealed.

2. All pleadings, motions, intermediate rulings.

3. Evidence received or considered.

4. A statement of matters officially noticed.

5. Questions and offers of proof, objections, rulings thereof.

6. Proposed findings and exceptions.

7. Any decision, opinion or report by the officer presiding at the hearing.

8. All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case.

F. Transcription: Any party may request in writing five (5) days before any hearing, in a contested case, that the oral proceedings thereof be taken in the form of stenographic notes at their own expense.

G. Findings Of Fact: Findings of fact shall be based exclusively on the evidence and on matters officially noticed. (Ord. 95, 4-13-1994)

1-10-7: APPOINTMENT OF A HEARING EXAMINER: The city council may appoint a hearing examiner to hear appeals to the city council made pursuant to this chapter.

A. Duties: A hearing examiner shall fix a time and place for the beginning and closing of the hearings and for the filing of the hearing examiner's report to the city council. The hearing examiner shall have and exercise the power to regulate the proceedings and every hearing before the examiner and to do all acts and to take all measures necessary or proper for the efficient performance of the examiner's duty under this chapter. The hearing examiner shall have all powers of the city council vested upon the city council for the hearing of these matters and may rule upon the admissibility of evidence to put witnesses under oath and may examine them and may call the parties to the action and examine them upon oath.

B. Report: The hearing examiner shall prepare a report upon the contested case submitted to the examiner and make findings of fact and conclusions of law as appropriate and shall set them forth in a report separately stated. He shall file the report with the city clerk along with the recordings, minutes, evidence and original exhibits made and received at the hearing. A copy of the reports shall be served upon all parties to the contested case by the city clerk.

C. Objection: Within fifteen (15) days of the date of the filing of the report of the hearing examiner with the city clerk, any party to the contested case may serve a written objection to the findings, which original must be served with the city clerk, copies upon all parties to the contested case.

D. Actions Of Council: In the event no objections are filed, the city council shall adopt the report of the hearing examiner at the next regularly scheduled meeting of the city council and in the event an objection is filed, the city council shall hear oral argument of the parties upon the record in support of their objections, but unless specifically ordered by the city council, no new evidence shall be presented at such hearing. The council shall decide the matter upon the examiner's report,

the oral arguments, written objections submitted, and upon the record of the case. The city council shall adopt the findings and conclusions and recommendations of the hearing examiner unless those findings of fact are not based on substantial evidence and/or the conclusions of law are erroneous statements of law.

E. Board Of Appeals: This section shall apply to any board of appeals appointed by the city council, in ordinance 911. Said board of appeals shall be and is hereby appointed as the duly appointed hearing examiners for all matters coming within their jurisdiction and for all matters coming before the council as specified in this chapter, and the procedure or process for governing hearings of appeals by said boards shall be governed by this chapter, except in the event of any conflicts between the provisions of this chapter with the specific provisions contained in ordinance 912, and the uniform codes therein adopted, shall control. (Ord. 95, 4-13-1994)

1-10-8: RULES OF EVIDENCE, OFFICIAL NOTICE: In contested cases:

A. Exclusions; Evidence: Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district court of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited, and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

B. Forms Of Evidence: Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

C. Cross-Examination: A party may conduct cross-examination required for a full and true disclosure of the facts.

D. Notice: Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical and scientific facts within the agency's special knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. (Ord. 95, 4-13-1994)

1-10-9: EXAMINATION OF EVIDENCE BY AGENCY: When in a contested case a majority of the council who are to render the final decision have not heard the case or

read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral arguments to the officials who are to render the decision. The proposal for decision shall contain a statement of the reason therefor and of each issue of fact or law necessary to the proposed decision, prepared by the person who conducted the hearing or one who has read the record. The parties, by written stipulation, may waive compliance with this section. (Ord. 95, 4-13-1994)

1-10-10: DECISIONS OR ORDER: A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law as required by ordinance or state statute, and shall be separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. (Ord. 95, 4-13-1994)

1-10-11: EX PARTE CONSULTATIONS: Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. Any agency member may communicate with the other members of the agency and may have the aid and advice of one or more personal assistants. (Ord. 95, 4-13-1994)

1-10-12: RETENTION OF RECORD: In all contested cases where there has been a hearing, a transcribable, verbatim record of the proceedings shall be made and shall be kept for a period of not less than six (6) months after a final decision on the matter. Upon written request, and within the time period provided for retention of the record, any person and/or party may have the record transcribed at his or their expense. The city council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely, or as provided otherwise by law. (Ord. 95, 4-13-1994)

1-10-13: MEDIATION OF QUASI-JUDICIAL LAND USE MATTERS: The city council and/or any applicant and/or affected party in a quasi-judicial matter governed under chapter 12 of this title, and titles 9 and 10 of this code, may seek an option to mediate which shall be processed in accordance with the following:

A. Filing Written Request: A written request for mediation (on approved form) may be filed with the city clerk at anytime after an application governed under chapter 12 of this title, and titles 9 and 10 of this code, has been filed but prior to the time for filing a judicial review; and the applicant must pay the estimated fee to the city clerk for the costs of mailing the notice to affected

property owners and to the applicant, and the applicant shall in the written request propose the method of payment of the mediator.

B. Payment Of Fees By Applicant: The city shall not be liable for nor pay the fees or expenses of any mediation requested by an applicant or affected property owner.

C. Mediation Request By Applicant; Procedure: In the event the written request for mediation is filed and the fee paid by an applicant and/or an affected person:

1. The clerk shall give notice to all other affected parties and/or the applicant, as the case may be, of the filing of the written request for mediation (which shall include a copy of the written request for mediation) and of their right to either agree to participate in mediation or to decline to participate and that, unless they, within fourteen (14) days of the date of the notice from the clerk, affirmatively respond in writing of their willingness to participate, it will be deemed that they decline to participate in mediation.

2. In the event any affected person and/or the applicant decline to participate in mediation, there shall be no mediation and the pending matter shall then proceed.

3. In the event all affected persons and the applicant agree to mediation, then they shall agree and appoint a mediator, set a date and place for the mediation and make all arrangements for the mediation and the payment of the mediator and jointly file a notice of the same with the city clerk within twenty eight (28) days of the date the clerk originally gave notice of the request for mediation.

D. Mediation Request By City Council; Procedure: In the event the written request for mediation is filed by the city council, the clerk shall give notice to all other affected parties and the applicant of the filing of the written request and of the city council's mediator selection and the date, time and place of the mediation and that the city council shall apply for the mediator for the first meeting of interested parties and that all interested parties must attend one mediation session if directed by the city council.

E. Period Of Toll: All proceedings except for the mediation, shall be tolled for a period of twenty eight (28) days from the date of the filing of a written request for mediation.

F. Limitation On Number Of Applications: There shall not be more than one application for mediation processed per quasi-judicial matter.

G. Compliance With State Law: The procedure for mediation shall otherwise be in accordance with the provisions of Idaho Code section 67-6510. (Ord. 162, 6-11-2001)

Chapter 11
FEE SCHEDULE

1-11-1: FEES FOR ADDITIONAL REVIEWS AND COSTS OF PROCESSING APPLICATIONS, PETITIONS, APPEALS:

1-11-1: FEES FOR ADDITIONAL REVIEWS AND COSTS OF PROCESSING APPLICATIONS, PETITIONS, APPEALS:

A. Fee Schedule Established: The city council shall establish a schedule of fees, charges and expenses and a collection procedure for additional fees to cover the costs incurred by the city for additional public hearings, additional reviews, and other expenses for the processing of applications, appeals, and/or permits provided for in titles 1, 8, 9 and 10 of this code.

B. Posting Of Schedule: The schedule of fees shall be posted in the office of the city clerk, and shall be established, altered or amended by resolution of the city council. Until all applicable fees, charges and expenses have been paid in full, no further action shall be taken on any application, petition or appeal to which they appertain. (Ord. 119, 12-11-1996)

Chapter 12
IMPACT AREA

ARTICLE A. AREA OF CITY IMPACT

1-12A-1: TITLE:
1-12A-2: PURPOSE:
1-12A-3: ANNEXATION, AREA OF IMPACT:
1-12A-4: ADOPTION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:
1-12A-5: ADOPTION OF CITY'S SUBDIVISION ORDINANCE; EXCEPTIONS:
1-12A-6: AVAILABILITY OF ORDINANCES:

1-12A-1: TITLE: This article shall be known as the GREENLEAF AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE. (Ord. 101, 12-28-1994)

1-12A-2: PURPOSE:

A. Whereas, the Idaho legislature duly enacted Idaho Code section 67-6526(a) which provides that by separate ordinance the county and city shall provide for application of plans and ordinances for the area of city impact; and

B. Whereas, the city and the county have adopted a map identifying the city impact area within the unincorporated area of the county by the adoption of ordinance 99 duly passed by the city on October 26, 1994, and by ordinance 94-005, duly passed by Canyon County on October 27, 1994; and

C. Whereas, Idaho Code section 67-6526(a) requires that the city and the county provide by ordinance for the application of plans and ordinances of the area of city impact of the city within the unincorporated area of Canyon County no later than January 1, 1995; and (Ord. 101, 12-28-1994)

D. Whereas, the city and the county shall enter into a joint exercise of power agreement for the impact area of the city, which agreement shall provide for and facilitate the legal duties of the parties and their responsibilities and authority as required under the local land use planning act, and including any duties appertaining to the area of city impact subsequently required by the Idaho legislature. (Ord. 101, 12-28-1994; amd. Ord. 144, 7-12-1999)

1-12A-3: ANNEXATION, AREA OF IMPACT:

A. Effective January 1, 1995, annexation by the city shall be limited to lands lying within the area of impact, unless the owner of the land requests the tract of land be annexed by the city, and the land is contiguous to the boundaries of the city.

B. Upon annexation, the provisions of this article shall no longer apply to the annexed area. (Ord. 101, 12-28-1994)

1-12A-4: ADOPTION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:
There is hereby adopted for purposes of complying with Idaho Code section 67-6526(a) an ordinance providing for the application of the latest edition of the Canyon County comprehensive plan as duly enacted and adopted by the Canyon County commissioners, and the Canyon County zoning ordinance 93-002, to the area of impact of the city within the unincorporated area of the county, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area city of Greenleaf/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the county shall direct copies of all applications coming before it, pursuant to the local planning act and Canyon County zoning ordinance 93-002, concerning property located in the area of city impact of the city for its input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process. (Ord. 101, 12-28-1994; amd. Ord. 144, 7-12-1999)

1-12A-5: ADOPTION OF CITY'S SUBDIVISION ORDINANCE; EXCEPTIONS:

A. Subdivision Ordinance: There is hereby adopted for purposes of complying with Idaho Code section 67-6526(a) this ordinance 101, which provides for the application of city's subdivision ordinance, except as provided in subsection B of this section, as codified at title 10 this code, to the area of impact of the city within the unincorporated area of the county, until a new subdivision ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area city of Greenleaf/county of Canyon.

B. Exceptions And Conflict Procedure: In the event of a conflict in the application of the provisions of the Canyon County zoning ordinance and the provisions of the city's subdivision ordinance to the area of impact of the city, the provisions of the city subdivision ordinance shall control, but shall not control over the application of the Canyon County floodplain and/or addressing ordinances. The city's subdivision ordinance shall be subject to the applicable Golden Gate highway district's standards and regulations solely enforceable by said highway district. It is further provided that only those portions of the subdivision ordinance adopted which are not repugnant to federal or state law shall be adopted by the county and there shall be no approval and reviewing of protective or restrictive covenants as part of the process described in this article.

C. One Mile Approval By City: Within one mile of the city, the city subdivision ordinance shall prevail over the Canyon County subdivision ordinance as is provided for in Idaho Code section 50-1306 in those circumstances where the one mile limit exceeds the boundaries of the impact area, except in those instances where there is an overlap with another city that is larger, in which event the jurisdiction of that larger city shall be assumed. (Ord. 101, 12-28-1994)

1-12A-6: AVAILABILITY OF ORDINANCES: True and correct copies of the ordinances herein referred to shall be on file with the city clerk, the clerk of the Canyon County commissioners, the office of planning and zoning department of the city, and the planning and zoning department of the county and are available for public inspection and reference. (Ord. 101, 12-28-1994)

ARTICLE B. IMPACT AREA PLANNING AND ZONING REPRESENTATIVE

1-12B-1: FINDINGS:
1-12B-2: POSITION CREATED:
1-12B-3: RESPONSIBILITY AND AUTHORITY:
1-12B-4: CITY COUNCIL TO RECEIVE RECOMMENDATION:

1-12B-1: FINDINGS:

A. The city of Greenleaf has with Canyon County taken all necessary action pursuant to Idaho Code section 67-6526 to delimit an impact area of city impact within the unincorporated area of Canyon County; and

B. Idaho Code section 67-6526(g) requires that persons living within the delimited area of impact shall be entitled to representation on planning, zoning, or planning and zoning commission of the city and that such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the area of impact; and

C. Because the city council elected to exercise all of the powers required and authorized by chapter 65 of title 67 of the Idaho Code there is no planning and/or zoning and/or planning and zoning commission of the city; and

D. In order to meet the spirit and requirements of Idaho Code section 67-6526(g) to provide representation of persons living within the impact area on matters that would come by law under the jurisdiction of a city planning and zoning commission, which representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the area of impact, and the city herein finds that the proportion of that population is less than twenty percent (20%). (Ord. 132, 3-9-1998)

1-12B-2: POSITION CREATED:

A. There shall be one impact area representative who is a resident and who shall have resided within the unincorporated area of Canyon County and within the impact area established for the city for two (2) years prior to appointment who shall be appointed by the mayor and confirmed by the majority vote of the city council.

B. The term of office shall be three (3) years commencing on the day of appointment.

C. Vacancies occurring otherwise than through the expiration of term shall be filled in the same manner as the original appointment and shall be for the service of the remainder of the term of the representative who is replaced.

D. The representative shall be selected without respect to political affiliation and may be compensated for services as prescribed by resolution of the council. (Ord. 132, 3-9-1998)

1-12B-3: RESPONSIBILITY AND AUTHORITY: The impact area representative shall have the duty and responsibility to hear with the council all matters coming before the city council wherein it is exercising its authority under chapter 65 of title 67, Idaho Code, and to make a recommendation(s) to the city council regarding such matters. (Ord. 132, 3-9-1998)

1-12B-4: CITY COUNCIL TO RECEIVE RECOMMENDATION: Prior to reaching its final decision regarding any matter coming before the city council wherein it is exercising its authority under chapter 65 of title 67, Idaho Code, it must receive the recommendations of the impact area representative which recommendations are not controlling but shall be included in the findings of fact and conclusions of law and/or other findings which are required by law for such matters. (Ord. 132, 3-9-1998)

This page left blank

Title 2
BOARDS AND COMMISSIONS

Chapter 1
PUBLIC SERVICES DEPARTMENT, COMMISSION

2-1-1: TITLE:
2-1-2: DEPARTMENT CREATED:
2-1-3: PUBLIC SERVICES DIRECTOR:
2-1-4: PUBLICLY OWNED TREATMENT WORKS, DEPARTMENT DUTIES:
2-1-5: WATER SYSTEM, DEPARTMENT DUTIES:
2-1-6: HIGHWAYS, DEPARTMENT DUTIES:
2-1-7: MUNICIPAL IRRIGATION SYSTEM, DEPARTMENT DUTIES:
2-1-8: DRAINAGE SYSTEM, DEPARTMENT DUTIES:
2-1-9: PARKS AND RECREATION, DEPARTMENT DUTIES:
2-1-10: BUILDINGS AND GROUNDS, DEPARTMENT DUTIES:
2-1-11: PUBLIC SERVICES COMMISSION:
2-1-12: PARKS AND RECREATION COMMISSION:

2-1-1: TITLE:

This chapter shall be known as THE PUBLIC SERVICES DEPARTMENT ORDINANCE. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-2: DEPARTMENT CREATED: There is hereby created a public services department which department shall be under the supervision of the city public services director, which public services director shall be appointed by the mayor and confirmed by the city council. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-3: PUBLIC SERVICES DIRECTOR: In the carrying out of the powers, duties and responsibilities of the public services department as hereinafter set out in this chapter, the public services director shall report to and coordinate with the public services commission2. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-4: PUBLICLY OWNED TREATMENT WORKS, DEPARTMENT DUTIES:

A. Enumerated: The public services department shall have the following powers, duties and responsibilities regarding the publicly owned treatment works, hereinafter referred to as POTW:

1. To recommend and carry out as directed by the mayor and council the city's construction, reconstruction, improving, bettering, extending, repair, rebuilding, connection to, and acceptance of its POTW, which includes all aspects of a "sewerage system" as defined by Idaho Code section 50-1029.

2. To manage the POTW in the most efficient manner, consisting of sound economy and public advantage to the end that the services or that the POTW and the services for which it provides shall be at the lowest possible

cost in conformance with state and federal law and requirements all in the promotion of the welfare and improvement of the health, safety, comfort and convenience of the inhabitants of the city.

3. To exercise the authority of the city to operate and maintain the POTW within and without the boundaries of the city or partially within or without the boundaries of the city or within any part of the city as especially authorized.

4. To prescribe and collect rates, fees, tolls or charges, including levy of assessment for such rates, fees, tolls or charges, as established by the city council, against all users including governmental units, departments or agencies, including the state and its subdivisions, for the services and facilities furnished by such works or by the rehabilitation thereof and to provide methods for collection and penalties, including the denial of services for nonpayment of such rates, fees, tolls or charges, to the end that the same may be and always remain self-supporting.

B. Additional Powers:

1. Powers And Authority Of City Authorized Representatives: The department through its authorized representatives shall be permitted at proper and reasonable hours of the day to enter all properties, premises or buildings which are connected to the POTW for testing or for any other purpose necessary for the proper administration of the POTW in accordance with other provisions of this code. Also, the city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, repair, maintenance and replacement of any appurtenances of the POTW lying within said easements. All entry and subsequent work, if any, on said easement shall be done in a workmanlike manner.

2. Rules And Regulations: The public services director may make or prescribe such rules and regulations deemed advisable to implement this chapter. Such rules are to be in force after approval of the mayor and city council by resolution. Said rules and regulations may cover all aspects of construction standards, sewer services charge adjustments, charges for sewer connection, classification of services, exemption from payment for sewer services, payment for services where building is not connected to the POTW. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-5: WATER SYSTEM, DEPARTMENT DUTIES:

A. Enumerated: The public services department shall have the following powers, duties and responsibilities:

1. To carry out the city's responsibility for the repair, rebuilding, connection to and acceptance of the municipal "water system", as defined by Idaho Code section 50-1029, including the acquiring, constructing, reconstructing, improving, bettering or extending the said works, its management of such works in the most efficient manner, consisting of sound economy and public advantage to the end that the services or that the system and the services for which it provides shall be at the lowest possible cost in conformance with state and federal law and requirements all in the promotion of the welfare and improvement of the health, safety, comfort and convenience of the inhabitants of the city.

2. To exercise the authority of the city to operate and maintain such works within and without the boundaries of the city or partially within or without the boundaries of the city or within any part of the city as especially authorized.

3. To prescribe and collect rates, fees, tolls or charges, including levy of assessment for such rates, fees, tolls or charges, as established by the city council, against all users including governmental units, departments or agencies, including the state and its subdivisions, for the services and facilities furnished by such works or by the rehabilitation thereof and to provide methods for collection and penalties, including the denial of services for nonpayment of such rates, fees, tolls or charges, to the end that the same may be and always remain self-supporting.

B. Additional Powers:

1. Powers And Authority Of City Authorized Representatives: The department through its authorized representatives shall be permitted at proper and reasonable hours of the day to enter all properties, premises or buildings which are connected to the municipal water system for testing or for any other purpose necessary for the proper administration of the water system in accordance with other provisions of this code. Also, the city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, repair, maintenance and replacement of any appurtenances of the water system lying within said easements. All entry and subsequent work, if any, on said easement shall be done in a workmanlike manner.

2. Rules And Regulations: The public services director may make or prescribe, subject to approval by the city council, such rules and regulations deemed advisable to implement this chapter. Such rules are to be in force after approval of the mayor and city council by resolution. Said rules and regulations may cover all aspects of construction standards, municipal water services charge adjustments, charges for municipal water services connection, classification of services, exemption from payment for

water services, payment for services where building is not connected to the water system. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-6: HIGHWAYS, DEPARTMENT DUTIES: The public services department shall have the following powers, duties and responsibilities:

A. To exercise the authority of the city to operate as a separate division of the Golden Gate highway district no. 3 under the provisions of Idaho Code section 40-1323 and the authority provided in Idaho Code section 40-1333 and any amendments and/or recodifications thereof and shall exercise the powers conferred and perform the duties imposed subject to the direction of the mayor and city council.

B. The public services director shall serve as the director of highways and shall have the same powers and perform the same duties imposed upon a county director of highways.

C. The public services department shall, through its director, recommend for passage proposed regulations to the city council for development standards relating to the length, grade and size of bridges, causeways and culverts; for the construction and maintenance of sewers, sidewalks, and crossings and grade construction and maintenance of highways, to provide and recommend for adoption by resolution standards for the construction of curbs on each side of the city highways and any connecting highways for which curbs and sidewalks have been prescribed by appropriate governing body and to prescribe such standards for curb cuts and ramps so that the same are constructed to allow reasonable access to crosswalks for physically handicapped persons.

D. To exercise, subject to the direction of the mayor and city council, the city's responsibility for the construction/reconstruction and maintenance of highways within the city's respective city system and to recommend to the city council any appropriate agreement with the Golden Gate highway district no. 3 or the state for highway work or a portion of it for which the city must compensate the district or state fairly for any work performed upon the city's highway system.

E. To perform any other responsibilities and powers given to the city as set forth in Idaho Code section 50-311 as it relates to the city's authority to create, open, widen or extend any street, avenue, alley or lane, subject to approval by the city council and to make written recommendations to the city council upon request or upon appropriate petition to annul, vacate or discontinue any street, avenue, alley or lane whenever it is deemed expedient for public good and to make recommendations to the city council with regard to matters regarding the exercise of taking of private property for public purposes for streets and/or other rights of way.

F. To make recommendations to the city council for the regulation and prohibition of the loading, storage or transportation of any materials deemed hazardous.

G. To make recommendations to the city council with regard to any requests for the levy and collection of a special tax, pursuant to Idaho Code section 50-312 or any amendments or recodifications thereof, for the purpose of laying out or to alter, open any street or alley, and improve, repair, light, grade, sprinkle, flush, gravel, oil, or drain the same and remove any and all obstructions therefrom.

H. The department shall have the responsibility to promulgate rules and regulations upon recommendation to and acceptance by resolution of the city council.

I. To exercise the city's authority under Idaho Code section 50-312 and subject to the direction of the mayor and city council and the ordinances of the city, carry out the authority of the city for the care, supervision and control of all of its public highways and bridges which have been accepted for maintenance and are under its supervision and control and shall cause them to be kept open and in repair and free from nuisance with the exception of those designated as part of the state highway system;

J. To further exercise the city's control and limits of traffic on streets, avenues and public places; and regulate and control all encroachments unto all sidewalks, streets, avenues and alleys in the city highway system; and remove obstructions from sidewalks, curbs, gutters and crosswalks at the expense of the persons placing them, in the city's exercise of its authority thereunder and as allowed by Idaho law.

K. The department shall, together with the city clerk, ensure that the city keeps a book in which should be recorded separately all proceedings of the council relating to each highway in the city system, including orders of laying out, altering or opening highways and all matters appertaining to city highway systems.

L. The public services director shall, on or before November 1 of each year, make a report of the condition of the work, construction and maintenance of all highways within the city, accompanied by a map or maps of them, together with any other effects necessary to establish generally the situation and condition of the highways within the city. This report shall be made in duplicate with one copy filed in the office of the board of transportation and one with the city clerk.

M. The public services director shall, on or before November 1 of each year, cause to be prepared and filed in the office of the city a true and correct statement of the financial condition of the city in respect to highways, as it existed on the preceding October 1 and the city's expenditures and appropriations for highway purposes during the preceding year. A copy of said statement is to be published in at least one issue of the official newspaper of the city; and prepare and submit each year for approval a tentative highway budget covering all proposed expenditures for the ensuing year. The director of highways may employ

assistants and employees as necessary for highway purposes subject to approval of the council.

N. The public services director shall cause to be erected and maintained whenever necessary for public safety and convenience suitable signs, markers, signals and other devices to control, guide and warn pedestrians and vehicular traffic.

O. The director of highways shall have the power, subject to the approval of the city council, to cause survey maps, plans, specifications and estimates to be made for construction, reconstruction and maintenance to the city highways.

P. The public services department may forbid, restrict and limit the erection of unauthorized signs, billboards and structures on rights of way of the city and remove and destroy any unauthorized signs.

Q. The public services department shall perform acts as authorized by the council for the improvement and maintenance of city highways.

R. The public services director shall cause to be prepared a map showing each highway and public right of way in the city's jurisdiction and cause notice to be given of the intention to adopt the map as its official map of that system.

S. The public services director shall make recommendation to the city council when appropriate for the adoption of a resolution for the initiation of highway validation proceedings. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-7: MUNICIPAL IRRIGATION SYSTEM, DEPARTMENT DUTIES: The public services department shall have the following powers, duties and responsibilities: to recommend and carry out the city's responsibilities relating to the municipal irrigation, system subject to the directions of the city council and subject to the specific responsibilities of the city clerk and treasurer as set forth in Idaho Code, chapter 18, title 50, and subject to the specific responsibilities therein directed of the city clerk and treasurer, and the city council. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-8: DRAINAGE SYSTEM, DEPARTMENT DUTIES: The public services department shall have the following powers, duties and responsibilities: to recommend and carry out the city's responsibility relating to its drainage system and to perform the duties and responsibilities appertaining thereto. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-9: PARKS AND RECREATION, DEPARTMENT DUTIES: The public services department shall have the following powers, duties and responsibilities:

A. Promulgation of rules and regulations subject to approval of the city council as may be necessary for the proper use and protection of park and recreation areas subject to the jurisdiction of, or owned by, the city.

B. Make expenditures for the acquisition, care, control, supervision, improvement, development, extension and maintenance of all lands under the control of the city to be used and/or dedicated for recreational use, subject to the approval of the city council through the budgeting process, and to make arrangement, agreements, contracts or commitments subject to the approval of the city council necessary to carry out these duties and responsibilities.

C. Prepare, maintain and keep up to date a comprehensive plan for the development of recreational property and to coordinate said planning with the city council and the comprehensive land use plan of the city. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-10: CITY BUILDINGS AND GROUNDS, DEPARTMENT DUTIES: The public services department shall have the following powers, duties and responsibilities regarding city buildings and grounds that are not governed under other sections of this chapter and are subject to the jurisdiction of, or owned by, the city:

A. To promulgate rules and regulations subject to approval of the city council as may be necessary for their proper use, management and protection.

B. To propose and make expenditures subject to the approval of the city council through the budgeting process for the management, acquisition, care, control, supervision, improvement, development, planning, extension and maintenance of buildings and grounds.

C. To prepare, maintain and keep up to date a comprehensive plan for the need and development of buildings and grounds for city purposes and to coordinate said planning with the planning and zoning commission and the comprehensive land use plan of the city. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-11: PUBLIC SERVICES COMMISSION:

A. Purpose: The mayor and city council do hereby establish a public services commission pursuant to its authority under Idaho Code section 50-210 for the purpose of assisting the mayor and council in all phases of public works in the city.

B. Commission Created: There is hereby created and established a commission to be known as the public services commission.

C. Membership: The public services commission shall consist of three (3) members: the mayor of the city, or the mayor's designee, the director of public services, and a member of the city council, and/or an adult resident of the city who shall be nominated by the mayor and approved by the city council for a term of one year at the first regular meeting in January.

D. Organization: The public services commission shall meet as called by the members of the commission.

E. Duties: The public services commission is established for the purpose of providing planning and operational and budget assistance to the director of the public services department. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-12: PARKS AND RECREATION COMMISSION:

A. Commission Created: The mayor and city council do hereby establish a commission to be known as the parks and recreation commission pursuant to its authority under Idaho Code section 50-210. (Ord. 166, 12-10-2001, eff. 1-1-2002)

B. Membership: The parks and recreation commission shall consist of three (3) members: the mayor of the city, or the mayor's designee, and two (2) other members, who shall be nominated by the mayor and approved by the city council for a term of one year at the first regular meeting in January. One member may be within the ages of fourteen (14) and eighteen (18) years. Members of the parks and recreation commission must reside either within the city or within the impact area of the city. If the city has a public services director, he/she shall be an ex officio member of the commission. The commission may determine to have additional ex officio members as it chooses and the names of such members shall be reported to the city council. (Ord. 210, 1-9-2007)

C. Organization: The parks and recreation commission shall meet at least four (4) times a year and shall at their first meeting elect a chairman and secretary; the chairman to run and conduct the meetings of the commission and the secretary to record the proceedings in minutes and to report the same to the public services commission and to the city council.

D. Purpose Of Formation And Responsibilities Of Commission:

1. It is the finding of the city council that parks and recreation are an important part of the health and welfare of the citizens of the city and it is found that in order to further the purpose of that finding, it is necessary and desirable and that the parks and recreation commission assist the mayor, the city council and the public services director in all phases of parks and recreation.

2. The commission shall formulate and propose to the city public services commission and the city council a short and long range, comprehensive plan for parks and recreational programming for the city, including the coordination of that programming with other governmental subdivisions of the state (i.e., school district) and private interests in the community and which plans shall include budgetary considerations.

3. The commission shall formulate budgetary requests for parks and recreation to be submitted for consideration by the public services commission and by the council for inclusion in each fiscal year budget of the city. (Ord. 166, 12-10-2001, eff. 1-1-2002)

2-1-13: DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE:

A. *City Committee created*. A development impact fee advisory committee of the City council is established as a standing permanent committee.

B. *City Committee name*. The standing permanent committee is known and shall continue to be known and designated as the "City of Greenleaf Development Impact Fee Advisory Standing Committee" (hereinafter in this section referred also as "advisory committee" or "committee").

C. *Membership*. The members on the committee shall be appointed by the City council for a term of three (3) years or until someone is appointed in his/her place, and there shall not be fewer than five (5) members of which two (2) or more members shall be active in the business of development, building or real estate and at least two (2) or more members shall not be active in the business of development, building or real estate. All members must reside within the City of Greenleaf. No members shall be employees or officials of the City of Greenleaf or a governmental entity with whom the city has an intergovernmental agreement to enact an impact fee ordinance.

1. Any vacancy occurring on the committee during the year shall be filled during the year, by appointment of the City council.

D. *Charge*. The advisory committee shall serve as an advisory committee to the City council to enact City impact fee ordinance and is charged with the following responsibilities:

1. Assist the City in adopting land use assumptions; and
2. Review the capital improvements plan; and
3. Monitor and evaluate implementation of the capital improvements plan; and
4. File with the City clerk, at least annually, with respect to the capital improvements plan a report of any perceived inequities in implementing the capital improvements plan or imposing development impact fees; and
5. Advise the City council of the need to update or revise land use assumptions, capital improvements plan; and
6. The city shall make available to the advisory committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the capital improvements plan and periodic updates of the capital improvements plan.

E. A*dvisory committee organization*. The administrator shall staff the advisory committee in order to provide the committee with needed information for the committee's review and to provide for its compliance with the Open Meeting Law (Chapter 2 of Title 74 Idaho Code).

1. The advisory committee shall select its officers, which include a chairman, vice chairman and a secretary of the committee.
2. The chairman shall conduct the meetings of the committee. The duties of the chairman shall be performed by the vice chairman in the absence of the chairman or as delegated by the chairman. The chairman and the vice chairman shall be members of the committee.
3. The administrator shall serve as the secretary of the committee and shall take minutes and post agenda notices required by the Open Meeting Law. The secretary is not a member of the committee.
4. The committee shall establish a regular meeting schedule.
5. The agenda of each meeting shall include the approval of the minutes of the last meeting and the secretary shall provide a copy of the approved minutes to the City council.
6. Fifty (50) percent of the membership of the committee shall constitute a quorum. Once a quorum is established for a meeting, the subsequent absence of a member present for creating the quorum shall not dismiss the quorum.
7. A majority vote of those present at any meeting is sufficient to carry motions.

F *Reporting*. The advisory committee reports directly to the city council.

G *City Council Review of Committee's Reports and Recommendations*. The City council shall consider the advisory committee's recommended revision(s) at least once every twelve (12) months. The Advisory Committee's recommendations shall be intended to ensure that the benefits to a development paying impact fees are equitable, so that the impact fee charged to the development shall not exceed a proportionate share of system improvements costs, and that the procedures for administering impact fees remain efficient. (Ord #301, 06-13-2023; Amd. Ord #312, 12-03-2024)

2-1-14: DEVELOPMENT IMPACT FEE ADVISORY COMMITTEES BY INTERGOVERNMENTAL AGREEMENT:

A. *Committee created:* A city development impact fee advisory committee, which is created with any district pursuant to Idaho Code Section 67-8204A, is established pursuant to the terms and conditions of the intergovernmental agreement with the district. (Ord #311, 12-03-2024)

Chapter 2
PLANNING AND ZONING COMMISSION, HEARING EXAMINER

2-2-1: DEFINITIONS:
2-2-2: APPOINTMENT, MEMBERSHIP AND QUALIFICATIONS:
2-2-3: TERM OF OFFICE, VACANCIES AND REMOVALS:
2-2-4: ORGANIZATION:
2-2-5: DUTIES:
2-2-6: EXPENDITURES AND EXPENSE PAYMENT SCHEDULE:

2-2-1: DEFINITIONS: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

APPOINTIVE MEMBERS: All members of the commission.

COMMISSION: The Greenleaf planning and zoning commission authorized by this chapter and appointed by the city council.

GOVERNING BOARD: The city council.

HEARING EXAMINER: A person hired by the city to act in the capacity of a hearing examiner as defined in Idaho Code section 67-6520, as authorized by this chapter. (Ord. 203, 6-8-2006, eff. 7-20-2006)

2-2-2: APPOINTMENT, MEMBERSHIP AND QUALIFICATIONS:

A. Planning And Zoning Commission: The council may appoint a planning and zoning commission. If the council elects to appoint a planning and zoning commission, the commission shall consist of from three (3) to twelve (12) members who shall be appointed by the mayor and confirmed by a majority vote of the city council. All members must have been residents of the city for at least two (2) years, and must reside within the city while serving on the commission. Persons residing within the Greenleaf impact area shall be entitled to representation on the city planning and zoning commission. To be appointed as an impact area representative an individual must have resided in the county for at least two (2) years. Such representation shall as nearly as possible reflect the proportion of population living within the city as compared to the population living within the Greenleaf impact area. To achieve such proportional representation, membership on the city planning and zoning commission may exceed twelve (12) persons. Members shall be selected without respect to political affiliations.

B. Hearing Examiner: The council may also appoint a hearing examiner. The council may assign responsibilities and duties to the hearing examiner in accordance with Idaho Code section 67-6520. The duration of an appointment of a hearing examiner shall be governed by the terms of the contract negotiated between the city and the hearing examiner. The hearing examiner shall follow the

same procedural and notice requirements for the conduct of hearings as the commission.

C. Procedure For Assignment Of Cases: If the city uses both a planning and zoning commission and a hearing examiner, then the procedure for assignment of cases between the commission and the hearing examiner shall be established by resolution of the city council.

D. Conduct Of Hearings: If the city appoints a hearing examiner, said hearings shall be conducted as set forth in the administrative procedure act, chapter 52, title 67, Idaho Code, and IDAPA 04.11.01.100 through 04.11.01.799, "Idaho rules of administrative procedure of the attorney general". (Ord. 203, 6-8-2006, eff. 7-20-2006)

2-2-3: TERM OF OFFICE, VACANCIES AND REMOVALS: The term of office for appointive members shall be three (3) years. Said terms shall be staggered in such a manner that not more than thirty five percent (35%) shall expire in any one year. All vacancies shall be filled in the same manner as original appointments and members may be removed after public hearing by a majority vote of the governing board. (Ord. 203, 6-8-2006, eff. 7-20-2006)

2-2-4: ORGANIZATION:

A. Officers: The commission shall elect its own chairman, vice chairman and secretary and create and fill such offices as it may deem necessary for the proper conduct of the affairs and business of the commission.

B. Meetings: Meetings of the commission shall be held when duly called by the chairman by written or oral notice. At least one regular meeting shall be held each month for not less than nine (9) months in a year. All meetings shall be open to the public. A majority of voting members of the commission shall constitute a quorum.

C. Rules For Conduct Of Business: Written rules consistent with this chapter and the laws of the state of Idaho for the transaction of business of the commission shall be adopted.

D. Records Kept: Written records of meetings, hearings, resolutions, findings, studies, permits and actions shall be maintained and open to the public. (Ord. 203, 6-8-2006, eff. 7-20-2006)

2-2-5: DUTIES: It shall be the duty of the planning and zoning commission to:

A. Conduct a planning process designed to prepare, implement, review and update a comprehensive plan that includes all lands within the governing board's jurisdiction;

B. Hold public hearings prior to recommending the comprehensive plan, changes to the plan and ordinances, special use permits, rezone applications, planned unit development proposals and variance applications, and zoning ordinance amendments;

C. Provide ways and means to obtain citizen participation in the planning process;

D. Recommend subdivision and zoning ordinances;

E. Recommend changes to a comprehensive plan and zoning ordinance prior to annexation of an unincorporated area;

F. Recommend a map, a governing plan and ordinances for an area of city impact that is within the unincorporated area of the county; and

G. Such other duties as are required by Idaho law and this code. (Ord. 203, 6-8-2006, eff. 7-20-2006)

2-2-6: EXPENDITURES AND EXPENSE PAYMENT SCHEDULE: Any expenditures of the commission (exclusive of gifts) shall be within the amounts appropriated and set aside by the city council for the commission. Each member of the commission shall receive payment for their actual and necessary expenses and other compensation in an amount established by resolution of the city council. No commission member may receive in excess of one thousand three hundred dollars ($1,300.00) during any fiscal year. The city council reserves the right to refuse to appropriate such expenditures or reduce them in any budget year. This expense payment schedule may be amended by resolution of the city council at any time. Compensation for the hearing examiner shall be governed by the terms of the agreement between the hearing examiner and the city council. (Ord. 203, 6-8-2006, eff. 7-20-2006)

This page left blank

Title 3
BUSINESS AND LICENSE REGULATIONS

Chapter 1
GENERAL LICENSING PROVISIONS

3-1-1: APPLICATION:
3-1-2: FEES:
3-1-3: PERSONS SUBJECT TO LICENSE:
3-1-4: FORMS:
3-1-5: SIGNATURES:
3-1-6: INVESTIGATIONS:
3-1-7: TERM OF LICENSE:
3-1-8: POSTING OF LICENSE:
3-1-9: LICENSE NOT TRANSFERABLE:
3-1-10: INSPECTIONS:
3-1-11: BUILDING AND PREMISES:
3-1-12: CHANGE OF LOCATION:
3-1-13: FRONTAGE CONSENTS:
3-1-14: NUISANCES:

3-1-1: APPLICATION: Applications for all licenses and permits required by this code shall be made in writing to the duly authorized official, unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official. (1973 Code § 4-1-1)

3-1-2: FEES: In the absence of specific provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the city clerk. When an applicant has not engaged in the business until after the expiration of more than six (6) months of the current license year, the license fee shall be in the sum of one-half (1/2) of the fee specified for the entire year. All license fees shall be deposited to the general fund. (1973 Code § 4-1-14)

3-1-3: PERSONS SUBJECT TO LICENSE: Whenever in this code a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the city. (1973 Code § 4-1-2)

3-1-4: FORMS: Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the city clerk or other duly authorized officials. (1973 Code § 4-1-3)

3-1-5: SIGNATURES: Each license or permit issued, in the absence of any provision to the contrary, shall bear the signatures of the mayor and the city clerk. (1973 Code § 4-1-4)

3-1-6: INVESTIGATIONS: Upon the receipt of an application for a license or permit where laws of the city necessitate an inspection or investigation before the issuance of such permit or license, the city clerk shall refer such application to the proper officer for making such investigation within forty eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The county health officer shall make or cause to be made an inspection in regard to such licenses in connection with the care and handling of food and the preventing of nuisances and the spread of disease. For the protection of health, the building inspector shall make or cause to be made any such inspection relative to the construction of buildings or other structures. All other investigations, except where otherwise provided shall be made by the chief of police or by some other officer designated by the mayor. (1973 Code § 4-1-5; amd. 2003 Code)

3-1-7: TERM OF LICENSE:

A. Annual: All annual licenses shall terminate on the last day of the fiscal year1 of the city where no provision to the contrary is made.

B. Statement For Renewal: The city clerk shall mail to all licensees of the city a statement of the time of expiration of the license held by the licensee, if an annual license, three (3) weeks prior to the date of such expiration. Provided, that failure to send out such notice, or failure of the licensee to receive it shall not excuse the licensee from failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license. (1973 Code § 4-1-6)

3-1-8: POSTING OF LICENSE:

It shall be the duty of any person conducting a licensed business in the city to keep his license posted at all times in a prominent place on the premises used for such business. (1973 Code § 4-1-13)

3-1-9: LICENSE NOT TRANSFERABLE:

No license granted or issued under any provision of this chapter shall be in any way assignable or transferable or authorize any person other than the person to whom it has been granted/issued. (1973 Code § 4-1-15; amd. 2003 Code)

3-1-10: INSPECTIONS:

A. Right Of Entry: Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this code, or are reasonably necessary to secure compliance with any code provision or to detect violations thereof, it shall be the duty of the

licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that admission is requested.

B. Provide Samples For Analysis: Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any code provision or to detect violations thereof, it shall be the duty of the licensee of the city whose business is governed by such provision to give to any authorized officer or employee of the city requesting the same sufficient samples of such material or commodity for such analysis upon request.

C. Failure To Allow Entry Or Provide Sample: In addition to any other penalty which may be provided, the mayor may revoke the license of any licensed proprietor of any licensed business in the city who refuses to permit any such officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his duty in making such inspection. Provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the city, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample. (1973 Code § 4-1-11)

3-1-11: BUILDING AND PREMISES: No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with requirements of the city. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning regulations of the city. No license or permit shall be issued for the business, conduct or activities described and/or defined as an "adult arcade/bookstore/entertainment establishment" in section 9-2-2 of this code. (1973 Code § 4-1-7; amd. Ord. 185, 4-5-2004)

3-1-12: CHANGE OF LOCATION: In the absence of any provision to the contrary, the location of any licensed business or occupation, or of any permitted act, may be changed, provided ten (10) days' notice thereof is given to the city clerk; provided further, the building, zoning and frontage consent requirements of this code are complied with. (1973 Code § 4-1-8)

3-1-13: FRONTAGE CONSENTS:

A. Filing Of Petition; Signatures Required: Whenever the consent of the adjoining or neighboring owners is required as a prerequisite to the conduct of any business or occupation, or the location of any establishment, such consent must be obtained by securing the necessary signatures to a written consent petition. Such petition shall be filed with the city clerk when signed.

B. Withdrawal Of Signatures Prohibited: Consents once given and filed shall not be withdrawn, and such petitions need not be renewed for the continuous conduct of the same business, whether by the same proprietor or not.

C. Forgery Of Names: It shall be unlawful to forge any name to such a petition or to represent falsely that the names thereon have been properly placed thereon if such is not the fact.

D. Affidavit: Each consent when filed shall be accompanied by the affidavit of the person securing the signatures that each signature appearing therein was properly secured and written on, and that the petition contains the necessary number of signatures required by this code.

E. Affecting Zoning Ordinance: The frontage consent requirements contained in this code shall not be construed to amend or change any zoning ordinance provision of the city; and no such provision shall be construed as permitting the erection of a structure or building, or the conduct of a business or the commission of any act in any location where such structure, building, business or act is prohibited by any zoning regulation of the city. (1973 Code § 4-1-9)

3-1-14: NUISANCES: No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (1973 Code § 4-1-10)

Chapter 2
BEER AND LIQUOR LICENSES

3-2-1: LICENSE ACQUISITION PROHIBITED: There shall be no beer or liquor license of any type, kind or nature issued to any person, group of persons or entity of any kind or nature for the sale or disposition of any type or kind of beer, liquor or alcoholic beverage. Included within the definition of "alcoholic beverage" shall be each and every type of wine. The sale of beer, liquor or alcoholic beverage of any type, kind or nature is prohibited within the city. (1973 Code § 4-2-1)

Chapter 3
PEDDLERS AND HAWKERS

3-3-1: DEFINITIONS:
3-3-2: APPLICATION FOR LICENSE:
3-3-3: LICENSE FEES:
3-3-4: BOND REQUIRED:
3-3-5: DISPLAY OF LICENSE:
3-3-6: AGRICULTURAL SALES EXCEPTED:
3-3-7: PEDDLERS A NUISANCE:
3-3-8: DUTY OF POLICE TO ENFORCE:
3-3-9: REVOCATION OF LICENSE:
3-3-10: PENALTY:

3-3-1: DEFINITIONS:

HAWKER: Any person who offers goods, wares or merchandise of any kind at outcry upon any street or vacant lot in the city, whether by auction or otherwise.

PEDDLER: Any person who goes from house to house and offers for sale goods, wares or merchandise of any kind or description carried with him or taking orders for future delivery of goods, wares or merchandise of any kind or description. (1973 Code § 4-3-1)

3-3-2: APPLICATION FOR LICENSE: Application for a license to be issued under the provisions of this chapter shall be made to the city clerk and shall contain a statement concerning the type of business contemplated. (1973 Code § 4-3-2)

3-3-3: LICENSE FEES:

A. Fees Imposed: A license fee shall be paid by hawkers and peddlers in the following amounts, unless otherwise provided in this chapter:

$ 10.00 per day
100.00 per month
500.00 per year

(1973 Code § 4-3-3)

B. Reduction Of Fees:

1. Reduction For Certain Persons: The mayor and/or city council shall have authority to reduce the license fee for hawkers, peddlers or salesmen to three dollars ($3.00) per three (3) month period in any of the following instances:

a. When the applicant is a resident of the city;

b. When the applicant owns and/or operates a business in the city;

c. When the applicant represents a civic organization and the funds derived from such hawking or peddling are used for charitable purposes;

2. Council Decision Final: In all cases the decision of the mayor and/or city council in the amount of the fee shall be final. (1973 Code § 4-3-11; amd. 2003 Code)

3-3-4: BOND REQUIRED: Every applicant shall file with the city clerk a surety bond running to the city in the amount of one thousand dollars ($1,000.00) with the surety acceptable to and approved by the mayor, conditioned that the said applicant shall comply fully with all the provisions of this chapter. Action on such bond may be brought in the name of the city for the use or benefit of the aggrieved person. (1973 Code § 4-3-4)

3-3-5: DISPLAY OF LICENSE: Any hawker or peddler is required to exhibit his license upon the request of any citizen or police officer. (1973 Code § 4-3-5)

3-3-6: AGRICULTURAL SALES EXCEPTED: Nothing in this chapter shall be construed to require a license or prohibit the door to door selling of agricultural products grown or produced within the state. (1973 Code § 4-3-10)

3-3-7: PEDDLERS A NUISANCE: The practice of going in and upon private residences in the city by unlicensed solicitors, unlicensed peddlers, unlicensed hawkers, unlicensed itinerant merchants and unlicensed transient vendors of merchandise, not having been requested or invited so to do by the owner of said private residence, for the purpose of soliciting orders for the sale or future delivery of goods, wares and merchandise of any kind or description, and/or for the purpose of disposing and/or peddling or hawking the same is hereby declared to be a nuisance. (1973 Code § 4-3-7)

3-3-8: DUTY OF POLICE TO ENFORCE: It shall be the duty of any police officer to enforce the provisions of this chapter. (1973 Code § 4-3-8)

3-3-9: REVOCATION OF LICENSE: Licenses issued under the provisions of this chapter may be revoked by the mayor for any of the following cases:

A. Fraud, misrepresentation or false statement contained in the application for license;

B. Fraud, misrepresentation or false statement made in the course of carrying on a business;

C. Any violation of this chapter;

D. Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (1973 Code § 4-3-6)

3-3-10: PENALTY: Noncompliance with the provisions of this chapter may be cited as an infraction as provided in Greenleaf Code §1-4-1. (1973 Code § 4-3-9; Amd 2003 Code; Amd Ord #300, 03-14-2023)

Chapter 4
JUNK SHOPS, PAWNSHOPS AND SECONDHAND STORES

3-4-1: DEFINITIONS:
3-4-2: APPLICATION FOR LICENSE:
3-4-3: LICENSE FEE:
3-4-4: RECORDS:
3-4-5: INSPECTION:
3-4-6: PURCHASES FROM MINORS:

3-4-1: DEFINITIONS: JUNK SHOP: Shall include any enterprise engaged in the processing of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking and dismantling.

PAWNBROKER: Shall include every person who makes a business of lending money on the security of personal property deposited in his keeping.

SECONDHAND STORE: Shall include every person who deals in the purchase and sale of goods of any type that has been used or previously sold at retail one or more times. (1973 Code § 4-4-1)

3-4-2: APPLICATION FOR LICENSE: Application for a license to be issued under the provisions of this chapter shall be made to the city clerk and shall contain a description of the location of the applicant together with a statement concerning the type of business contemplated. The council may provide regulations requiring such other information as it may deem advisable. (1973 Code § 4-4-2)

3-4-3: LICENSE FEE: Upon receipt of proper application and the payment of a fee of ten dollars ($10.00), the city clerk may issue a license for a junk shop, pawnbroker or secondhand store, subject to all of the provisions of this chapter. (1973 Code § 4-4-3)

3-4-4: RECORDS: Any person licensed under the provisions of this chapter shall maintain a written record of all business transactions, including the time of purchase and description of any article and the name and address of the person from whom such article was purchased. This record shall be in the English language and shall be available at any reasonable time for inspection by the chief of police or other designated official. (1973 Code § 4-4-6; amd. 2003 Code)

3-4-5: INSPECTION: The chief of police or other designated official shall be permitted at any reasonable time to inspect any property contained on the premises of any person licensed under this chapter. (1973 Code § 4-4-5; amd. 2003 Code)

3-4-6: PURCHASES FROM MINORS: No person licensed under the provisions of this chapter shall make any purchase from any minor. (1973 Code § 4-4-4)

Chapter 5
JUNK DEALERS

3-5-1: DEFINITION:
3-5-2: CONDITIONS REQUIRED FOR JUNK BUSINESS:
3-5-3: LITTERING PUBLIC THOROUGHFARES AND PROPERTY:
3-5-4: ABATEMENT BY CITY; COSTS A LIEN:
3-5-5: PENALTY:

3-5-1: DEFINITION: A "junk dealer" shall include any person engaged in the processing or collecting of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking and dismantling. (1973 Code § 4-5-1)

3-5-2: CONDITIONS REQUIRED FOR JUNK BUSINESS:

A. Sanitary Premises: Any person doing business as a junk dealer shall at all times maintain his place of business in a sightly and sanitary manner.

B. Storage Within Building; Fence: All material classified as junk, including motor vehicles and/or motor vehicle bodies, shall be maintained either in a building or shall be enclosed by a board fence not less than six feet (6') high.

C. Failure To Comply Constitutes Nuisance: The failure of any person to comply with the provisions of this section shall constitute a nuisance. (1973 Code § 4-5-2)

3-5-3: LITTERING PUBLIC THOROUGHFARES AND PROPERTY: It shall be unlawful for any person to litter or permit the accumulation of junk or unsightly materials on any public property or public thoroughfare. (1973 Code § 4-5-3)

3-5-4: ABATEMENT BY CITY; COSTS A LIEN: Should any junk dealer fail or refuse to provide proper buildings or a fence, the city shall abate such as a nuisance. The cost of such abatement shall thereafter constitute a lien upon the property and shall be collected as provided by law. (1973 Code § 4-5-4)

3-5-5: PENALTY: Noncompliance with the provisions of this chapter may be cited as a misdemeanor as provided in Greenleaf Code §1-4-1. (1973 Code § 4-5-5; Amd 2003 Code; Amd Ord #300, 03-14-2023)

Chapter 6
TREE TRIMMERS

3-6-1: LICENSE REQUIRED:
3-6-2: APPLICATION FOR LICENSE:
3-6-3: LICENSE FEE:
3-6-4: INSURANCE OR BOND REQUIRED:

3-6-1: LICENSE REQUIRED: It shall be unlawful for any person to engage in the trade or commercial business of cutting, trimming or removing trees located on street parking areas or on any public right of way, without first securing a license therefor. (1973 Code § 4-8-1)

3-6-2: APPLICATION FOR LICENSE: Application for such license shall be made to the city clerk on a form to be furnished by the city. The application shall be signed by the applicant and shall show such information as may be required by the city clerk. (1973 Code § 4-8-2; amd. 2003 Code)

3-6-3: LICENSE FEE: The city clerk shall either approve or disapprove each application. If the application is approved, then the applicant shall pay a license fee of five dollars ($5.00) per annum. Such license shall be issued for the calendar year or the balance of the calendar year only. (1973 Code § 4-8-3; amd. 2003 Code)

3-6-4: INSURANCE OR BOND REQUIRED: Before a license as provided for in this chapter may be issued, there must be on file with the city clerk a policy of public liability and property damage insurance executed by an authorized insurer, or an indemnity bond executed by a surety company authorized to execute surety bonds. Such policy of insurance or indemnity bond shall provide not less than five hundred thousand dollars ($500,000.00) for liability on account of bodily or personal injury, death, or property damage, or other loss as the result of any one occurrence or accident. (Ord. 47, 3-14-1985)

Chapter 7
COMPRESSED GAS SYSTEMS

3-7-1: LICENSING REQUIREMENTS; FEE:
3-7-2: COMPLIANCE WITH CODES:

3-7-1: LICENSING REQUIREMENTS; FEE:

A. License Required: It shall be unlawful for any person to engage in the business of handling, storing, transporting or installing compressed or liquefied petroleum gases, except acetylene, and the equipment used in connection therewith, without first securing a license from the city clerk.

B. Term; Application; Issuance: Such shall be an annual license and shall be renewed January 1 of each year, and shall be issued by the city clerk upon application by and with the approval of the chief of the fire department and the building official.

C. Annual Fee: There shall be paid to the city clerk with each such application an annual license fee in the sum of twenty five dollars ($25.00). (1973 Code § 4-7-1; amd. 2003 Code)

3-7-2: COMPLIANCE WITH CODES: It shall be the duty of the fire chief of the Caldwell rural fire protection district and the building official, or their designees, to enforce the provisions of this chapter which apply to their departments. Both shall make inspections for the purpose of compelling compliance therewith. All installations within buildings shall comply with minimum requirements for natural gas installations. (1973 Code § 4-7-2; amd. 2003 Code)

This page left blank

Title 4
PUBLIC HEALTH AND SAFETY

Chapter 1
NUISANCES

4-1-1: TITLE:
4-1-2: NUISANCE DEFINED:
4-1-3: MAINTENANCE OF NUISANCE UNLAWFUL:
4-1-4: ENFORCEMENT:
4-1-5: REQUEST FOR HEARING:
4-1-6: CLEANUP BY CITY; COST ASSESSMENT:
4-1-7: AUTHORITY TO EMPLOY LABOR:
4-1-8: INTERFERENCE WITH CITY AGENT:
4-1-9: PENALTY:

4-1-1: TITLE: This chapter shall be referred to and known as the NUISANCE ABATEMENT ORDINANCE. (Ord. 62, 12-14-1989)

4-1-2: NUISANCE DEFINED: As used in this chapter "nuisance" shall mean:

A. Fire Hazard; Rodent Harborage; feral cat habitat: Any condition or use of premises or property which creates a fire hazard and/or creates a condition for the harborage of rodents and/or insects; and/or promotes feral cat habitat which are injurious to the health, safety and welfare of the inhabitants of the city.

B. Waste: Unwanted accumulation of solid, liquid, or gaseous materials.

C. Refuse: Solid, semi-solid and liquid wastes including garbage and rubbish.

D. Garbage: All putrescible wastes (wastes that contain organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of causing obnoxious odors and to be capable of attracting or providing food for birds, animals, or insects.), including waste accumulated of animal food, or vegetable matter, and including waste that attends the preparation, use, cooking, dealing or storing meat, fish, fowl, fruit and vegetable matter of residences, restaurants, hotels and places where food is prepared for human consumption.

E. Rubbish: Refuse other than garbage, including lumber, tin cans, bottles, ashes, paper, pasteboard, cardboard or wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, junk, trash, debris, or other waste materials produced in normal course of doing business of every day living.

F. Accumulations On Property: The keeping or depositing on or the scattering over any premises or real property any of the following are specifically prohibited:

1. Rubbish;

2. Abandoned, discarded or unused objects, personal property and/or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, tools, parts or personal property;

3. Partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicles or parts thereof.

G. Exceptions: With the exception of garbage, a "nuisance" shall not include any material hereinabove defined as a nuisance when enclosed within a building or so located upon the premises as to not be readily visible from any public place or from any surrounding private property. Nor shall the term "nuisance" apply to a partially dismantled, wrecked, junked or discarded or otherwise nonoperating motor vehicle or parts thereof which are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed salvage yard or junk dealer, or when storing or parking is necessary to the operation of lawfully conducted business or commercial enterprise, so long as that private property, business or commercial enterprise is located within a zone in which the conducting of said business is lawful. Rubbish shall not include recognized industrial by-products. Garbage and rubbish shall not include composting related to residential gardening.

H. Graffiti: The keeping upon any premises of inscriptions of figures, designs or words (commonly known as graffiti) on rocks, walls, buildings, fences, sidewalks or like structures which inscriptions are not placed there by the owner or a person entitled to possession at the time the inscriptions were made and which inscriptions do not serve any purpose for the owner and/or person entitled to possession in relationship to the occupancy and/or ownership of the premises. (Ord. 134, 6-8-1998; amd. Ord. 220, 03-04-2008, Amd. Ord #306, 03-05-2024)

4-1-3: MAINTENANCE OF NUISANCE UNLAWFUL: It shall be unlawful for any person owning, leasing, occupying or having charge or possession of any premises or real property to create, cause or maintain any "nuisance", as herein defined, to remain on such property longer than ten (10) days. Said ten (10) day period shall commence to run after written notice is served as hereinafter provided in section 4-1-4 of this chapter. (Ord. 62, 12-14-1989)

4-1-4: ENFORCEMENT:

A. Appointment: The mayor, with the advice and consent of the city council, shall appoint a duly authorized representative who shall be responsible for the enforcement of this chapter.

B. Serving Notice Of Violation: Written notice of the ten (10) day period, referred to in section 4-1-3 of this chapter, shall be served upon any adult occupying the real property upon which the nuisance is located, or upon the owner of such real

property, if known. If no occupant of such real property, nor the owner thereof, can be located, then a written notice shall be affixed to any building on the real estate, and in the event there is no building on the real estate, then in a place conspicuous so as to be reasonably discovered by anyone occupying the premises. In the event the owner is known but has not been personally served, a notice, in addition to the posted notice, shall be sent to said owner by registered or certified mail to the last known mailing address. Said notice shall constitute notice to the owner and/or occupant of the real property.

C. Contents Of Notice: The notice of nuisance shall contain the following:

1. A general description of the nuisance.

2. The date of the posting of the notice and giving notice that if the nuisance remains upon the property longer than ten (10) days, it shall be an infraction and punishable as provided in section 1-4-1 of this code, and that if the condition should remain longer than ten (10) days, that it shall be considered a separate offense for each day after the ten (10) days that the nuisance remains. (Ord. 62, 12-14-1989; amd. 2003 Code; Amd. Ord. 281, 12/11/2018)

3. In the event the city intends to cause the nuisance to be abated, it shall specify in the notice that the expense of such abatement shall be assessed against the real property involved as general taxes, and collectible as other state, county and municipal taxes; and in the event the city intends to abate the nuisance, the owner or occupant shall be advised in the notice that they may petition the city council for a hearing, pursuant to the Greenleaf contested hearing procedures act (title 1, chapter 10 of this code), which hearing must be requested within ten (10) days of the date of the posting of the notice.

4. That the notice is given pursuant to this chapter by the authority of the duly authorized agent of the city. (Ord. 69, 9-13-1990; amd. Ord. 95, 3-9-1994)

4-1-5: REQUEST FOR HEARING: In the event notice is given of the city's intent to cause a nuisance to be abated, the owner and/or occupant of real property may petition the city council for a hearing pursuant to the Greenleaf contested hearing procedures act (title 1, chapter 10 of this code) within ten (10) days of the date of the service of the notice, as provided in subsection 4-1-4C of this chapter; and, upon so filing, the matter shall be considered a contested case under the definitions of section 1-10-2 of this code (the Greenleaf contested hearing procedures act), and a hearing to determine the validity of the notice of nuisance shall be held in accordance with the provisions of said Greenleaf contested hearing procedures act. From the date a petition is filed before the city council, until the day a decision is made, the running of the ten (10) day period referred to in section 4-1-3 of this chapter shall be tolled, but shall commence to run five (5) days following a decision by the city council. (Ord. 69, 9-13-1990; amd. Ord. 95, 3-9-1994)

4-1-6: CLEANUP BY CITY; COST ASSESSMENT:

A. Abatement By City: The mayor and city council may cause cleanup after notice, and/or in the event of a contested case, and in addition to the filing of a complaint for violation of this chapter, after finding that a "nuisance", as hereinabove defined, exists.

B. Special Assessment Against Real Property: Pursuant to the authority of Idaho Code section 50-334, the expense of such abatement shall be assessed as a special assessment against the real property involved and shall be due and payable to the city treasurer, and, if not paid within thirty (30) days after mailing of notification of assessment, shall be declared delinquent and be certified to the tax collector of the county by the city clerk, not later than August 1, and shall be by said collector placed upon the tax roll and collected in the same manner and subject to the same penalties as other city taxes. A $1,000.00 Property Maintenance Charge shall be added as a part of the special assessment above, as an administrative fee and financial deterrent in addition to a pass-through of material and labor costs of abatement. In the event of abatement by the city, the city police shall issue a citation for an infraction for the nuisance in accordance with Greenleaf Code § 4-1-9.

C. Special Fund: All money received from special assessments shall be held by the city treasurer as a special fund to be applied to the payment or reimbursement of the expenses for the abatement of nuisances. (Ord. 62, 12-14-1989, Amd. Ord 234, 12-01-2009; Amd. Ord. 281, 12/11/2018)

4-1-7: AUTHORITY TO EMPLOY LABOR: The mayor and city council are hereby given the power and authority to employ such labor as is necessary to carry out the provisions of this chapter, and allow the bills therefor. (Ord. 62, 12-14-1989)

4-1-8: INTERFERENCE WITH CITY AGENT: It shall be unlawful, and an infraction, for any person to interfere with any authorized city officer in the enforcement of this chapter, which interference shall include, but not be limited to, the removal of any notices posted pursuant to this chapter. (Ord. 62, 12-14-1989; amd. 2003 Code; Amd. Ord. 281, 12/11/2018)

4-1-9: PENALTY:

A. Penalty Imposed: Noncompliance with the provisions of this chapter may be cited as an infraction as provided in Greenleaf Code §1-4-1.

B. Separate Offense: It shall be considered a separate offense to maintain, keep and/or allow any nuisance for every day after ten (10) days that said nuisance remains or continues. (Ord. 62, 12-14-1989; Amd 2003 Code; Amd Ord. 281, 12/11/2018; Amd Ord #300, 03-14-2023)

Chapter 2
ABANDONED, WRECKED VEHICLES

4-2-1: DEFINITION:
4-2-2: NUISANCE DECLARED:
4-2-3: JUNK IN PUBLIC VIEW:

4-2-4: EXEMPTIONS:
4-2-5: REMOVAL OF VEHICLES:
4-2-6: NOTICE TO REMOVE:
4-2-7: FAIL OR REFUSE TO REMOVE VEHICLE:
4-2-8: HINDER OR REFUSE ENFORCEMENT:
4-2-9: METHOD OF DISPOSAL:

4-2-1: DEFINITION: An abandoned, wrecked, dismantled or inoperative vehicle or part thereof, hereinafter called a junk motor vehicle, shall be defined as an unsightly motor vehicle or parts therefrom, which meets any one of the following qualifications:

A. It does not carry a current valid state registration and license plates.

B. It cannot be safely operated under its own power.

C. It is not in a garage or other building.

D. It does not have any one of the following: foot brakes, hand brakes, headlights, taillights, horn, muffler, rearview mirror, windshield wipers or adequate fenders. (1973 Code § 4-6-2)

4-2-2: NUISANCE DECLARED: The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof on private or public property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (1973 Code § 4-6-1)

4-2-3: JUNK IN PUBLIC VIEW: It shall be unlawful for any person to maintain a junk motor vehicle or parts thereof on residential property or business property exposed to the public view for a period of more than thirty (30) days. (1973 Code § 4-6-3)

4-2-4: EXEMPTIONS: This chapter shall not apply to:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise. (1973 Code § 4-6-4)

4-2-5: REMOVAL OF VEHICLES: Any member of the police department or building department may order any junk motor vehicle or parts thereof removed within ten (10) days. (1973 Code § 4-6-5; amd. 2003 Code)

4-2-6: NOTICE TO REMOVE: Notice of such order shall be placed upon said junk motor vehicle or parts thereof. Copies of said notice shall be served upon any adult occupying the real estate on which the junk motor vehicle or parts thereof is located and upon the owner of the junk if known. If no occupant of the real estate or owner of the junk vehicle or parts thereof can be found, a notice affixed to any building on the real estate shall constitute notice to the owner or occupant of the real estate and to the owner of the junk motor vehicle or parts thereof. If there is no building on the real estate, said notice may be affixed elsewhere on the real estate. (1973 Code § 4-6-6)

4-2-7: FAIL OR REFUSE TO REMOVE VEHICLE: It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, junked motor vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the provisions of this chapter. (1973 Code § 4-6-7)

4-2-8: HINDER OR REFUSE ENFORCEMENT: It shall be unlawful and a misdemeanor to interfere with, hinder or refuse to allow any authorized city officer or employee to enter upon private or public property to enforce the provisions of this chapter. (1973 Code § 4-6-8)

4-2-9: METHOD OF DISPOSAL: If said junked vehicle, or parts thereof, is not removed within the time so fixed, the police department may cause said junked motor vehicle, or parts thereof, to be removed at the expense of the owner and placed in an impounding yard where they shall be offered for sale to the highest and best bidder at public auction to be held not later than ten (10) days after one publication and notice of such sale to be published in a local newspaper. The proceeds from such sale shall be used to pay towing expense and rental in impounding yard where said junked motor vehicle was held. In the event the sale of the impounded junked motor vehicle, or parts thereof, fails to produce enough revenue to pay the towing and impounding charges, the balance will be due and payable immediately by the owner of said junked motor vehicle. (1973 Code § 4-6-9)

Chapter 3
FIREWORKS

4-3-1: FIREWORKS DEFINED:
4-3-2: DANGEROUS FIREWORKS DEFINED:
4-3-3: SAFE FIREWORKS DEFINED:
4-3-4: PERMITS REQUIRED:
4-3-5: APPLICATION FOR PERMIT:
4-3-6: INVESTIGATION OF APPLICANT:
4-3-7: DISCRETION OF COUNCIL:
4-3-8: VALIDITY OF PERMIT:
4-3-9: TIME OF APPLICATION:

4-3-10: INSURANCE:
4-3-11: TIME OF SALE:
4-3-12: FIREWORKS STANDS AND BUSINESS STRUCTURES:
4-3-13: PENALTY:

4-3-1: FIREWORKS DEFINED:

A. Definition: "Fireworks" shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have burning materials of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, fountains, wheels, dago bombs, sparklers and other fireworks of a like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, deflagration, explosion or detonation.

B. Exemptions: Exempted from this provision are all toy pistols, toy cannons, toy canes and toy guns and similar devices such as party poppers or party favors in which paper caps containing not more than twenty five one-hundredths (0.25) grain of explosive compound per cap are used and such caps whether single, roll or tape type and model rockets and model rocket engines designed, sold and used for the purpose of propelling of recoverable aero model rockets. (1973 Code § 9-6-1)

4-3-2: DANGEROUS FIREWORKS DEFINED: "Dangerous fireworks" includes any of the following:

A. Firecrackers, cannon crackers, giant crackers, salutes, silver tube salutes, cherry bombs, mines, ground bombardments, grasshoppers and other explosive articles of similar nature.

B. Blank cartridges.

C. Skyrockets and rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge.

D. Roman candles, including all devices which discharge balls of fire into the air.

E. Chasers and whistles, including all devices which dart or travel about the surface of the ground during discharge.

F. Snakes and hats containing bichloride of mercury.

G. Sparklers more than ten inches (10") in length or one-fourth inch (1/4") in diameter or made with other than iron wires.

H. All articles for pyrotechnic display such as aerial shells, salutes, low flash shells, sky battles, parachute shells, mines, Dago bombs and similar devices.

I. All torpedoes which explode by means of friction, or which contain arsenic, and all other similar fireworks devices including cracker balls.

J. Fire balloons or balloons of any type which have burning material of any kind attached thereto. (1973 Code § 9-6-2)

4-3-3: SAFE FIREWORKS DEFINED: "Safe fireworks" includes any of the following:

A. Cone fountains with pyrotechnic composition not exceeding fifty grams (50 g) each.

B. Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy five grams (75 g) each and inside tube diameter not exceeding three-fourths inch (3/4").

C. Sparklers and "dipped sticks" not more than ten inches (10") in length or one-fourth inch (1/4") in diameter made on steel or iron wire and suzuki and morning glories with pyrotechnic composition not exceeding four grams (4 g) each.

D. Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two grams (2 g) each.

E. Wheels with pyrotechnic composition not exceeding sixty grams (60 g) for each driver unit or two hundred forty grams (240 g) for each complete wheel. The inside tube diameter of driver unit shall not exceed one-half inch (1/2").

F. Whistles, without report and which do not dart or travel about the ground during discharge, with pyrotechnic composition not exceeding six grams (6 g) and containing no picric or gallic acid. (1973 Code § 9-6-3)

4-3-4: PERMITS REQUIRED:

A. Dangerous Fireworks; Permit Required: It shall be unlawful for any person in the city to import, export, offer for sale, sell, possess, keep or store or permit the keeping or storing of any dangerous fireworks for any use or purpose, except that a person holding a dangerous fireworks permit issued pursuant to the terms and conditions of this chapter may use dangerous fireworks for a safely supervised and conducted public display of fireworks, and said fireworks may be stored for a period not exceeding four (4) days immediately preceding the date of said public display, provided the fireworks are to be used exclusively for the public display.

B. Safe Fireworks; Actions Without Permit Prohibited: It shall be unlawful for any person, without having a valid safe fireworks permit issued pursuant to the terms and conditions set forth in this chapter, to import, export, possess for the purpose of sale, offer for sale, or sell any safe fireworks for any use or purpose. (1973 Code § 9-6-4)

4-3-5: APPLICATION FOR PERMIT:

A. Application Required: Any reputable person in reasonable pursuit or furtherance of any legitimate personal, business or charitable purpose, desiring to engage in the sale of safe fireworks within the city shall first make written application to the city clerk for a safe fireworks permit, and any reputable person in reasonable pursuit or furtherance of any legitimate personal, business or charitable purpose desiring to make a public display of dangerous fireworks shall first make written application to the city clerk for a dangerous fireworks permit.

B. Fees Not Required: No fees are required for such permits.

C. Contents Of Application: Each applicant for a safe fireworks permit or a dangerous fireworks permit shall show the following:

1. Name and address of applicant.

2. The purpose for which the applicant is primarily existing and for which it was organized.

3. The names and addresses of the officers, trustees and/or directors, if any, of the

4. The location where the applicant requests permission to sell safe fireworks or display dangerous fireworks.

5. When and where the applicant was organized and established, or, if a natural person, the applicant's age.

6. The location of the applicant's principal and permanent meeting place or principal place of business.

7. The applicant's state sales tax permit number

8. If the applicant is an entity other than a sole proprietorship, the name and a general dscription of the business activities of each parent or subsidiary company, business or entity, and a general description of the ownership organization of each parent or subsidiary, if any.

9. Such other information as the city clerk may require on a standard form submitted to all applicants and which is reasonably necessary to protect the public health, safety and morals. (1973 Code § 9-6-5)

4-3-6: INVESTIGATION OF APPLICANT: The city council shall cause an investigation to be made of each application and applicant by the fire chief of the Caldwell rural fire protection district, and said chief shall submit a written report of his findings and recommendations for or against the issuance of the permit, together with his reasons therefor, to the city council. (1973 Code § 9-6-6; amd. 2003 Code)

4-3-7: DISCRETION OF COUNCIL: The city council shall have the power in its discretion to grant or deny any application, subject to such reasonable conditions, if any, as it shall prescribe so long as the denial of the application or any conditions imposed on the granting of the application are reasonably necessary for protection of the public health, safety and morals. (1973 Code § 9-6-7)

4-3-8: VALIDITY OF PERMIT: A safe fireworks permit, or a dangerous fireworks permit issued pursuant to this chapter shall be valid only within the calendar year in which issued. A permit shall be valid only for the specific premises or location designated in the permit. However, subject to reasonable conditions necessary for protection of the public health, safety and morals, an applicant may be granted permits for more than one site or location within the city. No permit shall be transferable or assignable. (1973 Code § 9-6-8)

4-3-9: TIME OF APPLICATION: Each application for a permit to sell safe fireworks at retail shall be filed with the city clerk on or before June 1 of the calendar year for which the permit is sought. Variances may be granted regarding said filing date under extenuating circumstances, subject to two-thirds (2/3) vote of the city council. (Ord. 76, 3-14-1991)

4-3-10: INSURANCE:

A. Safe Fireworks Permit: Each applicant for a safe fireworks permit or for a dangerous fireworks permit shall have filed with the city clerk prior to the issuance and validity of any permit, a policy or a certified true copy thereof, of public liability and products liability insurance, including both "accident" and "occurrence" coverage. The insurance coverage limits for both public liability coverage and for products liability coverage shall be at least fifty thousand dollars ($50,000.00) per person per occurrence bodily injury, one hundred thousand dollars ($100,000.00) per occurrence aggregate bodily injury, and ten thousand dollars ($10,000.00) per occurrence aggregate property damage for a safe fireworks permit.

B. Dangerous Fireworks Permit: The insurance coverage limits for both public liability coverage and for products liability coverage shall be at least one hundred thousand dollars ($100,000.00) per person per occurrence bodily injury, three hundred thousand dollars ($300,000.00) per occurrence aggregate bodily injury, and one hundred thousand dollars ($100,000.00) per occurrence aggregate property damage for a dangerous fireworks permit.

C. General Provisions: Each policy of insurance shall be in form and substance acceptable to the council, and shall name as insured parties under the terms of the policy of the city all officials of the city in performance of official functions regarding all operations under or pertaining to said permit, any licensee or licensor of the applicant, and all vendors of the fireworks covered by the permit to be issued to the applicant. Said policy of insurance shall be so written that it cannot be cancelled without at least ten (10) days' prior written notice to the city

from the underwriting insurance company. The policy of insurance shall be underwritten through or by a qualified and duly licensed insurance company doing or authorized to do insurance business in Idaho. (1973 Code § 9-6-10)

4-3-11: TIME OF SALE:

A. Nonaerial common fireworks may be sold at retail and used beginning at midnight June 23 and ending at midnight July 5, and beginning at midnight December 26 and ending at midnight January 1. The city council may, at its discretion, extend each period of sales by not more than five (5) days.

B. Fireworks may be sold and used at any time in compliance with permits issued under the provisions of section 39-2605 (public display permit). (2003 Code)

4-3-12: FIREWORKS STANDS AND BUSINESS STRUCTURES: All retail sales of safe fireworks shall be permitted only from within a temporary fireworks stand, and approved business structures.

A. Temporary Stands: Temporary stands shall be subject to the following provisions:

1. No fireworks stand shall be located within twenty five feet (25') of any building nor within one hundred feet (100') of any gasoline station.

2. All stands shall meet the structural stability requirements of the building code of the city, and all lighting circuits and the other electrical equipment shall meet the applicable legal requirements.

3. No stand shall have a floor area in excess of seven hundred fifty (750) square feet.

4. Stands shall have exit doors at least thirty inches (30") wide at both ends of the structure and one additional door for each twenty five feet (25') of rear wall in excess of twenty four feet (24'). All doors shall open outward from the stand and all doorways shall be kept free and clear from all supplies and materials at all times.

5. Each stand shall be provided with two (2) 21/2-gallon "soda and acid" type fire extinguishers, in good working order, and easily accessible for use in case of fire.

6. There shall be at least one supervisor, twenty one (21) years of age or older, on duty at all times. No person under eighteen (18) years of age shall be allowed inside the stand at any time, nor shall any person under eighteen (18) years of age work at or about any premises where safe fireworks are sold or offered for sale.

7. No person employed as a watchman shall be permitted to remain inside of any stand when it is not open for business.

8. "No Smoking" signs shall be prominently displayed, both inside and outside the stand. No smoking shall be permitted within the stand, or within fifteen feet (15') of the stand.

9. No stand shall be erected before June 16 of any year for retail sales of safe fireworks to commence June 23, and the premises upon which the stand is erected shall be cleared of all stand structures and debris not later than July 12; and no stand shall be erected before December 19 of any year for retail sales of safe fireworks to commence December 26, and the premises upon which the stand is erected shall be cleared of all stand structures and debris not later than January 7 of the following year.

10. No fireworks shall be discharged in or within twenty five feet (25') of any fireworks stand.

11. No person shall allow any rubbish to accumulate in or around any fireworks stand or permit a fire nuisance to exist.

12. No fireworks shall remain unattended at any time regardless of whether the fireworks stand is open for business or not. If any fireworks are stored, they shall only be stored at such places as are approved for storage of fireworks by the fire chief of the Caldwell rural fire protection district.

B. Permanent Business Structures: Permanent business structures from which safe fireworks are to be sold shall be subject to the following provisions:

1. All such buildings shall meet the structural stability requirements of the building regulations of the city and all lighting circuits and other electrical equipment shall meet applicable legal requirements.

2. The building shall have exit doors at least thirty inches (30") wide at both ends of the structure and shall otherwise conform to the exit regulations established by the city building regulations for structures of the size and nature of said building. All doors shall open outward and all doorways shall be kept free and clear from all supplies and materials at all times.

3. Each building shall be provided with such number of fire extinguishers as the fire chief of the Caldwell rural fire protection district shall deem adequate, but in all cases the number shall be not less than two (2). The fire extinguishers shall be two and one-half (21/2) gallon "soda and acid" type extinguishers or other types approved by the fire chief. The fire extinguishers shall be in good working order, easily accessible for use in

case of fire, and kept in immediate proximity to the location when the fireworks are retailed.

4. There shall be at least one supervisor, twenty one (21) years of age or older, on duty at all times. All fireworks shall be screened or otherwise effectively segregated from any kind of self-service by the public, and shall be placed in a location which is unavailable and inaccessible to members of the public in capacities other than as legal customers. No person under eighteen (18) years of age shall be allowed at any time inside the screened or otherwise segregated area where the fireworks are located.

5. No person employed as a watchman shall be permitted to remain inside the screened or otherwise segregated area when it is not open for business.

6. "No Smoking" signs shall be prominently displayed both inside and outside the screened or otherwise segregated area. No smoking shall be permitted within the screened or otherwise segregated area or within fifteen feet (15') of such area.

7. No fireworks shall be discharged in or within twenty five feet (25') of the screened or segregated area where fireworks are kept.

8. No person shall allow any rubbish to accumulate, or permit a fire nuisance to exist in or around the area where fireworks are sold.

9. If fireworks are stored, they shall only be stored in such places as are approved for storage of fireworks by the fire chief of the Caldwell rural fire protection district.

10. No building where alcoholic beverages are sold for consumption on the premises shall be used for the retail sale of safe fireworks.

11. The city council may establish other regulations for permanent structures where fireworks are to be sold so long as said regulations are reasonably necessary to protect the public health, safety and morals, and apply uniformly to all applicants. (1973 Code § 9-6-12; amd. 2003 Code)

4-3-13: PENALTY: It shall be the duty of every person issued a fireworks permit to comply with all the provisions of the state fireworks law and this chapter. The violation of the aforesaid state fireworks law or any of the provisions of this chapter by the permittee, or by any of its agents, employees or officers shall constitute a cause, in and of itself, to deny any subsequent application for a permit. Noncompliance with the provisions of this chapter may be cited as a misdemeanor as provided in Greenleaf Code §1-4-1. (1973 Code § 9-6-13; Amd Ord #300, 03-14-2023)

Chapter 4
OPEN BURNING

4-4-1: TITLE:
4-4-2: DEFINITIONS:
4-4-3: OPEN BURNING RESTRICTIONS; PERMIT:
4-4-4: CONDITIONS OF PERMIT:
4-4-5: PENALTY:

4-4-1: TITLE:

This chapter shall be referred to and known as the GREENLEAF OPEN BURNING ORDINANCE. (Ord. 118, 1-8-1997)

4-4-2: DEFINITIONS: As used in this chapter:

OPEN BURNING: The outdoor burning of materials where the products of combustion are not directed through a duct, passage, smokestack or chimney.

RUBBISH OR REFUSE: All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp, boxes and other products such as are used for packaging, wrapping, crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, stable matter such as all manure and other waste matter normally accumulated in or about a stable or any animal, livestock or poultry enclosure and resulting from the keeping of animals, poultry or livestock, and any and all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage, hazardous waste, stoves, refrigerators, washers, dryers, furniture, scrap metals, car parts, tires. (Ord. 118, 1-8-1997)

4-4-3: OPEN BURNING RESTRICTIONS; PERMIT: It shall be unlawful for any person to cause open burning of rubbish or refuse or to burn rubbish or refuse in an incineration device except as hereinafter provided:

A. Incinerators: Any person may use an incinerator in the interior of a building or on the exterior of a building, provided such incinerator meets the requirements of the building and fire codes and meets the approval of the Idaho division of environmental quality on emissions. The hours of operation of such incinerator shall be as defined by resolution.

B. Barbecues: Nothing herein contained shall be construed to prohibit the use of outdoor fireplaces, barbecue pits or grills in preparing food or for recreational purposes.

C. Permit Issuance: The city clerk may issue a permit, upon approval by resolution of the city council, for open burning of rubbish or refuse used for control or alleviation of fire hazard or for weed control when no alternate control method exists. Permits shall be subject to the conditions of section 4-4-4 of this chapter and shall be valid until 31 December of the year of issuance. (amd., Ord. 285, 05-05-2020)

4-4-4: CONDITIONS OF PERMIT: It shall be unlawful for any person obtaining a permit as provided for in subsection 4-4-3C of this chapter to:

A. Cause open burning at any time other than as defined by resolution; or

B. Fail to have a garden hose connected to the water supply or other means of extinguishment readily available; or

C. Fail to have the open burn continuously attended by a competent person; or

D. Conduct any open burning outside the bounds of the lot, parcel, and/or land for which the permit is issued; or

E. Conduct any open burning on streets, alleys, sidewalks, curbs or gutters; or

F. Burn any rubbish or refuse other than weeds, trimmings, small branches, and the like that have grown on the property; or

G. Conduct any open burning in excessive wind presenting endangerment to neighboring properties, or when there is an air quality index of greater than sixty (60) for any pollutant, as reported by the Idaho department of environmental quality, or if prohibited by the fire marshal of the Caldwell rural fire protection district or the fire marshal's designee due to excessive wind or other dangerous conditions. The fire marshal may also reference and apply the open burning and recreational fires provisions within the international fire code. (Ord. 196, 10-4-2005)

4-4-5: PENALTY: Noncompliance with the provisions of this chapter may be cited as a misdemeanor as provided in Greenleaf Code §1-4-1. (Ord. 118, 1-8-1997; amd. 2003 Code; Amd Ord #300, 03-14-2023)

Chapter 5
SOLID WASTE DISPOSAL
(Ord. 221, 07-05-2008; Repl, Ord 268, 07/05/2016)

4-5-1: TITLE:
4-5-2: DEFINITIONS:
4-5-3: RESIDENTIAL SOLID WASTE COLLECTION SERVICE:
4-5-4: COMMERCIAL SOLID WASTE COLLECTION SERVICE:
4-5-5: SPECIAL COLLECTION SERVICES
4-5-6: GENERAL REQUIREMENTS AND PROHIBITIONS:
4-5-7: DISPOSAL SERVICES REVENUE FUND:
4-5-8: LIABILITY:
4-5-9: APPEAL:
4-5-10: CHARGES AND FEES:
4-5-11: ADMINISTRATION AND ENFORCEMENT:
4-5-12: FRANCHISE AUTHORIZED; BOND; USE OF FRANCHISED DISPOSAL SERVICE REQUIRED; EXCEPTIONS:

4-5-13: GENERAL SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS:
4-5-14: TERMS OF FRANCHISE:
4-5-15: FRANCHISE FEE:

4-5-1: SHORT TITLE: This Chapter shall be referred to and known as the Solid Waste Disposal Ordinance. (Ord 268, 07/05/2016)

4-5-2: DEFINITIONS: For the purpose of this Chapter, the following terms, phrases and words shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

A. ASHES: The residue from the burning of wood, coal or other combustible materials.

B. BULKY WASTE: Stoves, refrigerators, water tanks, washing machines, furniture and other waste materials, other than construction debris, dead animals, hazardous materials or stable matter, with weights or volumes greater than those allowed for totes.

C. BUSINESS: An establishment used for sales, office, manufacturing and production, entertainment, service or similar use, whether for profit or not. Includes hotels and motels and other short term lodging uses, as well as any establishment located within a residential structure.

D. CITY: The City of Greenleaf, Idaho.

E. COMMERCIAL SERVICE: Solid waste services using totes or dumpsters where the customer selects the number, size and frequency of collection services.

F. CONSTRUCTION DEBRIS: Waste building materials resulting from a construction, remodeling, repair, or demolition operation, such as, but not limited to, mortar, plaster, scrap lumber and wood shavings, with weights or volumes greater than those allowed for totes.

G. CUSTOMER: An occupant or owner of any premise, including residential, business, industry or institution or other establishment in the city for which solid waste service is, or has been, provided.

H. FRANCHISE: The authorization provided by ordinance adopted by the city, which authorizes a person to engage in the business of solid waste collection within the City.

I. FRANCHISEE: The person or entity authorized by the city to collect and haul any solid waste, who has executed a franchise agreement with the City.

J. HAZARDOUS WASTE: Any chemical, compound, mixture or substance or article which is designated by the United States Environmental Protection Agency or other appropriate agency or political subdivision of the state to be a hazardous waste, hazardous material or a hazardous substance as those terms are defined by federal or state law.

K. INFECTIOUS (MEDICAL) WASTE: Human or animal waste consisting of one or more of the following: tissue, cultures and stocks, body fluids (except urine), blood or blood products, materials contaminated with blood or blood products, used surgical wastes, used or unused sharp instruments, including, but not limited to, hypodermic needles, suture needles, syringes, and scalpel blades.

L. OVERLOADING: Exceeding the designated weight capacity, allowing objects to protrude outside of the container or tote, or stacking objects against containers or totes used for commercial or residential solid waste collection.

M. OWNER: Every person, including lessees and occupants, in possession, charge, custody, or control of any residential, business, industry, or institutional premise within the City, where solid waste is created or accumulated.

N. PERSON: Any individual, partnership, association, firm, corporation, public agency, or any other legal entity.

O. PUTRESCIBLE WASTE: Waste that can decay and stink or become putrid.

P. RECYCLABLE MATERIALS: Products or substances, including but not limited to paper, plastics, cardboard, metal, wood wastes, or other substances capable of being re-processed or re-used, which have passed through their originally intended usage and which have been discarded or placed for recycling by their owner, whether or not such products have monetary value.

Q. RESIDENTIAL SERVICE: Wheeled tote service for residential premises using trash totes provided by the City's franchised hauler or in customer-owned cans for overflow trash collection.

R. TOTE: A receptacle, provided by the franchisee, with a capacity not to exceed ninety-six (96) gallons, constructed in such shape as to permit automatic lifting by solid waste collection equipment, and having a tight fitting lid capable of preventing entrance into the container by insects. The weight of a tote and its contents shall not exceed one hundred twenty-seven (127) pounds.

S. TRASH: Materials discarded for disposal. Also known as "refuse" or "garbage."

T. SOLID WASTE: All putrescible and non-putrescible solid and semi-solid waste material placed or intended for disposal, including, but not limited to; garbage, trash, rubbish, demolition and construction wastes, industrial wastes,

vegetable solid and semi-solid wastes, dead animal remains, reusable or recyclable material, bulky waste or large items, appliances, and other discarded solid and semi-solid wastes.

U. STABLE MATTER: All manure and other waste accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

V. YARD WASTE: Biodegradable plant material such as leaves, grass, branches, brush, flowers, tree wood waste, and plant debris generated in the course of maintaining yards and gardens.(Ord 268, 07/05/2016)

4-5-3: RESIDENTIAL SOLID WASTE COLLECTION SERVICE: Residential solid waste collection service as provided through the City is mandatory for all residential premises, whether the premise is a single-family or multi-family dwelling unit.

A. Regular Service. Curbside and alley collection of trash shall be one time per week. Regular residential service is intended for wastes routinely generated at a residential premise. Trash generated off-site or from a business cannot be disposed through residential services.

B. Large Item Collection. Bulky wastes and large items may [shall?] be collected and hauled by the City's franchised service provider. Customers are responsible for contacting the franchisee to schedule the pick-up. The customer shall convey the waste to the regular collection location. Fees for such large item collection as established by resolution adopted by the City Council shall apply.

C. Seasonal or Special Collections. The City may establish special dates for the collection of solid wastes, including leaves and Christmas trees.

D. Residential Solid Waste Containers.

1. Single family residential trash shall be placed in franchisee-provided totes. Extra trash may be placed in customer-owned garbage cans. An overflow fee for extra garbage cans as approved by resolution adopted by the City Council may be charged for use of extra customer-owned garbage cans. If garbage cans are utilized, they may not be less than twenty (20) gallons nor more than thirty-two (32) gallon size. The total weight of a tote may not exceed the rated capacity of that tote size. Customer-owned garbage cans shall not exceed thirty-five (35) pounds. Totes cannot be overloaded and the lids must close flat for collection. Residential customers may use up to three (3) franchisee-provided totes for trash service.

2. For regular residential solid waste service at multi-family premises, the customer shall be provided with one or more containers in sizes as follows: one (1) to six (6) yard dumpsters. The size and number of

containers provided and the collection service is dependent upon the collection location as determined by the City and the franchisee.

3. All totes and customer-owned garbage cans shall be tightly closed to prevent solid waste from being scattered, blown, or spilled. Container lids shall open freely and the contents of the container shall fall freely when inverted for emptying. Human and animal wastes shall be placed in sturdy plastic bags and closed tightly to prevent spillage or breakage during collection.

4. Totes provided by the franchisee are owned by the franchisee and must remain with the premises. Totes shall not be abused or damaged by the customer and should be routinely maintained by the customer. Damaged totes will be replaced by the franchisee, but may be charged to the customer for damages beyond routine wear and tear. Customer-owned cans shall be maintained in good condition and must be of sturdy build and material, with sturdy handles. The can must be replaced by the customer if it becomes broken or is otherwise not functional, or if requested by the service provider due to safety concerns.

E. Location Requirements.

1. For single family residential service, solid waste totes and customer-owned garbage cans must be placed curbside, as close to the curb as possible, or in an alley if the property has alley access. The totes and cans shall not block safe pedestrian, bicycle, or vehicle access to streets, alleys, bike paths or sidewalks. Totes and cans shall be at least three feet (3') from other totes or cans, and obstructions, including mailboxes and utility poles. Totes must have overhead clearance of at least fourteen feet (14') and be located away from overhanging obstructions such as utility lines, trees or buildings.

2. Trash service will not be provided if the collection requires collection personnel to pass through any doors or gates, cross flower beds or lawns, or go through hedges at the service location or if the collection personnel must place themselves in a situation which could jeopardize their health or safety.

3. The City may designate collection locations, relocate collection sites, or limit collection service hours to protect the public or service provider health or safety.

F. Maintenance of Totes. Customers shall be responsible for maintaining the solid waste totes and cans in a sanitary condition, including exterior and interior, and the outside of containers shall be free of accumulating grease, decomposing materials, and litter. Alley collection locations shall be maintained to ensure no rodents or animals are attracted to the site, and to ensure against nuisance

conditions. The solid waste collection provider shall be responsible for any spillage that occurs during collection service.

G. Notice of Non-collection. When the franchisee encounters prohibited or improperly prepared solid waste (including improper placement or a set out which causes an unsanitary condition or litter problem), the franchisee shall collect any properly prepared materials and leave the improperly prepared materials, with a written notice affixed thereto. Such written notice shall include the date, time and service address, with a brief description of the reason for non-collection. The franchisee shall keep a copy of the notice for thirty (30) days, and shall supply a copy of the notice to the city and, upon request, to the customer. If the condition persists, the City may take action pursuant to section 4-5-11 of this chapter.

H. Bulky Wastes. Bulky wastes or other large items set out for collection by arrangement between the customer and the franchisee shall be clean of all waste, including food products, prior to collection, and readily accessible to the service provider. Doors shall be removed or secured for refrigerators or freezers, and the appliance or bulky waste or large items marked for identification for collection. Prohibited wastes listed in section 4-5-6 shall not be collected.(Ord 268, 07/05/2016)

4-5-4: COMMERCIAL SOLID WASTE SERVICE:

A. Frequency of Service. Franchisee shall collect solid waste from commercial premises in one of the following manners, per customer election:

1. Regular Service. Franchisee may collect solid waste materials regularly, at least once weekly.

2. On-Call and Temporary Service. Franchisee may collect solid waste materials on an on-call or temporary basis. Franchisee and the customer may agree upon a collection schedule for such service, provided that the City reserves the right to establish a minimum service interval for such services, considering protection of the environment and public health and safety.

B. Types of Container. The franchisee shall collect solid waste from commercial premises in one of the following types of container, per arrangement with the customer:

1. Containers. Commercial premises solid waste service may be provided with franchisee owned and supplied totes in the size requested by the customer, subject to approval by the franchisee. Commercial customers are limited to no more than six (6) totes per service site.

2. Compactor Service. The franchisee may provide collection services to commercial premises utilizing a compactor container where the

customer has provided written indemnification of the city and the franchisee for any road or other damage or injury to persons or property incurred while in the course and scope of franchisee's provision of solid waste collection services, and shall contact the franchisee to confirm that the compactor container and location are compatible with collection vehicles and equipment.

3. Dumpsters. Commercial premises solid waste service may be provided with franchisee owned and supplied dumpsters in the size requested by the customer, subject to approval by the franchisee.

C. Location requirements.

1. Each developed parcel shall provide adequate space, screened from public view, for trash containers or a binding legal agreement for trash collection locations. All required barriers or screens shall comply with all applicable city ordinances, requirements or regulations.

2. The City shall have final approval of container locations and space requirements and safety factors.

3. The City may designate collection locations, relocate collection sites, or limit collection service hours to protect the public or service provider health or safety.

D. Collection Requirements. Contents of a waste container must fall freely from the container when emptied, and the container lids must close completely and swing freely open when emptied. Wet and/or putrescible wastes must be bagged prior to placement in a waste container. Liquids shall not be placed in a container.

E. Maintenance of Totes and Dumpsters. Customers shall be responsible for maintaining the solid waste containers in a sanitary condition, including exterior and interior. The collection location shall be kept free of accumulating grease, decomposing materials, excess wastes, snow, ice, ponded water, and litter.(Ord 268, 07/05/2016)

4-5-5: SPECIAL COLLECTION SERVICES:

A. Americans With Disabilities Act (ADA) Service. For those residents who have qualified disabilities under the Americans with Disabilities Act, carryout service is available with fee as set by Council resolution. Disability service is provided upon completion of a written certification from a licensed physician that the resident's impairment qualifies as a disability and prevents them from utilizing curbside service and that no other person residing in the household is capable of moving the solid waste totes to the collection site. Customers utilizing this service shall store totes in unlocked areas clearly visible to franchisee personnel from the street or alley from which typical collections are made. The

area to be entered by franchisee personnel shall not contain any animal or unsafe condition.

B. Appliances. Franchisee shall collect appliances upon customer request. Franchisee shall charge a fee for such special collection as established by the city fee schedule adopted by resolution of the City Council. Customers must drain all moisture and water and remove all solid waste and food products from refrigerators, freezers or other appliances prior to collection by franchisee. Franchisee shall not enter any building or structure to remove the appliance. Customers shall convey appliances to the curb for collection. Upon collection, franchisee shall ensure that refrigerants and compressor oils contained in the appliance, if any, are recycled according to applicable regulations.

C. Bulky Wastes. Franchisee shall collect bulky wastes upon request. Franchisee shall not enter any building or structure to remove bulky wastes. Customers shall convey bulky wastes to the curb for collection. Franchisee shall charge a fee for such special collection as established by the city fee schedule adopted by resolution of the City Council.

D. Waste Exceeding Weight or Size Standards. Franchisee may collect solid waste materials in an amount that exceeds specified guidelines for weight, size and/or collection frequency, upon customer request. Solid waste materials scheduled for such special collection shall be prepared for collection in such manner as franchisee or the City Council may require. Franchisee shall charge a fee for such special collection as established by the city fee schedule adopted by resolution of the City Council.

E. Recycling. Recycling of recyclable materials may be included in a franchise as an optional special collection service which may be offered at the option of the City Council at rates set by resolution approved by the City Council.(Ord 268, 07/05/2016)

4-5-6: GENERAL REQUIREMENTS AND PROHIBITIONS:

A. Prohibited Wastes. No person may deposit or relinquish for collection or disposal through the City solid waste collection program any prohibited waste. Customers who generate prohibited waste shall make arrangements for the collection and disposal of the waste through approved sources. Prohibited wastes include the following:

1. Liquid wastes, including fats, oils, and grease.

2. Tires.

3. Material regulated by the state or federal government as hazardous materials, substances or waste, including but not limited to materials which contain corrosive, flammable, reactive, explosive, or toxic chemicals or compounds.

4. Equipment or machines containing refrigerants.

5. Medical or infectious wastes generated from business sources, such as hospitals, clinics, medical offices, surgical offices, dental offices, veterinarian offices, nursing homes, and laboratories; and medical and infectious waste generated by any other business. Generators of such waste shall manage, store, and dispose the waste in a manner to prevent it from being a hazard to any person or to the general public.

6. Dead animal remains in excess of twenty-five (25) pounds, unless the remains are placed into plastic garbage bags and then into a tightly closed, air-tight, water-tight container or cart.

7. Wastes that exhibit extreme temperatures or harmful vapors.

8. Materials with chemical, physical, or other properties which create a risk to the environment or public health and safety or which pose an operational hazard for collection personnel.

9. Intact 55-gallon drums.

B. Taking of Solid Waste. All trash placed for collection shall be considered the property and the responsibility of the customer until the time of collection when it shall become the property and responsibility of the service provider. No person shall take, examine, uncover, snoop in or through, separate, gather, collect or salvage solid waste materials deposited in containers or otherwise placed for collection without the express permission of the owner of the property, or the solid waste service provider once the materials have been collected. Authorized government personnel are exempt from this requirement. This provision does not create or recognize a right or expectation of individual privacy with respect to solid waste placed for collection.

C. Theft of Collection Services. No person shall place or deposit any materials in or around a solid waste container provided for a specific business or premises, or in or around residential solid waste containers, except through the approval of the customer receiving service at the location or residence.

D. Accumulation of Solid Waste. No person shall allow the accumulation of solid waste upon any premise within the City unless properly contained as provided for in this Chapter. Any unauthorized accumulation shall be considered a nuisance and prohibited, and shall be subject to the remedies found in section 4-5-11 of this Chapter.

E. Construction Waste. All solid waste resulting from construction activities shall be deposited in franchisee-owned dumpsters. Dumpsters must be on site no later than the completion of building footings for new construction. For remodels or other construction projects, dumpsters shall be on site within thirty (30) days

of the start of construction. All wastes at a construction site shall be collected and properly disposed of or recycled prior to the end of the construction project. Construction wastes or recyclable materials may be self-hauled using self-contained equipment such as a dump truck or attached wheeled trailer. Construction waste or recyclable materials placed into a dumpster provided by the service provider must be hauled by the service provider.

F. Burning and Dumping. No person may burn, bury or otherwise dispose of solid waste outdoors within the City limits, except as may be provided in Chapter 4, Title 4, Greenleaf City Code.

G. Failure to Utilize Solid Waste Service. Failure of any residence or commercial premise to receive adequate solid waste collection service may be declared a nuisance and shall be subject to the remedies found in section 4-5-11 of this Chapter. The City reserves the right to determine the appropriate level of solid waste collection service. The City shall have the right to order the abatement of such nuisance at the expense of the owner or occupant of the premises, but this shall not preclude the City or the owner from seeking recovery against other responsible persons.

H. Yard Waste. All yard waste, trees, branches, boughs, garlands, and other organic matter should be cut to four feet (4') or less and bundled prior to disposal within a container or tote.

I. Overloading Containers or Totes. It shall be unlawful to load a container or tote beyond its maximum volume or weight capacity, or in a manner which is unstable or likely to cause damage, littering, or impact the public health or safety. All solid waste materials must fall freely when emptied. Container and tote lids must be left for collection in a completely closed position and swing freely open when the container or tote is emptied. Customers shall be responsible for damages, costs, expenses, fines or penalties arising out of customer failure to observe weight limits.(Ord 268, 07/05/2016)

4-5-7: DISPOSAL SERVICES REVENUE FUND: There is hereby created the Greenleaf Disposal Services Fund. All fees and charges received and collected under the authority of this chapter shall be deposited and credited as a special fund. The accounts of the fund shall show all receipts and expenses related to provision of disposal services to the community and to any franchise granted hereunder.(Ord 268, 07/05/2016)

4-5-8: LIABILITY:

A. Non-liability of the City.

1. The City shall not be liable for any damage to persons or property caused in any manner by the use of franchised or non-franchised disposal services.

2. The City shall not be liable for any damage resulting from failure of

any franchised or non-franchised disposal services providers to provide service.

B. Hold Harmless Agreement. All persons applying for or receiving disposal services shall be required to accept and shall be deemed to have consented to such conditions of the franchised disposal services provider as provided by the franchisee, and to hold the City harmless from any damages arising out of or connected to the implementation of the franchisee or lack thereof.(Ord 268, 07/05/2016)

4-5-9: APPEAL: Any person aggrieved by any act or determination of the City in regard to disposal services may appeal therefrom to the City Council within the time and in the manner provided in Title 1, Chapter 10, Greenleaf City Code.(Ord 268, 07/05/2016)

4-5-10: CHARGES AND FEES:

A. Collection of Fees: The City Council shall adopt by resolution a fee schedule for the collection of solid waste, which fee schedule may include, without limitation, fees for the collection of solid waste in containers up to six (6) yards; fees for delivery, collection, and/or use of additional or customer-owned carts; late collection services; overloading; late payment fees; penalties; and interest. Monthly service charges and fees levied and assessed for disposal services under the provision of this Chapter are levied and assessed and shall be effective as of the date set in the resolution.

B. Method of Collection: Fees shall be billed to and paid by the customer of the premises that is served by the franchisee. Fees shall be carried on the water and sewer bill, and the same shall be paid therewith. All billings for charges and fees levied and assessed for disposal services under the provisions of this Chapter shall be made by, and all payments shall be made to, the office of the City Treasurer. The City shall keep separate, on bills and accounts, charges and payments for solid waste disposal services. All payments received for City utilities shall first be applied to solid waste services.

C. Franchisee Collection of Fees. Fees for the following types of collection shall be arranged with and billed directly through the franchisee:

1. Bulky waste collections;
2. Collection of appliances or excessive weight items; or
3. Collection of solid waste in containers larger than six (6) yards.(Ord 268, 07/05/2016)

4-5-11: ADMINISTRATION AND ENFORCEMENT:

A. Administration by Public Works Director. The Public Works Director shall administer this Chapter and may, upon approval of the City Council, designate any other City official(s) to assist in the administration of this Chapter.

B. Administrative Enforcement. The City may utilize administrative enforcement procedures with the intent to remedy violations of this Chapter without the necessity of civil or criminal enforcement proceedings. The administrative enforcement proceeding shall be initiated upon service by the City of written notice of a person in violation of this Chapter, with a description off the violation and possible enforcement actions the City may utilize. Within twenty (20) days of service of a written notice of violation, the customer shall respond to the City advising of his or her position with respect to the allegation of the violation, and thereafter, shall be granted an opportunity to timely meet with the City Clerk or his or her designee to discuss the violation and establish a plan for correction of the violation. Submission of such a response does not relieve the customer of the liability for any violations of this Chapter. The City retains the right to take any necessary enforcement action without first issuing a notice of violation, and the use of administrative actions shall not preclude the City from seeking any other remedies or penalties provided in this Chapter. Administrative enforcement remedies may include without limitation: charges for overloading and non-preapproved collection of additional or bulky wastes; late payment fees; and administrative enforcement agreements.

C. Public Nuisances. In addition to any other remedies provided for in this Chapter, the City may declare a nuisance where conditions caused or permitted to exist in violation of this Chapter are determined by the City to constitute a threat to the public health, safety, and welfare. Any nuisance declared by a violation of this Chapter may be remedied according to the provisions of Title 4, Chapter 1, Greenleaf City Code.

D. Payment Enforcement. Non-payment of charges related to disposal services provided by a franchisee and billed to the customer may result in suspension of service until the account is paid in full. Suspension of service shall include all solid waste service accounts, both commercial and residential, for a delinquent account holder. The City may establish a fee to resume services and may require a security deposit to resume services. Any person who has a delinquent account balance, including any applicable late fees and interest, on any city held account, whether or not the account has been closed or suspended, is prohibited from obtaining any new solid waste service, either commercial or residential. All applicable provisions of Greenleaf City Code § 7-4-21 shall apply. Persons who have had their solid waste service suspended may appeal the decision as provided in section 4-5-9 herein.

E. Violation and Penalty. Any person violating any of the provisions of this Chapter shall be guilty of an infraction and punished as provided in section 1-4-1 of this code.(Ord 268, 07/05/2016)

4-5-12: FRANCHISE AUTHORIZED; BOND; USE OF FRANCHISE DISPOSAL SERVICE REQUIRED; EXCEPTIONS:

A. Franchise Authorized. Except as otherwise provided in this section, the City shall operate solid waste collection and disposal through use of an exclusive

franchise. The City shall seek and consider proposals in the manner provided by law. Franchises shall be awarded and modified by Ordinance. Any requests for proposals for solid waste collection and disposal adopted by the City prior to the effective date of this Chapter shall continue in effect according to the terms thereof.

B. Bond. The City Council may require of any such franchisee, licensee or contractor a bond in a reasonable amount, and the condition of which shall be the satisfactory performance of the contract.

C. Mandatory Use of Franchise Service. Use of the solid waste collection service provided by the City through a franchise agreement is required and mandatory for all residential premises within the City, except as provided in this section below.

D. Existing Operators Authorized to Continue. Operators lawfully providing solid waste collection and disposal services within the City on the effective date of this Chapter may continue to do so until either the provider or customer terminates said service. Upon such termination, the customer shall notify the City and request disposal services, which will be provided by the City through use of the franchised provider.(Ord 268, 07/05/2016)

4-5-13: GENERAL SOLID WASTE COLLECTION AND DISPOSAL REGULATIONS: Additional regulations pertaining to the manner in which solid waste collection and disposal shall be as provided in a solid waste disposal services agreement.(Ord 268, 07/05/2016)

4-5-14: TERMS OF FRANCHISE: A franchise awarded under the authority of this Chapter shall continue for a period of fifteen (15) years, unless terminated according to the terms of the franchise agreement, and renewable at the option of the City, and in the manner as provided in the franchise agreement.(Ord 268, 07/05/2016)

4-5-15: FRANCHISE FEE: Every approved franchisee under the provisions of this Chapter shall pay the City a franchise fee of eight percent (8.0%) of the gross revenues collected within the City limits. The license fee shall be payable monthly or as otherwise provided.(Ord 268, 07/05/2016)

This page left blank

Title 5
POLICE REGULATIONS

Chapter 1
POLICE DEPARTMENT

5-1-1: CHIEF OF POLICE; APPOINTMENT:
5-1-2: POLICE DEPARTMENT OPERATION:

5-1-1: CHIEF OF POLICE; APPOINTMENT: There is hereby created the position of chief of police, which position shall be filled by the appointment by the mayor with the advice and consent of the city council, who shall serve at the pleasure of the mayor and of the city council. (Ord. 79, 8-8-1991)

5-1-2: POLICE DEPARTMENT OPERATION: The chief of police shall have the responsibility for the operation, administration and coordination of the police department, and shall perform such other duties as are specifically assigned or are required by the mayor. (Ord. 79, 8-8-1991)

Chapter 2
STATE CRIMINAL AND TRAFFIC LAWS

5-2-1: STATE CRIMINAL AND MOTOR VEHICLE LAWS ADOPTED:

5-2-1: STATE CRIMINAL AND MOTOR VEHICLE LAWS ADOPTED: Laws of the state, including, but not limited to, statutes wherein crimes are defined, and wherein rules and regulations are set forth for the use of motor vehicles, and including, but not limited to, traffic and other highway or motor vehicle violations, are hereby adopted as a part of the general code of the city, the same as if fully set forth herein, the full contents of any applicable statute being incorporated herein by reference and made a part hereof as though set forth herein in full. (1973 Code § 9-3-1)

Chapter 3
GENERAL OFFENSES

5-3-1: DISORDERLY CONDUCT:
5-3-2: OBSCENE CONDUCT:
5-3-3: PUBLIC INTOXICATION:
5-3-4: PUBLIC NUISANCES:
5-3-5: FIREARMS; AIR GUNS:
5-3-6: POSTING NOTICES AND ADVERTISEMENTS:
5-3-7: ABANDONED CONTAINERS:
5-3-8: BARBED WIRE AND ELECTRIC FENCES:
5-3-9: WATER FLOWING UPON STREETS:
5-3-10: TAMPERING WITH IRRIGATION SYSTEM:

5-3-1: DISORDERLY CONDUCT:

A. It shall be unlawful for anyone to engage in disorderly conduct within the city limits of the City of Greenleaf. Any person who shall conduct themselves in a violent, noisy or riotous manner, and/or who shall use profane, abusive or obscene language in the presence of another person, or in any way commits a breach of the peace of another person, and/or who shall conduct themselves in a manner that endangers the health and safety of another person, and/or who conducts themselves in any other manner as is specified in this section is guilty of disorderly conduct. A violation of this section shall also include, but not be limited to, the following:

1. Solicits anyone to engage in, or engages in, or procures, counsels or assists any person in engaging in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view, or in any place where there is present another person or persons who are offended or annoyed thereby; or

2. Engages in fighting or threatening, or in violent behavior; or

3. Uses language, an utterance, or gesture, or engages in a display or act that is obscene, physically threatening or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace; or

4. Makes noise that is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances; or

5. Creates or maintains a hazardous or physically offensive condition; or

6. Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms; or

7. Loiters in, about or upon any street, alley or other public way or public place, or in any place open to the public, without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior; or

8. Has in possession any instrument, tool or other implement for picking locks or pockets or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who fails to account for the possession of same; or

9. Occupies, lodges or sleeps in any building, structure or place, whether public or private, or any automobile, truck, railroad car or

other similar vehicles or equipment without the permission of the owner or person entitled to the possession or in control thereof; or

10. Using any motor vehicle, motor home, or travel trailer as a residence upon any public street (highway) and/or alleyway or upon any other premises under the ownership and/or control of a government subdivision of the state; or

11. Loiters, prowls or wanders upon the private property of another, without visible or lawful business with the owner or occupants thereof; or

12. Loiters or remains, without a legitimate reason, in or about a school, not having any reason or relationship involving custody of or responsibility for a student; or

13. Is in a public place and intoxicated at a level that presents a danger to that person or others or creates a disturbance of the peace; or

14. Maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol; or

15. Enter another person's private property without permission to peer, peep or look through doors or windows of that property with the intent to intrude upon or interfere with a person's privacy, or within a public place, to peer, peep or look into an area where a person has a reasonable expectation of privacy and has taken steps to conceal themselves from the general public, such as a restroom, locker room, or changing room, without that person's consent and with the intent to invade that person's privacy; or

16. Excretes any form of human waste, including urine or feces, upon the ground, into a body of water, or upon anything attached or setting upon said surfaces within the City of Greenleaf, Canyon County, Idaho, except for toilet facilities used as receptacles for human waste.

17. Willfully fleeing or attempting to elude a peace officer after being lawfully ordered to stop by an identified peace officer.

B. A violation of this section is a misdemeanor as defined under Greenleaf Code section 1-4-1. (Ord. 142, 5-10-1999; repl. Ord. 224, 11-05-2008)

5-3-2: OBSCENE CONDUCT: It shall be unlawful for any person to urinate or stool in any place open to the public view, or to be guilty of any lewd, lascivious or obscene conduct or to sing any lewd or obscene song, ballad or other words in any public place or any other place where other persons are present or indecently to exhibit any animal. (1973 Code § 9-1-40)

5-3-3: PUBLIC INTOXICATION: It shall be unlawful for any person to be found drunk, intoxicated or under the influence of intoxicating liquor or illegal drugs upon any public thoroughfare or other public place. (1973 Code § 9-1-15; amd. 2003 Code)

5-3-4: PUBLIC NUISANCES: Anything which is injurious to the health or morals, or indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated. (1973 Code § 9-1-39)

5-3-5: FIREARMS; AIR GUNS:

A. Definitions:

BB GUN: Any instrument used in the propulsion of shot by the action of springs or compressed air.

DEADLY WEAPON: Any dirk, dirk knife, bowie knife, dagger, or firearm, as well as any device, instrument, material, or substance designed or intended to cause death or serious bodily injury, and as specified in Idaho Code §18-3302(2)(b), and including bows and crossbows.

FIREARM: Any instrument used in the propulsion of shot, shells or bullets or other harmful objects by the action of gunpowder within it.

PELLET GUN: Any instrument used in the propulsion of pellet by the action of springs or compressed air, including pneumatic air guns.

SPORT SHOOTING RANGE: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting.

B. Discharge of Firearms Prohibited: Except as provided in Idaho Code Section 18-3302J(4), or as provided below, it shall be unlawful for any person to discharge a firearm, deadly weapon, bow, or crossbow within the city limits.

1. In addition to the statutory exemptions in Idaho Code 18-3302J(4), the following exceptions shall apply:

a. A peace officer acting within the scope of their official duties; or

b. A person acting in the lawful defense of their person, defense of others in order to prevent great bodily injury upon any person; or

c. Discharging firearms at a city-owned shooting range; or

d. City employees and guests of employees who are authorized to discharge firearms under the direction of the Public Services Director on city property for target practice, hunting, and for the protection of city property and infrastructure from animals; or

e. A person discharging a firearm for the safe and responsible dispatch of livestock; or

f. A person discharging a firearm in a safe manner to kill a predatory animal actively engaged in the attack of other animals, when there are no other safer means to stop or prevent further attack, and not toward any person or inhabited dwelling in the line of such fire.

2. Nothing in this section shall be construed to modify or affect state laws or city ordinances governing the discharge of fireworks.

C. Discharge of BB and pellet Guns: No person shall discharge a BB or pellet gun within the city limits unless that person is:

1. Over the age of ten (10) years; or

2. Under the direct supervision of a responsible adult over the age of 18.

No person shall discharge a BB gun or pellet gun within the city limits, except on the person's own real property, or on the real property of another with the express permission of the owner or lawful occupant, and in a manner that ensures the projectile does not leave the property on which the discharge occurs and does not endanger persons or property.

D. Gun Clubs, Shooting Galleries: The city council may at any time, upon receipt of a written application, grant permits for harvest of livestock or to shooting galleries, sport shooting ranges, gun clubs, and others for shooting in fixed localities and under specified rules. Such permits shall be in writing attested to by the city clerk conforming to such requirements as the city council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the city council.

E. Violation; Penalty: Violations of this section shall be a misdemeanor punishable by a fine not to exceed $1000 exclusive of court costs and imprisonment in the county jail for up to three months, or both, plus any restitution due to any victim. (Ord 212, 03-06-2007, Amd. Ord. 260, 08-04-2015, Amd. Ord 289, 05-04-2021, Ord # 316, May 2026)

5-3-6: POSTING NOTICES AND ADVERTISEMENTS:

A. Consent Of Property Owner Required: It shall be unlawful for any person to post, paint, tack or otherwise attach any notice or other advertising matter to any

fence, wall, post or building or other property until first obtaining the consent of the owner of such property.

B. Posting To Telephone Or Electric Poles Prohibited: It shall be unlawful for any person to post, paint, tack or otherwise attach any notices or advertising matter to any telegraph, telephone, electric or other poles.

C. Posting Of Required Notices: However, these provisions shall not interfere or prevent the posting of notices required by law to be posted. (1973 Code § 9-1-58)

5-3-7: ABANDONED CONTAINERS: It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snaplock or other locking device which may not be released from the inside, without first removing said door or lid, snaplock or other locking device. (1973 Code § 9-4-1)

5-3-8: BARBED WIRE AND ELECTRIC FENCES: It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed except for corralling and maintaining livestock – No other purpose is deemed appropriate. Concertina and razor wire is not considered appropriate for corralling or maintaining livestock. (1973 Code § 9-1-6; amd. Ord 314, 08-18-2025)

5-3-9: WATER FLOWING UPON STREETS: It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare. (1973 Code § 9-1-51)

5-3-10: TAMPERING WITH IRRIGATION SYSTEM: It shall be unlawful for any person to divert or otherwise appropriate municipal irrigation water of the city within the municipal irrigation district boundaries to any lot, pieces or parcels of land within said municipal irrigation district boundaries when the assessment or assessments levied against said property, pursuant to chapter 18, title 50, Idaho Code, or any subsequent amendments or re-codifications of this section have not been paid in full. A violation of this section is a misdemeanor and shall be punishable as provided in section 1-4-1 of this code. (Ord. 77, 5-9-1991; amd. 2003 Code)

Chapter 4
MINORS

5-4-1: CURFEW:

5-4-1: CURFEW:

A. Purpose: The policy of the state and of the city is to protect children's health and welfare, which includes their care, guidance, and control.

B. Findings:

1. Parents, guardians, and/or other persons having legal custody are responsible for providing for the physical custody and control of a child and to determine where and with whom the child shall live and to provide the child with care, education, and discipline.

2. A child who is unaccompanied by an adult having custodial rights, or an adult person designated by a person having custodial rights, and who is found to be upon public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, places, buildings, places of amusement, eating places, vacant lots, or other locations unsupervised by such adult, having the lawful authority to be at such place between the hours of nine thirty o'clock (9:30) P.M. Sunday, Monday, Tuesday, Wednesday and Thursday; ten thirty o'clock (10:30) P.M. Friday and Saturday and five o'clock (5:00) A.M. the following day is at greater risk for injury, becoming a victim of crime, being involved in criminal activity, being a danger to persons or property, or otherwise being subject to danger. (Ord. 103, 3-8-1995)

C. Children On Street At Night:

1. It is unlawful for any child being an individual who is under the age of eighteen (18) years to be upon any street, highway, road, alley, park, playground or other public grounds, public places, or buildings, or places of amusement, eating establishments, vacant lots and/or any other place without being accompanied by an adult having custodial rights or an adult person designated by the adult having custodial rights of said child between the hours of nine thirty o'clock (9:30) P.M. Sunday, Monday, Tuesday, Wednesday, and Thursday; ten thirty o'clock (10:30) P.M. Friday and Saturday, until five o'clock (5:00) A.M. of the following day; provided, that the provisions of this subsection shall not apply in the following instances:

a. When the child is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;

b. When the child is returning directly home from a school activity, school entertainment, school recreational activity or school dance;

c. When the child is either going to, or going from his place of residence to lawful employment and/or is working at the child's place of employment;

d. When the child is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom or assembly or free exercise of religion;

e. When the child is in a motor vehicle with parental consent for normal travel, with interstate travel through the city.

2. Any person under the age of eighteen (18) years found violating this subsection C will be deemed a status offender and subject to being cited and processed as a status offender. (Ord. 126, 7-14-1997, Amd. Ord. 249, 06-04-2013)

D. Parental Responsibility:

1. Any person who is the parent, lawful guardian, or other person, except a foster parent, lawfully charged with the care or custody of a child under eighteen (18) years of age commits the offense of failure to supervise a child, if the person permits and/or allows said child to be upon any public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, places, buildings, places of amusement, eating places, vacant lots, or other locations in violation of the curfew law under subsection C of this section, except in the circumstances set forth in subsections 4-3-1C1a through C1e of this section. (Ord. 126, 7-14-1997; amd. 2003 Code)

2. If a person is found guilty or pleads guilty to the offense of failure to supervise a child, under this section, the person shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars ($1,000.00).

3. In lieu of imposing a fine, the court, with the consent of the person, may order the person to complete parenting classes or undertake other treatment or counseling, as approved by the court, and upon the person's completion of the classes, treatment or counseling to the satisfaction of the court, the court may discharge the person or if the person fails to complete the program to the satisfaction of the court, the court may impose the penalty provided in subsection D2 of this section. (Ord. 126, 7-14-1997)

Chapter 5
ANIMAL CONTROL ORDINANCE

5-5-1: SHORT TITLE:
5-5-2: PURPOSES AND AUTHORITY:
5-5-3: DEFINITIONS:
5-5-4: CRUELTY TO ANIMALS:
5-5-5: COMMANDING AN ANIMAL TO ATTACK PROHIBITED:
5-5-6: INTERFERING WITH AN ANIMAL CONTOL OFFICER IN THE IMPOUNDMENT OF ANIMAL UNLAWFUL:
5-5-7: WILD ANIMALS PROHIBITED:
5-5-8: VICIOUS ANIMALS:
5-5-9: CONTROL OF VICIOUS ANIMALS:
5-5-10: LIABILITY OF OWNER OF VICIOUS ANIMAL; DESTRUCTION OF OFFENDING VICIOUS ANIMAL; CIVIL PENALTY

5-5-11: DETERMINATION OF A VICIOUS ANIMAL:
5-5-12: UNIFORM SUMMONS:
5-5-13: LIABILITY OF PARENTS FOR DAMAGES CAUSED BY ANIMAL OWNED BY A MINOR:
5-5-14: CANINE LICENSE REQUIRED; APPLICATION:
5-5-15: KENNEL AND CANINE LICENSE FEES:
5-5-16: RESIDENTIAL KENNEL LICENSE; APPLICATION AND CONDITIONS:
5-5-17: COMMERCIAL KENNEL LICENSE; APPLICATION:
5-5-18: CANINE COLLAR AND TAG REQUIRED:
5-5-19: IMITATION LICENSE TAGS:
5-5-20: CANINES RUNNING AT LARGE PROHIBITED:
5-5-21: CANINES UNATTENDED IN VEHICLES:
5-5-22: RABIES, DISEASES AND QUARANTINE:
5-5-23: ENFORCEMENT BY ANIMAL CONTROL OFFICER:
5-5-24: DISTURBING THE PEACE:
5-5-25: NUISANCES:
5-5-26: CANINE IMPOUNDING:
5-5-27: CANINE IMPOUND FEES:
5-5-28: LIVESTOCK RUNNING AT LARGE; IMPOUNDING OF LIVESTOCK; PERMIT FOR THE KEEPING OF LIVESTOCK WITHIN THE CITY LIMITS:
5-5-29: SALE OF ANIMAL (LIVESTOCK):
5-5-30: CANINE ADOPTION:
5-5-31: POULTRY RUNNING AT LARGE; PERMIT FOR THE KEEPING OF POULTRY WITHIN THE CITY LIMITS:
5-5-32: AQUACULTURE; PERMIT FOR THE FARMING OF FISH AND OTHER AQUACULTURE WITHIN THE CITY LIMITS:
5-5-33: OTHER ANIMALS AT LARGE:
5-5-34: APIARIES; BEEKPEEING:
5-5-35: ANIMAL FACILITY LICENSE:
5-5-36: PENALTIES; CONTINUING VIOLATION:
§5-5-37 FERAL CATS

5-5-1: SHORT TITLE AND SAVINGS CLAUSE: This chapter shall be known as the ANIMAL CONTROL ORDINANCE. (Repl. Ord #267, 03-01-2016)

5-5-2: PURPOSES AND AUTHORITY: This chapter is intended to help solve problems caused by animals running at large in the city, and to otherwise regulate animal ownership, care and treatment, and to provide for determination, registration and disposal of vicious animals in the city. This chapter is enacted upon the authority derived from Idaho Code sections 50-302, 50-304, 50-319 and 50-334, and to provide for the health, safety and welfare of the public. (Repl. Ord #267, 03-01-2016)

5-5-3: DEFINITIONS:

ABUSE: Any case in which an animal has been the victim of intentional or negligent conduct resulting in the animal's bruising, bleeding, malnutritiion,

dehydration, burns, fracture or breaks of any bones, subdural hematoma, soft tissue swelling or death and lack of veterinary care and attention.

ANIMAL: Any organism other than human beings needing food to maintain and sustain its life and which generally has mobility and a developed central nervous system.

ANIMAL CONTROL DIRECTOR: The person designated responsible for animal control enforcement and/or animal shelter services through contract, assignment, or appointment by the city with that person or their agency/organization.

ANIMAL CONTROL OFFICER: Any person providing animal control enforcement and/or animal shelter services under the authority of the animal control director.

ANIMAL FACILITY: Space, structure(s), equipment and associated infrastructure or accoutrements utilized for the keeping of any livestock, poultry in quantity over twelve (12) birds, and as applicable in this chapter to aquaculture and apiaries (beekeeping) within the city limits of the City of Greenleaf, Idaho.

ANIMAL UNDER CONTROL: An animal secured by a leash or lead not exceeding eight feet (8') in length; or is within eight feet (8') and under voice or sign control of a responsible person; or is confined within a vehicle.

AQUACULTURE: The cultivation of marine or freshwater food fish or shellfish, such as but not limited to, oysters, clams, shrimp, salmon, catfish, tilapia, perch, and trout, under controlled conditions, including aquaponics, a system of aquaculture in which the waste produced by farmed fish or other aquatic animals supplies nutrients for plants grown hydroponically, which in turn purify the water.

AT LARGE: Off the premises of the owner, and not under the control of the owner or member of the owner's immediate family or owner's agent, either by leash, cord, chain or other means of physical restraint.

CANINE: A dog or dog-like animal belonging to the *Canidae,* a family of mammals, including dogs, jackals, wolves, and foxes. Canine shall mean and include either male or female, whether neutered or spayed, whether full domesticated canine or partial wolf, partial coyote, entire wolf or entire coyote.

CITY: The City of Greenleaf and those areas within the corporate city limits of the City of Greenleaf, Idaho

CITY COUNCIL: The City Council of the City of Greenleaf, Idaho.

COUNTY: Canyon County, Idaho, or the unincorporated areas of Canyon County, Idaho.

ENCLOSURE: A fence or structure of at least six feet (6') in height, forming or causing containment suitable to prevent the entry of young children, and suitable to confine an animal in conjunction with other measures which may be taken by the owner such as

tethering of the animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping.

FELINE: Shall mean and include either male or female cat of any breed or mixed breed whether neutered or spayed.

IMPOUNDED: Taken into custody of the animal control director or the county animal shelter.

LIVESTOCK: Swine, cattle, sheep, goats, domestic equidae (such as horses and mules), ratites, and rabbits.

MISUSE: The intentional causing of an animal to perform a non-customary task which could be dangerous or harmful to the animal.

MOTOR VEHICLE: Includes, without limitation, automobile, pickup truck, flatbed truck, open equipment laden truck, semi-tractor, or any open bed vehicle.

MUNICIPALITY: Same as "City" above.

OWNER: Any person owning, harboring, keeping, possessing, caring, or having custodial duties over any animal.

POULTRY: Domesticated fowl, such as but not limited to, chickens, turkeys, ducks, or geese, raised for meat or eggs.

PROVOCATION: Any act of trespassing upon the property of an animal's owner, or to tease, torment, abuse, or assault an animal.
PUBLIC NUISANCE ANIMAL: Any animal which unreasonably: (a) annoys humans; (b) endangers the life or health of other animlas or persons; (c) gives offense to human senses; or (d) which substantially interferes with the rights of citizens, other than its owner, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal which:

A. Is repeatedly found at large; or
B. Damages the property of anyone other than its owner; or
C. Chases vehicles; or
D. Excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others or
E. Causes fouling of the air by odor and causing thereby unreasonable annoyance or discomfort to neighbors or others; or
F. Causes unsanitary conditions in enclosures or other surroundings where the animal is kept or harbored; or
G. By virtue of the number or types of animals maintained, is offensive or dangerous to the public health, safety or welfare; or

H. Attacks other animals.

RATITES: Large, non-flying birds including but not limited to ostriches, emus, cassowaries and rheas.

VICIOUS ANIMAL:

A. Any animal which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack on the streets, sidewalks and public grounds or places, or private property not owned or possessed by the owner of the animal.

B. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation.

Any animal owned or harbored primarily or in part for the purposes of fighting or any animal trained for fighting.

E. Notwithstanding the definition of a vicious animal above, no animal may be declared vicious if, at the sole discretion of the animal control director, an injury or damage is sustained by a person who, at the time of such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime.

F. No animal may be declared vicious if, at the sole discretion of the animal control director, the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

G. The definition of vicious animal above does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

WILD ANIMAL: Animals that, as a matter of common knowledge, are naturally ferocious, unpredictable, dangerous, mischievous, or not by custom devoted to the service of mankind at the time and in the place in which it is kept; or those which possess a wild nature or disposition and so require to be reclaimed and made tame by art, industry, or education or else must be kept in confinement to be brought within the immediate power of the owner. For the purposes of this chapter, “wild animal” shall also include those on the United States Fish and Wildlife Service endangered species list (CFR Title 50, Part 17). (Repl. Ord #267, 03-01-2016)

5-5-4: CRUELTY TO ANIMALS:

A. It shall be unlawful for any person to act in a cruel manner to any animal within the city. The phrase "cruel manner" shall include, but not be limited to, the following specific acts and omissions:

Failure to Provide: Any owner of an animal who fails to provide such animal with any of the following:

a. Sufficient good and wholesome food and water; or

b. Proper shelter and protection from the weather; or

c. Proper veterinary care to prevent suffering or disease; or

d. A clean and wholesome environment in which to live; or

e. Protection from the abuse of other persons.

Commission or Omission: Any person who, through act or omission, does any of the following specific acts with an animal:

a. Abuses or otherwise mistreats; or

b. Tortures; or

2. Misuses; or

d. Overloads or over-rides beasts of burden; or

e. Abandons; or

f. Exposes to unreasonable danger to health or life.

B. Authority to take possession: Any animal control officer or peace officer may take possession of any animal for which there is probable cause to believe there has been a violation of this section or of the provisions of Title 25, Chapter 35, Idaho Code, and any amendments or successors thereto, with all costs incurred for the maintenance and/or disposition of such animal to be paid by owner of the animal.

C. Penalty: Any person who violates this section shall upon conviction, for each offense, be punished as provided in Idaho Code §25-3520A. (Repl. Ord #267, 03-01-2016)

5-5-5: PROHIBITED ACTS:

A. Commanding or Encouraging Attack: Except where great bodily harm or death is likely to immediately ensue, it is unlawful for any person to command,

encourage or aid by word or conduct, any animal to bite, chase, attack or attempt to bite, chase, or attack another person or animal. Any person who violates this section shall be guilty of a misdemeanor and shall, for each offense, be punished in accordance with section 5-5-36 of this chapter.

B. Canine or Cock Fights Prohibited: It shall be unlawful for any person to participate in any canine or cock fight within the incorporated area of the city, per Idaho Code §25-3506 and §25-3507. Any person who violates this section shall, upon conviction, be punished in accordance with Idaho Code §25-3520A. (Repl. Ord #267, 03-01-2016)

5-5-6: INTERFERING WITH AN ANIMAL CONTROL OFFICER UNLAWFUL: It is unlawful for any person to hinder, molest, or in any way interfere with any animal control officer while the officer is lawfully engaged in the performance of their duties. Any person who violates this section shall be guilty of a misdemeanor and shall, for each offense, be punished in accordance with section 5-5-36 of this chapter. (Repl. Ord #267, 03-01-2016)

5-5-7: WILD ANIMALS PROHIBITED: It shall be unlawful for any person to harbor, keep, maintain, or possess any wild animal, or any wild hawk, eagle, or wild fur-bearing animal as determined by the United States Fish and Wildlife Service endangered species list (CFR Title 50, Part 17). (Repl. Ord #267, 03-01-2016)

5-5-8: VICIOUS ANIMALS:

A. Requirements for Registration: No vicious animal shall be licensed for any licensing period commencing after the effective date of this chapter, unless the owner or keeper of such vicious animal complies with the requirements of this section.

1. Insurance: The owner shall present to the animal control director or designee proof that the owner or keeper has procured liability insurance in the amount of not less than one million dollars ($1,000,000.00) covering any damage or injury which may be caused by such vicious animal during the twelve (12) month period for which licensing is sought. The policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the animal control director or city where such animal is licensed to be notified by the insurance company of any cancellation, termination, or expiration of the liability insurance policy.

2. Tattooing: The owner shall, at the owner's expense, have the licensing number assigned to such vicious animal, or such other identification number as the animal control director shall determine, tattooed upon such vicious animal by a licensed veterinarian or person trained as a tattooist and authorized as such by any state, city or police department. The tattoo shall be placed on the upper inner lip, inside ear, or inside rear thigh of the vicious animal. The number shall be noted on

the city licensing files for such vicious animal, if it is different from the license number of such vicious animal. For the purposes of this chapter, "tattoo" shall be defined as any permanent numbering of a vicious animal by means of indelible or permanent ink with the number designated by the licensing authority, or any other permanent acceptable method of tattooing.

3. Display of Sign: The owner shall, at the owner's expense, display a sign in conformance with the following criteria on the owner's premises warning that there is a vicious animal on the premises. It shall be unlawful to keep a vicious animal without such sign displayed.

a. The sign shall be constructed of wood, metal, or other similar weatherproof material, at least twenty four inches by twenty four inches (24"x24") in size.

b. The sign shall have letters in easily readable indelible or fluorescent ink with the words in clear, capital letters as follows: "VICIOUS ANIMAL ON PREMISES" OR "VICIOUS CANINE ON PROPERTY" or words of similar meaning.

c. The sign shall be posted and capable of being read from the public roadway at all visible entryways onto the owner's property, and where the animal is lodged.

4. Statement by Owner: The owner shall sign a notarized statement attesting that:

a. The owner shall maintain and not voluntarily cancel the liability insurance required by this chapter during the twelve (12) month period for which licensing is sought, unless the owner shall cease to own or keep the vicious animal prior to expiration of such license.

b. The owner shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious animal on the property where the vicious animal will be kept or maintained.

c. The owner shall notify the animal control director or Canyon County Dispatch within twenty four (24) hours if a vicious animal is on the loose, is unconfined, has attacked another animal or has attacked a human being.

d. The owner shall notify the animal control director if the vicious animal has died or been sold or given away, and provide the animal control director the name, address and telephone number of

the new owner of the vicious animal if it has been sold or given away.

e. The owner shall allow animal control officers on the property / premises and entry into buildings on the property / premises to make inquiry as deemed necessary to ensure compliance with the provisions of this chapter.

B. Vicious Animal Registration Fee: A fee for registration of a vicious animal may be set by resolution of the City Council.

C. Penalty: Any person violating this section shall be guilty of a misdemeanor punishable in accordance with section 5-5-36 of this chapter. (Repl. Ord #267, 03-01-2016)

5-5-9: CONTROL OF VICIOUS ANIMALS:

A. Ensure Compliance: Any animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any animal control officer is hereby empowered to seize and impound any vicious animal whose owner fails to comply with the provisions hereof.

B. Search Warrant: In the event that the owner of a vicious animal refuses to surrender the animal to the animal control officer, the animal control officer may require a police officer to obtain a search warrant to seize the animal upon execution of the warrant.

C. Ownership Restrictions: It shall be unlawful for any person to possess with intent to sell, or offer for sale, breed, or buy, or attempt to buy, any vicious animal between residents within the city. Sale to a party outside the city is allowed.

D. Confinement Required: All vicious animals shall be confined in an enclosure. It is unlawful for any owner to maintain a vicious animal upon any premises which does not have a locked enclosure.

E. Restraint: It shall be unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with command or directions of the animal control officer with respect to the vicious animal, or to comply with the provisions of section 5-5-8 of this chapter. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of seven hundred fifty (750) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner of the vicious animal.

F. Owning, Harboring, Breeding, or Training to Fight or Attack: No person shall own, harbor, or breed any animal for the purpose of animal fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to make unprovoked attacks upon human beings or domestic animals. (Repl. Ord #267, 03-01-2016)

5-5-10: LIABILITY OF OWNER OF VICIOUS ANIMAL; DESTRUCTION OF OFFENDING VICIOUS ANIMAL; CIVIL PENALTY

A. Liability Of Owner: If any vicious animal shall, when provoked, kill or wound or assist in killing or wounding any livestock, poultry, or other animal belonging to or in the possession of any person, or shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in attacking, assaulting, biting or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious animal, or while otherwise on or off the property of the owner, whether or not such vicious animal was on a leash and securely muzzled or whether or not the vicious animal escaped without fault of the owner or keeper, the owner or keeper of such animal shall be liable to the person aggrieved as aforesaid, for all damages sustained, to be recovered in a civil action, with costs of suit. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a vicious animal in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner of such vicious animal knew that such vicious animal possessed the propensity to cause such damages or that the vicious animal had a vicious nature. Upon such attack or assault, the animal control officer is empowered to impound and, after following the procedure set forth in section 5-5-11 herein, destroy such vicious animal . The animal control officer shall not be required to follow the procedure in section 5-5-11 where the animal control officer is acting in self-defense or in defense of others.

B. Exemptions: The provisions of this section shall not apply to K-9 or other animals owned by any police department or any law enforcement officer which are used in the performance of law enforcement work.

C. Penalties For Violation:

1. The owner of any vicious animal who violates any of the provisions of section 5-5-8:A, 5-5-9:D and 5-5-9:E shall pay a civil penalty as set by resolution adopted by the City Council.

2. In addition to the civil penalty provided for in section 5-5-10:C:1, the animal control officer is authorized to immediately impound, or cause to be impounded, any vicious animal which, when unprovoked, does kill, wound, or assist in killing or wounding any animal or human being, and may house such vicious animal or, after complying the notice and hearing procedures set forth in section 5-5-11, dispose of such vicious animal in such manner as the animal control officer may deem appropriate.

D. Requirements Nonsuspendable: No fine and/or tattooing requirement shall be suspended by any court of competent jurisdiction. (Repl. Ord #267, 03-01-2016)

5-5-11: PROCEDURE FOR DETERMINATION OF A VICIOUS ANIMAL AND DESTRUCTION OF VICIOUS ANIMALS:

A. Hearing For Determination: In the event that the animal control officer or law enforcement officer has probable cause to believe that an animal is vicious, or when the animal control officer has impounded any vicious animal pursuant to section 5-5-10, the animal control director or designee shall be empowered to convene a hearing for the purpose of determining whether or not the animal in question should be declared vicious. The hearing board for this purpose may consist of any preexisting city hearing board members or may consist of the animal shelter director or designee, a city council member, and the mayor or designee.

B. Investigation; Notice To Owner: The animal control director or designee shall conduct or cause to be conducted an investigation and shall notify in writing the owner of the animal that a hearing will be held, and at what time the owner may have the opportunity to present evidence why the animal should not be declared vicious. The hearing shall be held promptly no less than five (5) nor more than ten (10) days after service of notice upon the owner of the animal. The hearing shall be informal and shall be open to the public.

C. Determination; Compliance By Owner: After the hearing, the owner of the animal shall be notified in writing of the determination. If a determination is made that the animal is vicious, the owner shall comply with the provisions of this chapter in accordance with a time schedule established by the animal control director, but in no case more than thirty (30) days subsequent to the date of the determination.

D. Owner Contesting Determination; Court Hearing: If the owner of the animal contests the determination, the owner may, within five (5) days of such determination, bring a petition in the magistrate court of the Third Judicial District praying that the court conduct its own hearing on whether or not the animal should be declared vicious or destroyed after an unprovoked attack as set forth in section 5-5-10. After service of notice upon the animal control director, the court shall conduct a hearing de novo and make its own determination. The hearing shall be conducted within fourteen (14) days of the service of the notice upon the animal control director or law enforcement officer involved. The issue shall be decided upon the preponderance of the evidence. If the court rules the animal to be vicious or rules the animal shall be destroyed, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of the court's decision. If the court finds that there was not a violation of sections 5-5-9 and 5-5-10, inclusive, of this chapter such animal may be released to the custody of the owner upon

obtaining a current license for the animal, with the owner not held liable for costs of holding the animal in impound pending the appeal.

E. Court Decision: The court may decide all issues for or against the owner of the animal regardless of the fact that said owner fails to appear at said hearing.

F. Final Determination: The determination of the court shall be final and conclusive upon all parties. However, the animal control director or any law enforcement officer shall have the right to declare an animal to be vicious, following the procedure set forth in this section, for any subsequent actions of the animal.

G. Seizure Of Animal Pending Hearing; Owner Liable for Costs and Expenses of Impoundment: In the event that the animal control officer or law enforcement officer has probable cause to believe that the animal in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or law enforcement officer may seize and impound the animal pending the aforesaid hearings. The owner of the animal shall be liable for the costs and expenses of impoundment of such animal.

H. If the animal control director cannot, with due diligence, locate the owner of an animal that has been declared vicious or impounded pursuant to section 5-5-10, or if the owner of such animal shall fail or refuse to accept service of the required notice, the animal control director shall cause the animal to be impounded for not less than five (5) business days. If, after five (5) business days, the owner fails to claim the dog or accept service of the required notice, the animal control director may cause the dog to be humanely destroyed.

I. Fine for Impound of Vicious Animal: If the owner of the animal violates any of the terms and conditions of sections 5-5-9 and 5-5-10, inclusive, of this chapter said owner shall pay a fine for impound of vicious animal in an amount as set by resolution of the City Council. (Repl. Ord #267, 03-01-2016)

5-5-12: UNIFORM SUMMONS: The uniform citation shall be used by the animal control officers and peace officers in the enforcement of this chapter. (Repl. Ord #267, 03-01-2016)

5-5-13: LIABILITY OF PARENTS FOR DAMAGES CAUSED BY ANIMAL OWNED BY A MINOR: In the event that the owner of any animal is a minor, the parent or guardian of such minor shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by said animal. (Repl. Ord #267, 03-01-2016)

5-5-14: CANINE LICENSE REQUIRED; APPLICATION:

A. Licensing Requirements:

1. It shall be unlawful for any person to own, harbor, keep or possess a canine more than three (3) months of age within the incorporated area of

the city without first procuring a license therefor, as provided by this chapter. The provisions of this chapter shall not apply to any person visiting the incorporated areas of the city for a period not to exceed thirty (30) days, owning or possessing a canine, if such canine is then currently licensed or bearing the license issued by another municipality or other licensing authority, or if such person is a permanent resident within a jurisdiction where no such license is required.

2. Canine licenses shall be issued by the authorized agent of the city at such time as an application for issuance or renewal has been completed, and it is determined by the authorized agent that the application complies with the provisions of this chapter, and the license fee as provided in this chapter has been paid.

3. Canine licenses shall then be valid until January 15 of the calendar year following the issuance of the license.

4. Keeping, maintaining or possessing more than three (3) canines at a premises requires a kennel license as provided in section 5-5-16 or 5-5-17 of this chapter.

B. Conditions And Exceptions:

1. No canine will be licensed as spayed or neutered without proof that such surgery was performed.

2. No canine will be licensed without proof of current rabies vaccination.

3. Upon receipt of application for license and payment of fees, the person issuing the license shall issue a receipt designating the owner's name and the number of the license, the sex (or status of spayed or neutered) of the canine and the amount paid by him, together with a metal tag bearing the number corresponding to the number of the receipt.

4. If a license is lost, the animal control director or other designated agent shall, upon application and payment of a fee as set by resolution of the City Council, issue a replacement license.

5. Licenses for the following year may be purchased within ninety (90) days prior to the expiration date.

6. License fees shall be waived for any properly trained service canine. (Repl. Ord #267, 03-01-2016)

5-5-15: KENNEL AND CANINE LICENSE FEES:

A. The City Council shall establish kennel and canine license fees by resolution.

B. Fees Nonrefundable: No costs or fees are refundable due to death or loss of licensed canine. (Repl. Ord #267, 03-01-2016)

5-5-16: RESIDENTIAL KENNEL LICENSE; APPLICATION AND CONDITIONS:

A. License Required: It is unlawful to keep, maintain or possess upon the premises more than three (3) canines three(3) months of age or older, in the city unless the owner or person in charge thereof shall have obtained a non-commercial residential kennel license as provided in this section. A non-commercial residential kennel license may not be obtained for breeding or boarding operations or any other commercial use.

B. Expiration of License: All residential kennel licenses expire at twelve o'clock (12:00) midnight on December 31st of the calendar year of date of issuance, with the exception of new licenses issued in December which expire at twelve o'clock (12:00) midnight on December 31st of the following calendar year. These licenses must be renewed annually.

C. Application; Consent Required: An application for a new non-commercial residential kennel license shall be filed with the city clerk or other designated agent, together with the payment of the annual kennel license fee and the annual tag fee, as established by resolution of the City Council, for each canine three (3) months of age or older to be kept in the kennel. The application must be accompanied by the written consent to such non-commercial kennel by at least seventy-five percent (75%) of all the persons in possession of premises within a radius of one hundred fifty feet (150') of the premises upon which such non-commercial residential kennel is to be maintained.

D. Approval: The city clerk or designated agent may administratively approve the application upon payment of all required fees and review of the application. An applicant denied a license may appeal to the city council as provided in chapter 10, Title 1, of this code.

E. Annual renewal of a non-commercial residential kennel license:

1. If no complaints regarding the non-commercial residential kennel have been received, the annual renewal of the non-commercial residential kennel license may be administratively renewed by the city clerk or other designated agent, following:

a. A satisfactory inspection of the kennel by the animal control officer;

b. Payment of the annual kennel fee, as may be set by resolution of the City Council; and

c. Licensing of each canine.

2. If complaints regarding the non-commercial residential kennel have been received, the application for renewal shall be scheduled on the next available City Council Meeting Agenda and the City Council shall either approve or deny the renewal. (Repl. Ord #267, 03-01-2016)

5-5-17: COMMERCIAL KENNEL LICENSE; APPLICATION:

A. License Required: It is unlawful to keep, maintain or possess upon the premises more than three (3) canines three(3) months of age or older, which will be kept for the purposes of breeding, boarding, training, showing, selling, or any other commercial uses. The owner or person in charge thereof shall obtain a commercial kennel license as provided in this section.

B. Expiration of License: All commercial kennel licenses expire at twelve o'clock (12:00) midnight on December 31st of the calendar year of date of issuance, with the exception of new licenses issued in December which expire at twelve o'clock (12:00) midnight on December 31st of the following calendar year. These licenses must be renewed annually.

C. Application: An application for a new commercial kennel license shall be filed with the city clerk or other designated agent, together with the payment of the annual kennel license fee and the annual tag fee, as established by resolution of the City Council, for each canine three (3) months of age or older to be kept in the kennel. Applications shall not be accepted or deemed complete unless submitted with an animal facilities care plan.

1. The application for a new commercial kennel license must be made on the form approved for use by the City, and shall include:

a. A list of all property owners, as shown on the Canyon County Assessor's records, along with complete addresses, located within one hundred fifty feet (150') of the exterior boundaries of the proposed kennel licensed premises; and

b. An animal facilities and care plan, including:

i. Description of the maximum number of animals for which the license is sought;

ii. Description of facilities, including sanitation, feeding, grooming, shelter from weather, and health care of the animals;

iii. Description of day-to-day schedule for supervision of animals and management of the facility; and

iv. Description of measures that will be taken to mitigate nuisance situations, which may include, but not be limited to, odor, noise, flies, and dust, and threshold to trigger mitigation activity if taken on an as-needed basis.

2. When the application is complete, fees are paid, and inspection of facilities has been made by the Animal Control Director or designee, a public hearing shall be scheduled before the City Council.

3. The City Clerk shall provide notice of hearing as a legal notice in the city newspaper of record, and by mail to all property owners as shown on the list provided in the application packet to properties located within one hundred fifty feet (150') of the exterior boundaries of the proposed commercial kennel licensed premises, at least fifteen (15) days prior to the public hearing.

4. Written or oral arguments may be received for testimony at public hearing.

5. At the public hearing, the applicant must establish that he/she will utilize a reasonable standard of care in accordance with the animal facilities and care plan in the exercise of the license in regard to providing:

a. Adequate and sanitary facilities; and

b. Adequate feeding, grooming, shelter from weather, and health care of the animals; and

c. Adequate day to day supervision of animals and management of the facilities; and

d. Adequate measures will be taken to mitigate nuisance situations, which may include, but not be limited to, odor, noise, flies, and dust.

6. The City Council shall either approve or deny the permit based on whether or not the applicant has complied with this section, met the applicant's burden of proof at the hearing, and otherwise complied with the criteria for issuance of the license.

7. In the event the City Council approves the commercial kennel license, it shall include the approved animal facilities and care plan as a condition of the license issuance.

D. Change of Premises: A commercial kennel license shall be issued to the applicant and is not assignable or transferable to other premises. A commercial

kennel license in good standing may be assigned or transferred to new ownership at the same premises as provided in section 5-5-17(E)(2) of this chapter.

E. Renewing License: Applications for renewal of a commercial kennel license shall be filed with the city clerk together with the payment of the annual kennel license fee and the annual tag fees, as established by resolution of the City Council, for every canine three (3) months of age or older to be kept in the kennel, together with any written changes in the animal facilities care plan.

1. Standard Renewal:

a. Following receipt of a complete commercial kennel license renewal application, the Animal Control Officer or designee shall review any complaints received regarding the facility over the past year and inspect the facility to determine that the animal facilities care plan is being followed and that any written changes to the animal facilities care plan do not increase the size or capacity of the kennel facilities and do not raise any issues of standard of care for the animals. Upon report to the City Clerk from the Animal Control Officer or designee that the facility has passed review and inspection, the Clerk shall issue a renewal of the license.

b. In the event that the facility does not pass review and inspection for renewal of license, the applicant may request that the City Council set the matter for public hearing, in which event the procedures set forth in section 5-5-17(C) for a new commercial kennel license shall be followed.

2. Assignment or Transfer:

a. A commercial kennel license in good standing may be assigned or transferred to new ownership at the same premises as provided in this section. The applicant shall submit a complete application for assignment or transfer of a commercial kennel license to the City Clerk, along with a transfer fee as set by resolution of the City Council, and accompanied by a written agreement of the proposed assignee to be bound by the terms and conditions of the license and the approved animal facilities care plan. Following receipt of a complete application and applicable fees, the Animal Control Officer or designee shall review any complaints received regarding the facility over the past year and inspect the facility to determine that the animal facilities care plan is being followed and that any written changes to the animal facilities care plan do not increase the size or capacity of the kennel facilities and do not raise any issues of standard of care for the animals. Upon report to the City Clerk from the Animal Control Officer or designee that the facility has passed review and

inspection, the Clerk shall issue an assignment of the commercial kennel license to the assignee.

b. In the event the facility does not pass review and inspection for assignment or transfer of license, the applicant may request that the City Council set the matter for public hearing, in which event the procedure and process and criteria of a public hearing for a new commercial kennel license shall be followed.

F. License Revocation: Failure of a licensee to comply with the licensed approved animal facilities care plan shall be grounds for the Animal Control Officer to revoke the license.

1. The Animal Control Officer or designee shall investigate any complaints received by the city, and may conduct an annual inspection of the facility.

2. In the event the Animal Control Officer or designee determines that the animal facility care plan is not being followed, the Animal Control Officer may issue a warning listing deficiencies and giving at least three (3) business days to respond and correct any deficiencies. If, upon re-inspection after the time period to correct any deficiencies, the deficiencies still exist, the Animal Control Officer may administratively revoke the license for failure to comply with the animal facility care plan.

3. Any decision by the Animal Control Officer to administratively revoke a license may be appealed to the City Council within fifteen (15) days from the decision, utilizing the process given in Title 1 Chapter 10 of this code.

4. Unless appealed to the City Council, continuing operations after a license has been revoked is a violation subject to the penalties of this chapter. (Repl. Ord #267, 03-01-2016)

5-5-18: CANINE COLLAR AND TAG REQUIRED:

A. Tag Required: Every canine shall at all times wear a substantial and durable collar to which shall be securely attached the required license tag.

B. License Tag: Upon the payment of the license fee, the city clerk shall issue to the owner a license tag for each dog licensed.

C. License tags shall not be transferred from one dog to another.

D. No refunds shall be made on any dog license fee due to death of the dog or for any other reason. (Repl. Ord #267, 03-01-2016)

5-5-19: IMITATION LICENSE TAGS: It shall be unlawful for any person to allow any canine owned, kept or harbored to wear a license tag received on account of a former license, or to wear a license tag originally issued to another canine, or to wear any imitation of the license tag issued by the city, or any tag marked on a plate or collar similar to that required by this chapter at any time, and calculated to deceive. (Repl. Ord #267, 03-01-2016)

5-5-20: CANINES RUNNING AT LARGE PROHIBITED

A. It shall be unlawful for any person to allow a canine, whether the canine is licensed or not, to be at large upon the roads, streets, or alleys of the city, in any public place of the city, or upon any premises without the consent of the person in possession of such premises, other than that of the canine's owner.

B. The prohibition against canines running at large shall not apply in the following circumstances:

1. When such canine is controlled by a leash.

2. When such canine is confined in a motor vehicle.

3. When such canine is under the control of a responsible person and controlled by whistle, voice or other effective command. (Repl. Ord #267, 03-01-2016)

5-5-21: CANINES UNATTENDED IN VEHICLES: No person shall leave a canine or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions, or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health and safety. (Repl. Ord #267, 03-01-2016)

5-5-22: RABIES, DISEASES AND QUARANTINE:

A. Harboring Afflicted Animals: It is unlawful for a person other than a veterinarian, or the animal shelter to have, keep or harbor any animal afflicted with rabies.

B. Disposition: The sheriff of Canyon County, Idaho, or his designee, the chief of police of the city or his designee, or the animal shelter director or his designee, or the owner shall secure disposition of any animal afflicted with rabies.

C. Duty To Surrender: It is the duty of every owner of an animal showing symptoms of rabies for which the owner has no proof of current rabies vaccination or which has bitten any person causing an abrasion of the skin, to surrender the animal for confinement and isolation at the animal shelter, or to a licensed veterinarian, for a period not to exceed fifteen (15) days; provided, that for animals with proof of a current rabies vaccination, the animal control director has the discretion to allow the canine to be quarantined in the owner's home under such terms and conditions the animal control director shall impose. If such

animal shall be determined free of rabies, it shall be returned to the owner upon payment of the regular fee for keeping such animal impounded, if applicable. If such fee is not paid, the animal shall be subject to disposal as provided in this chapter.

D. Contagious Diseased Animals: Any animal which has a contagious disease shall not be shipped or removed from the premises of the owner of such animal except under the supervision of the animal control director.

E. Rabies Inoculation: It is unlawful to keep or harbor any canine over the age of three (3) months in the city unless such canine has been inoculated against rabies by a licensed veterinarian within the preceding three (3) years. No license, except as provided below, shall be issued for any canine over the age of three (3) months unless the applicant for such license presents a certificate signed by a licensed veterinarian establishing that the canine has been vaccinated for rabies for the license period. A temporary license, valid for only five (5) business days after issuance, may be issued to a canine owner who must within five (5) days of the date of issuance of said license, procure a certificate signed by a licensed veterinarian establishing that the canine has been vaccinated against rabies for the license period. (Repl. Ord #267, 03-01-2016)

5-5-23: ENFORCEMENT BY ANIMAL CONTROL OFFICER:

A. Appointment Of Officer: The enforcement of this chapter shall be the responsibility of the animal control officer, which position shall be filled by the appointment of the Mayor with the advice and consent of the City Council, who shall serve at the pleasure of the Mayor and of the City Council. This position may also be filled by appropriate appointment as herein provided of someone who is providing the service pursuant to a joint exercise of power and service agreement with a government subdivision of the state of Idaho authorized to enter into such joint exercise of power agreement.

B. Removal From Roads, Rights Of Way: It shall be the duty of all animal control officers to remove deceased small animals from public roads and rights of way. (Repl. Ord #267, 03-01-2016)

5-5-24: DISTURBING THE PEACE: It is unlawful for any owner of a canine to fail to exercise the reasonably necessary proper care and control of the animal in order to prevent it from disturbing the peace and quiet of the neighborhood by barking, whining or making loud or unusual noises, or by running through or across cultivated gardens or lawns not the property of the owner. (Repl. Ord #267, 03-01-2016)

5-5-25: NUISANCES:

A. Canines: Any canine found in the incorporated areas of the city either without a license or running at large in violation of the provisions of this chapter is declared to be a nuisance and shall be impounded as herein provided.

B. Animals In City-Owned Buildings: Animals under control and service canines are allowed in city-owned buildings, provided that the owner or responsible person in charge of such animal shall be liable for any damage or disturbance caused by such animal or service canine.

C. Animals Within Public Parks: Animals are allowed within the city's public parks provided the owner or custodian of any animal must comply with all animal regulations of the city as provided in this section.

1. Canines within any city park need not be controlled by leash, but shall be under the control of a responsible person and controlled by whistle, voice or other effective command.

2. The city council may, by resolution, allow animal exhibitions or shows in city parks and establish rules and regulations governing animals when allowed in any city owned, leased or maintained park.

3. It is unlawful for the owner or custodian of an animal to permit the animal to defecate upon a public street, sidewalk, park or other area, or upon the property of another unless the owner or custodian immediately removes and disposes of all animal waste in a trash can.

D. Cats: A cat shall not be deemed to be at large and subject to impoundment as provided herein unless it is causing a disturbance, or is a public nuisance animal as defined herein, or has been complained of, or is sick, injured or obviously uncared for. (Repl. Ord #267, 03-01-2016)

5-5-26: CANINE IMPOUNDING:

A. Duty To Impound: It shall be the duty of the animal control officer, animal control director and peace officer of the city or Canyon County, or peace officer of participating municipalities to apprehend any canine found running at large or disturbing the peace contrary to the provisions of this chapter, and to impound such canine in the county animal shelter or other suitable place; provided, that if any fierce, dangerous or vicious canine found running at large cannot be safely taken up and impounded, such canine may be slain by any peace officer or animal control officer.

B. Description: The animal control officer or police officer so impounding or slaying any canine shall record a description of the canine, whether licensed or not, in a book kept for that purpose.

C. Recovery Of Impounded Canines: The owner of any canine impounded may recover possession of same upon payment of all required fees which includes impound fee, rabies voucher, license fees if impounded canine is unlicensed, board fees and any other fees imposed by impounding authority or impound facility. If the owner or representative of the owner of any canine impounded shall fail to pay the required fees within five (5) business days excluding

Saturdays, Sundays and holidays, after reasonable or diligent effort to notify the owner or representative of the owner, the animal shelter may dispose of a canine either through adoption, provided the new owner shall pay the required fees, or through euthanasia.

D. Impounding And Recovery Of Unlicensed Canines: It shall be the duty of the animal control officer and animal shelter director to hold for a period of five (5) working days excluding Saturdays, Sundays and holidays any unlicensed canine impounded under the provisions of this chapter. The owner of any unlicensed impounded canine may recover possession of an impounded canine upon payment of all required fees. Any such unlicensed canine not redeemed within five (5) business days excluding Saturdays, Sundays and holidays may be sold or disposed of in a humane manner under the direction of the animal control director.

E. Diseased Animals; Destruction: Any animal impounded and suffering from serious injury or disease may be euthanized at the discretion of the animal control shelter.

F. Traps: Animal control officers are authorized to place humane animal traps on public or private property upon request and permission of the owner. Such traps shall be checked daily by the animal control officers.

G. Freeing Of Impounded Animals, Canines And Poultry Prohibited: It shall be unlawful to break open or in any manner directly or indirectly aid or assist in the breaking open of any pen or enclosure with the intent of releasing any animal or poultry.

H. Unlawful Release: It shall be unlawful for any person, except those responsible for the enforcement of this chapter, to release any canine without the consent of the owner, to release his/her own or any other canine from the county animal shelter or from any other place where an animal, canine or poultry may be held for observation or impoundment.

I. Owner turn-in of canines: An owner may turn in their canine to the animal control officer for adoption or disposal by filling out the appropriate form and paying an impound fee as set by resolution of the City Council.

J. Additional Expenses: The owner is responsible for any additional expenses incurred related to impounding, boarding, containment, euthanasia or disposal. Such expenses shall be invoiced by the city and must be paid before any future animal licenses will be issued for that location as long as that property owner or family unit maintains residence, or to that property owner or family unit if they move to another location within the city's jurisdiction. (Repl. Ord #267, 03-01-2016)

5-5-27: CANINE IMPOUND FEES: The city shall be entitled to charge a fee for the keeping and selling of any animal, which fees shall be retained by the city as payment

toward the costs and expenses incurred in the keeping and selling of such animal. The fees which may be charged by the city for impounding, keeping and selling any animal, to be paid upon redemption or sale of such animal, shall be set by resolution of the City Council. (Repl. Ord #267, 03-01-2016)

5-5-28: LIVESTOCK RUNNING AT LARGE; IMPOUNDING OF LIVESTOCK; LICENSE REQUIRED FOR THE KEEPING OF LIVESTOCK WITHIN THE CITY LIMITS:

A. Livestock Running at Large: If any animals shall be found running at large contrary to the provisions of this chapter, it is hereby made the duty of the animal control officer or any other peace officer of the city to take up and confine the same in the county animal shelter or livestock yard. In the case of an animal disturbing the peace, there shall be made an attempt to contact the owner at his home and a warning issued. If the owner is not present or does not heed the warning, the animal may be impounded in accordance with this chapter. Such animal taken up and confined shall not be released until the owner or person entitled to have possession thereof shall pay all fees including all expenses incurred in boarding such animal so impounded.

B. Impounded Livestock Redemption: Any animal impounded because it was found running at large may be redeemed by the owner prior to the sale or destruction of such animal, by paying all charges against the same. The animal control shelter is entitled to charge a board fee, an impound fee and any hauling fee applicable for the keeping of any animal, which fees shall be set by resolution of the City Council, and retained by the animal shelter as payment toward the costs and expense incurred in the transporting and keeping of such animal. The fees which may be charged by the animal shelter for impounding and keeping of any animal are to be paid upon redemption of such animal.

C. License Required for the Keeping of Livestock within the City Limits: It is unlawful to keep, maintain or possess livestock upon the premises of any parcel within the city limits without an animal facility license as provided in section 5-5-35. (Repl. Ord #267, 03-01-2016)

5-5-29: SALE OF ANIMAL (LIVESTOCK):

A. Notice Of Sale: At any time after any horse, mule, any kind of cattle, hog, or any stock animal shall have been impounded, and after notification of the brand inspector, the animal shelter shall give notice of sale by posting a notice at the shelter, describing the animal impounded and notifying the owner by certified or registered mail, if the owner is known, to pay the charges thereon and remove same prior to the time fixed for sale thereof; and that, otherwise, the animal will be sold at public sale at a time and place named in said notice, which time shall not be less than fifteen (15) days from the date of the posting of such notice.

B. Revenue From Sale: In case any animal sold pursuant to the provisions of this chapter be sold for more than is sufficient to pay the fees and charges aforesaid, such excess shall be deposited with the animal shelter which shall pay such excess to the owner of such animal or animals or to the person entitled to possession of the same upon claim and proper proof of ownership within six (6) months from date of said sale. If after six (6) months such excess is not claimed, the excess fees shall be disposed of in accordance with Idaho Code §25-2312. (Repl. Ord #267, 03-01-2016)

5-5-30: CANINE ADOPTION: Canines licensed or unlicensed which have been held for five (5) working days, excluding Saturdays, Sundays and holidays, may be adopted from the animal shelter, after due notification to the owner (if known), upon payment of an adoption fee and fee for licensing the dog. (Repl. Ord #267, 03-01-2016)

5-5-31: POULTRY RUNNING AT LARGE; PERMIT FOR THE KEEPING OF POULTRY WITHIN THE CITY LIMITS:

A. It shall be a violation of this chapter for the owner or keeper of any poultry to permit, or fail to prevent such poultry from, running at large within the corporate limits of the city.

B. License Required: It is unlawful to keep, maintain or possess upon the premises of any one (1) parcel more than twelve (12) poultry animals without obtaining an animal facility license therefore as provided in section 5-5-35.

C. The keeping of male poultry or roosters is permitted. (Repl. Ord #267, 03-01-2016)

5-5-32: AQUACULTURE; PERMIT FOR THE FARMING OF FISH AND OTHER AQUACULTURE WITHIN THE CITY LIMITS:

A. License Required: It is unlawful to keep, maintain, or possess an aquaculture operation upon the premises of any one (1) parcel without the owner or person in charge thereof first obtaining an animal facility license as provided in section 5-5-35.

B. No animal facility license shall be issued for aquaculture without the following submitted with the animal facility license application:

1. A signed, notarized statement from the property owner stating that no water or runoff from the aquaculture operation will be allowed to leave the property or be discharged into the city sanitary sewer system, and authorizing the city to lien the property for any expenses incurred by the city arising from aquaculture operation water or runoff allowed to leave the property or discharged into the city sanitary sewer system; or

2. A signed, notarized statement from the property owner stating that no water or runoff from the aquaculture operation will be allowed to leave

the property, and authorizing the city to lien the property for any expenses incurred by the city arising from aquaculture operation water or runoff allowed to leave the property, accompanied by a signed agreement between the property owner and the city permitting the Public Services Director or designee to test the aquaculture operation discharge into the city sanitary sewer system for waste strength BOD or TSS waste strength category and defining costs to be charged for municipal waste-water treatment for the aquaculture operation per the Sewer System Regulations Ordinance at rates set by resolution of the City Council. (Repl. Ord #267, 03-01-2016)

5-5-33: OTHER ANIMALS AT LARGE: It shall be a violation of this chapter for the owner or keeper of any fowl or other animals, other than cats as provided in section 5-5-25:D of this chapter, to permit, or fail to prevent such animal from, running at large within the corporate limits of the city. (Repl. Ord #267, 03-01-2016)

5-5-34: APIARIES; BEEKEEPING:

A. Beekeeping Allowed: Notwithstanding the other provisions of this chapter, beekeeping shall be allowed without an animal facility license provided the standards set forth in this section are followed.

1. Number of Hives & Colonies: The maximum limit is three (3) colonies per parcel, plus one nucleus colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony – A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

2. Hives: Colonies shall be kept in hives with removable frames.

3. Flyway Barriers: For colonies located within 25 feet of a property boundary, a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, or dense hedge parallel to the property line and extending ten (10) feet beyond the apiary in each direction is required.

4. Setbacks and placement: Hives shall be located at least twenty (20) feet from front property lines and three (3) feet from other property lines. The back of the hive shall be oriented to adjoining properties.

5. Water Source: A constant supply of fresh water is required. It shall be readily accessible to the bees and to allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.

6. Maintenance: Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.

7. Queens: Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or re-queened.

8. Compliance with State Statutes: Beekeeping shall comply with all applicable State Laws.

9. Contact Information: Contact information for a responsible party shall be posted at apiaries on vacant properties.

B. Keeping of Noxious Insects Prohibited: The keeping of wasps, hornets, africanized bees (apis mellifera scutellata), and other noxious insects is prohibited. (Repl. Ord #267, 03-01-2016)

5-5-35: ANIMAL FACILITY LICENSE:

A. Expiration of License: All animal facility licenses expire at twelve o'clock (12:00) midnight on December 31st of the calendar year of date of issuance, with the exception of new licenses issued in December which expire at twelve o'clock (12:00) midnight on December 31st of the following calendar year. These licenses must be renewed annually.

B. Application: An application for a new animal facility license shall be filed with the city clerk or other designated agent, together with the payment of the animal facility license fee, as established by resolution of the City Council. Applications shall not be accepted or deemed complete unless submitted with an animal facilities care plan.

1. The application for an animal facility license must be made on the form approved for use by the City, and shall include an animal facilities care plan, including:

a. Description of number and type/breed of animals for which the license is sought;

b. Description of facilities, including sanitation, feeding, grooming, shelter from weather, and health care of the animals;

c. Description of day-to-day schedule for supervision of animals and management of the facility;

d. Description of measures that will be taken to mitigate nuisance situations, which may include, but not be limited to, odor, noise, flies, and dust, and threshold to trigger mitigation activity if taken on an as-needed basis.

e. Description of measures that will be taken to mitigate any environmental concerns, to specifically include a signed, notarized statement from the property owner stating that no water or runoff from the facility will be allowed to leave the property, and authorizing the city to lien the property for any expenses incurred by the city arising from facility water or runoff allowed to leave the property.

2. When the application is complete, fees are paid, and inspection of facilities has been made by the Animal Control Director or designee, the Animal Control Director or designee may administratively direct the City Clerk to issue an animal facility license upon determination that the applicant's facilities and animal facility care plan provide for the following:

a. Adequate and sanitary facilities; and

b. Adequate feeding, grooming, shelter from weather, and health care of the animals; and

c. Adequate day to day supervision of animals and management of the facilities; and

d. Adequate measures will be taken to mitigate nuisance situations, which may include, but not be limited to, odor, noise, flies, and dust.

e. Adequate measures will be taken to mitigate any environmental concerns, including having on file a signed, notarized statement from the property owner stating that no water or runoff from the facility will be allowed to leave the property, and authorizing the city to lien the property for any expenses incurred by the city arising from facility water or runoff allowed to leave the property. For aquaculture applications the provisions of 5-5-32(B) shall apply to satisfy this requirement.

3. An applicant denied a permit may appeal the decision to the city council in accordance with the procedures in chapter 10, Title 1 of this code.

C. Change of Premises: An animal facility license shall be issued to the applicant and is not assignable or transferable to other premises. An animal facility license in good standing may be assigned or transferred to new ownership at the same premises as provided in section 5-5-35(D)(2).

D. Renewing License: Applications for renewal of an animal facility license shall be filed with the city clerk together with any written changes in the animal facilities care plan. The city council may establish a renewal application fee by

resolution, which renewal application fee may be waived upon a finding by the Animal Control Officer that no complaints have been received for the preceding license period.

1. Standard Renewal:

a. Following receipt of a complete animal facility renewal application, the Animal Control Officer or designee shall review any complaints received regarding the facility over the past year and inspect the facility to determine that the animal facilities care plan is being followed and that any written changes to the animal facilities care plan do not raise any issues of standard of care for the animals. Upon report to the City Clerk from the Animal Control Officer or designee that the facility has passed review and inspection, the Clerk shall issue a renewal of the license.

b. In the event the facility does not pass review and inspection for renewal of license, a decision by the Animal Control Officer to deny renewal of license may be appealed to the City Council within fifteen (15) days from the decision, utilizing the process given in Title 1 Chapter 10 of this code.

2. Assignment or Transfer: An animal facility license in good standing may be assigned or transferred to new ownership at the same premises as provided in this section.

a. The applicant shall submit a complete application for assignment or transfer of animal facility license to the City Clerk, along with a transfer fee as set by resolution of the City Council, and accompanied by a written agreement of the proposed assignee to be bound by the terms and conditions of the license and the approved animal facilities care plan. Following receipt of a complete application and applicable fees, the Animal Control Officer or designee shall review any complaints received regarding the facility over the past year and inspect the facility to determine that the animal facilities care plan is being followed and that any written changes to the animal facilities care plan do not raise any issues of standard of care for the animals. Upon report to the City Clerk from the Animal Control Officer or designee that the facility has passed review and inspection, the Clerk shall issue an assignment of the license to the assignee.

b. In the event the facility does not pass review and inspection for renewal of the license, a decision by the Animal Control Officer to deny renewal of the license may be appealed to the City Council within fifteen (15) days from the decision, utilizing the process given in Title 1 Chapter 10 of this code.

E. License Revocation: Failure of a licensee to comply with the approved animal facilities care plan shall be grounds for the Animal Control Officer to revoke the license.

1. The Animal Control Officer or designee shall investigate any complaints received by the city, and shall conduct at least one (1) annual inspection of the facility. The Animal Control Officer or designee is authorized to conduct additional periodic inspections.

2. In the event the Animal Control Officer or designee determines that the animal facility care plan is not being followed, the Animal Control Officer may issue a warning listing deficiencies and giving at least three (3) business days to respond and correct any deficiencies. If, upon re-inspection after the time period to correct any deficiencies, the deficiencies still exist, the Animal Control Officer may administratively revoke the animal facility license for failure to comply with the animal facility care plan.

3. Any decision by the Animal Control Officer to administratively revoke a license may be appealed to the City Council within fifteen (15) days from the decision, utilizing the process given in Title 1 Chapter 10 of this code.

4. Unless appealed to the City Council, continuing operations after a license has been revoked is a violation subject to the infraction penalties of this chapter. (Repl. Ord #267, 03-01-2016)

5-5-36: PENALTIES; CONTINUING VIOLATIONS:

A. Unless specifically provided otherwise, violations of the provisions of this chapter may be cited as an infraction as provided in Greenleaf Code §1-4-1.

B. Continuing Violations: Each day any person commits or permits a violation of this Chapter to continue, the same shall constitute a separate offense and shall be punishable as such hereunder.

C. Civil Penalty for Feeding / Watering Feral Cats:

1. With or after issuance of a second infraction for feeding / watering feral cats within twelve (12) months from issuance of the first infraction, the city may issue a notice of violation to the resident, and, if different, to the property owner of record, stating the nature of the violation and providing ten (10) calendar days before effective date for mitigation by causing such feeding of feral cats to cease. If the violation is not so mitigated before the effective date given, then each day shall be considered a separate civil offense from the effective date of the notice of violation.

2. Both resident and, if different, the property owner of record shall be jointly and severably responsible for the civil offense.

3. Each such civil offense shall be punishable by a civil penalty not to exceed one thousand dollars ($1,000.00) per day or per violation, whichever is greater.

4. Such civil penalties shall accrue and be invoiced by the city monthly to the resident, and, if different, the property owner of record, until the violation has been mitigated.

5. If unpaid, such civil penalties may be recovered by legal action, may be recorded with the County Recorder, and if unpaid after the first monthly invoicing, then city utility services including potable water to the property may be terminated until paid.

5. Such civil penalties received shall be deposited into the city's general fund and used for expenses related to feral cat education and/or feral cat trapping and euthanasia.

4. The city, and if the property is located in the impact area, Canyon County also, shall be entitled to recover, in any action for a civil penalty, the actual costs of investigation, enforcement, and mitigation, together with interest, court costs, and attorney fees at the prevailing hourly rate, notwithstanding that the city attorney and Canyon County prosecuting attorneys may be salaried, at the option of the city or county, as the case may be. (Repl. Ord #267, 03-01-2016; Amd. Ord #298, 01-03-2023; Amd Ord #300, 03-14-2023, Amd. Ord #306, 03-05-2024)

§5-5-37 FERAL CATS

A. (Purpose): The purpose of this section is to mitigate and abate feral cats, as allowed by Idaho Code §25-3514(4) for the humane destruction of animals that are diseased or disabled beyond recovery for any useful purpose, or for population control, and as allowed by Idaho Code §25-3314(8) for the destruction of predatory animals and vermin which injure or pose a threat to farm or privately owned animals or property when such is conducted in accordance with laws and rules covering such animals. This code section is specifically intended to provide such laws and rules for feral cats within the city's jurisdiction.

B. (Definition and Classification of Felis catus, including Feral Cats): The domestic or house cat (Felis catus) is herein classified and defined by ownership, tame / not-tame state, and roaming as follows:

1. Owned Cats

a. Indoor Cats – Are owned, are in a tame state, and are not allowed to roam outside.

b. Limited-range cats – Are owned, are in a tame state, and are allowed to roam with limited range outside within a confined / designated area.

c. Free-range cats – Are owned, may or may not be tame, and are allowed to roam freely outside without constraint by their owner.

2. Feral cats – Are not pets with a responsible owner (not-owned), are in a wild (not-tame) state, and roam freely

Table 5-5-37b

	Ownership	State (tame / not tame)	Roaming
Indoor Cats	Owned	Tame	No Roam
Limited-Range Cats	Owned	Tame	Contained Roam
Free-Range Cats	Owned	May be tame or not tame	Roam
Feral Cats	Not-owned	Not-tame (wild)	Roam

C. (Determination that Feral Cats require Mitigation); Feral cats require mitigation based upon the following findings of the City Council:

1. Feral cats are invasive (breed and spread prolifically) and pose a risk to public health and safety, through:

a. Aggressive behavior

b. Transmission of disease to humans and other cats, including cat scratch fever, rabies, ringworm, salmonellosis, and toxoplasmosis

c. Being hosts of fleas and ticks that are known carriers of diseases that can be transmitted to humans, including flea-borne bubonic plague and typhus

2. Feral cats become diseased and disabled, with poor quality of life and a life expectancy of three-to-five years, as compared to fifteen years for owned cats.

3. Feral cats pose a serious threat to native wildlife, particularly birds.

4. Feral cats maintain predatory behavior on wildlife despite general feeding by humans.

5. Feral cats kill owned limited-range and free-range cats.

6. Although feral cats hunt for food, feral cats are not effective in controlling

populations of undesirable pigeons, house mice, and Norway rats.

D. (Integrated Management Approach to Feral Cats; Proper Pet Ownership and Habitat Modification; Humane Euthanasia):

1. An integrated management approach to feral cats includes both a long-term non-lethal component including encouragement of proper pet ownership of cats and habitat modification, and a short-term component for trapping and humane euthanasia, as follows:

a. Proper pet ownership – All cat owners are encouraged to engage in proper pet ownership through the following:

i. All owned cats should be micro-chipped for identification. This may be supplemented by use of collars with tags if tolerated by the cat.

ii. All owned cats should be vaccinated, including against rabies.

iii. All owned cats should be spayed or neutered to prevent unwanted breeding, unless the cats are being intentionally bred by the owner.

iv. All owned cats should be kept indoors or contained and supervised outdoors so that they will be safe and cannot harm wildlife (particularly birds)

v. All cat owners should only keep as many owned cats as can be fed and provided care (see items i. Through iv. above) by their owner.

b. Habitat modification – All residents and property owners are encouraged to engage in habitat modification of their property by adjusting the environment to remove easy food, water, and shelter so that feral cats choose to live elsewhere, by:

i. Removal of easy food and water through cessation of human supplemental feeding / watering of feral cats.

ii. Removal of easily scrounged food for feral cats through good sanitation practices (i.e. garbage in dumpsters / totes / containers with lids secured).

iii. Removal of easy hunting opportunities by controlling rodents through good sanitation, rodent-proof construction, trapping of rodents, and rodenticides, and by placing bird feeders and birdbaths in open areas at least ten (10) feet from foliage or

objects from which cats can hide and hunt

iv. Removal of easy water sources such as leaky pipes and pooled water areas.

v. Removal of shelter through removal of debris, junk, garbage piles, and tall weeds that provide shelter.

vi. Removal of shelter and hunting grounds through exclusion; Use fencing and netting to keep cats out of areas such as gardens and flower-beds.

c. Trapping and euthanasia:

i. It is appropriate to engage in lethal action or euthanasia for population control in acute situations where feral cats are deemed overabundant and causing negative impacts.

ii. The American Veterinary Medical Association (AVMA) has defined several approved methods for humane euthanasia, including chemical injection and shooting.

E. (Definition of Feral Cat Habitat): Feral cat habitat is defined as property with one or more of the following features:

1. Readily available food sources, which may derive from poor sanitation, garbage, rodent harborage, excessive foliage or objects near bird habitat creating an environment from which feral cats can hide and hunt (For example: plants, bushes, or screening objects within ten feet of a bird-bath or bird-feeder).

2. Readily available water sources, which may derive from leaky pipes and pooled water areas.

3. Readily available shelter, which may derive from debris, junk, garbage piles, and tall weeds.

F. (Supplemental Feeding / Watering of Feral Cats Prohibited; Criminal and Civil Penalties):

1. Supplemental feeding and/or watering of feral cats is prohibited with criminal and civil penalties applicable as provided under GC §5-5-36.

2. After issuance of a second infraction for feeding and/or watering of feral cats within twelve (12) months from issuance of the first infraction, continuing violations may be cited as misdemeanors.

G. [RESERVED – Reserved for animal licensing of owned cats if deemed necessary in the future for, but not limited to: 1) Requirement that owned cats are vaccinated

against rabies; 2) Requirement that owned cats are micro-chipped for identification of owner; and 3) Limitation of the number of owned cats]

H. (Authorization of Contracting for Trapping with Humane Euthanasia):

1. The Mayor is authorized to direct city staff to contract for trapping with humane euthanasia population control for a specified period of time upon Mayor's determination that an acute situation exists where feral cats are overabundant and causing negative impacts to the community. Request for proposals bid process is recommended but not required.

2. Cats trapped by the City's Agent shall be checked for micro-chip and effort made to contact the owner per micro-chip information for cat retrieval. Cats without micro-chip are deemed un-owned and therefore feral, and subject to humane euthanasia following AVMA guidelines by the City's Agent.

I. (Elimination of Feral Cats from Private Property):

1. Residents and property owners may choose at their own risk and liability to eliminate feral cats from their property utilizing any lawful and humane means or methodology, but under no circumstances at City expense or at City liability. Any attempt to in-debt or entail the City as part of a Trap, Neuter, and Release (TNR) or similar program is expressly forbidden and may be pursued by the City both criminally and civilly as an action of fraud.

2. GC §5-3-5(c) regulates the discharge of BB guns. GC §5-3-5(B)(2) allows an exemption for discharge of a firearm by a person acting in the lawful defense of person, persons or property. RESIDENTS ARE STRONGLY CAUTIONED THAT THEY REMAIN RESPONSIBLE AND LIABLE FOR ANY DAMAGES OR UNINTENDED CONSEQUENCES OF THEIR ACTIONS, INCLUDING FIREARM USE AS ALLOWED UNDER GC §5-3-5(B)(2).

3. At the time of this code section's creation, AVMA humane shooting euthanasia guidelines, in part, recommended air rifles of 700+ fps with pointed pellets, shotguns with No. 6 shot or larger, or .22 caliber rifles.

4. Residents are cautioned that indiscriminate elimination of cats from their property may unintentionally remove owned free-range cats or limited-range / indoor cats which escape their confinement. (Ord #306, 03-05-2024)

Chapter 6
CIVIL EMERGENCIES

5-6-1: TITLE:
5-6-2: LEGAL AUTHORITY; POLICY, PURPOSE AND INTENT:
5-6-3: DEFINITIONS
5-6-4: HEADS OF HOUSEHOLD, EMERGENCY PREPARATION:

5-6-5: EMERGENCY OPERATIONS PLAN:
5-6-6: VOLUNTEERS AND TRAINING:
5-6-7: EXPENSES:
5-6-8: EMERGENCY POWERS OF THE MAYOR:
5-6-9: PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS:
5-6-10: EXCLUSIONS:
5-6-11: SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, POLICIES AND PROCEDURES:
5-6-12: FORCE MAJEURE
5-6-13: PENALTY:

5-6-1: TITLE:

This chapter shall be known and cited as the CIVIL EMERGENCIES ORDINANCE. (Ord. 208, 11-14-2006)

5-6-2: LEGAL AUTHORITY; PURPOSE AND INTENT:

A. Legal Authority: This ordinance is adopted pursuant to Idaho Code §§46-1011, 50-302, 50-304 and 50-606, granting certain powers to the Mayor related to disaster declarations and public health emergencies.

B. Policy, Purpose and Intent: It is the policy of the City to plan and prepare for disasters and emergencies resulting from natural or man-made causes, enemy attack, terrorism, sabotage or other hostile action, or infectious or contagious disease. The City finds that the preservation of the public health, safety and welfare may require immediate action by the City in response to such disaster or emergency situations. Therefore, the City hereby authorizes the preparation of emergency operations plans, training and other actions necessary to protect life and property in times of emergency. The City further authorizes certain powers in the Mayor for immediate response to foreseeable, imminent, or present public health emergencies, natural disasters and other civil emergencies. (Ord. 208, 11-14-2006; Amd Ord.286, 06-02-2020)

5-6-3: DEFINITIONS: For the purposes of this Section, the following terms, phrases, and words shall have the meanings given herein.

A. Disaster: means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to: fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action and including acts of terrorism.

B. Emergency: means the occurrence or imminent threat of a disaster or conditions threatening life or property that requires state emergency assistance to supplement local efforts to save lives and to protect property or to avert or lessen the threat of a disaster.

C. Isolation: The separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent.

D. Public Health Emergency: The foreseeable, imminent, or present threat of any pathogen, agent, vector, or environmental condition, including hazardous materials, which does or may cause illness or injury to humans.

E. Public Health Emergency Order: An advisory, social distancing, isolation, or quarantine order enacted by the Mayor.

F. Social Distancing: Actions taken to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings.

G. Quarantine: The restriction placed on the entrance to and exit from the place of premises where an infectious agent or hazardous material exists. (Ord. 208, 11-14-2006; Amd Ord.286, 06-02-2020)

5-6-4: HEADS OF HOUSEHOLDS, EMERGENCY PREPARATION:

A. In order to provide for the emergency management of the city, and further in order to provide for and protect the safety, security and general welfare of the city, its inhabitants and any refugees that may arrive in the city, it is recommended that every head of household residing in the city limits obtain training in areas including, but not limited to: citizen's emergency response training, self-defense, emergency preparedness, food and water storage, first aid/CPR, local emergency response protocols and plans, disaster communications, and any other training that may be available pertaining to handling emergency situations. Further, it is recommended that each head of household residing in the city limits prepare to care for any refugees that may arrive in the city or to care for themselves in an emergency situation by maintaining a store of nonperishable food, water and other essential items that would sustain the household for a period of at least ninety six (96) hours.

B. It is further recommended that each head of household residing in the city limits that is not prohibited by law or judicial decree from possessing firearms and that chooses to exercise the right to legally maintain firearms as protected by the second amendment of the constitution of the United States of America, do so and obtain appropriate training relating to proper, safe and lawful handling of firearms. (Ord. 208, 11-14-2006; Amd Ord.286, 06-02-2020)

5-6-5: EMERGENCY OPERATIONS PLAN:

A. The city of Greenleaf accepts the Canyon County emergency operations plan dated 2015 and the 2013 Canyon County Multi-Jurisdiction All-Hazard Mitigation Plan (AHMP), and their successors, authorizing the mayor and city staff to actively participate in coordinated planning, preparedness, response and

recovery efforts, and to offer reasonable assistance in times of a disaster emergency.

B. The city reaffirms its Emergency Operations Plan dated July 2017 (City EOP) and authorizes the mayor, city clerk, and public services director to periodically review and update the City EOP, includign plands for creation of an incident command post. The City EOP shall complement the Canyon County plans, be reviewed by the city attorney, and adopted by the city council in resolution form. Upon adoption, a copy of the city EOP shall be available for public inspection in the office of the city clerk.

C. The mayor, city clerk, and public services director are authorized to pursue memorandums of understanding (MOUs) with area individuals, businesses, and organizations to develop a network of available resources in time of emergency. All MOUs shall be reviewed by the city attorney and adopted by the city council in resolution form. (Ord. 208, 11-14-2006; Amd Ord.286, 06-02-2020)

5-6-6: VOLUNTEERS AND TRAINING:

A. The mayor, city clerk, and public services director are authorized to promote and support an active citizen emergency response team (CERT) group for the city of Greenleaf, to provide a core of citizen volunteers trained and equipped to assist emergency first responders (i.e., fire and police), and to act in disaster situations when assistance from emergency first responders may be delayed.

B. The mayor and city clerk are authorized to promote and support active neighborhood watch (NW) or other such groups within the city of Greenleaf, to support police efforts to combat crime within the city.

C. The mayor and city clerk are authorized to promote and encourage training of residents of the city on topics including, but not limited to, those outlined in section 5-6-4 of this chapter. (Ord. 208, 11-14-2006; Amd Ord.286, 06-02-2020)

5-6-7: EXPENSES:

A. Any expenditures by the city of Greenleaf in support of efforts authorized under this chapter are to be budgeted or otherwise approved by the city council.

B. Unless otherwise budgeted or allocated by the city council, franchise fees collected by the city may be earmarked for inclusion in the annual budget for expenditure through the general fund for expenses related to efforts authorized under this chapter. (Ord. 208, 11-14-2006; Amd Ord.286, 06-02-2020)

5-6-8: PUBLIC HEALTH EMERGENCY ORDER: The Mayor, being duly authorized by Idaho Code §§46-1011, 50-302, 50-304 and 50-606, and this Section, may issue the following orders upon an emergency or disaster declaration issued by the President of the United States, the Governor of the State of Idaho, Canyon County, or the Mayor of Greenleaf, as ratified and approved by the city council, and as deemed appropriate by

the Mayor following consultation with or review of information issued by local, regional, state or national public health authorities. All orders shall include an effective date and an anticipated expiration date, which may be extended after consultation with the City Council.

A. Advisory Order. Where a public health emergency is foreseeable or imminent, the Mayor may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.

B. Social Distancing Order. Where a public health emergency is imminent, the Mayor may enact a social distancing order. A social distancing order may apply within the Greenleaf city limits and five (5) miles outside the Greenleaf city limits. The order may establish any or all of the following:

1. Appropriate restrictions regarding the operation or economic occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.

2. Restrictions on travel through or visitation within the community.

3. Postponement of cancellation of public meetings and hearings.

4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.

5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard. (Ord. 286, 06-02-2020)

C. Isolation Order. Where a public health emergency is present, and poses a clear threat of harm to the public health, the Mayor may enact an isolation order. An isolation order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. The order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.

2. Geographical areas of restricted or prohibited access.

3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.

4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.

5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

6. Conditions of the isolation order.

D. Quarantine Order. Where a health emergency is present and poses a clear threat of harm to the public health, the Mayor may enact a quarantine order. A quarantine order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. A quarantine order may apply within the Greenleaf city limits and five (5) miles outside of the Greenleaf city limits. The order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.

2. Geographical or other areas of restricted or prohibited access.

3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.

4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.

5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

6. Conditions of the quarantine. (Ord. 286, 06-02-2020)

5-6-9: PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS:

A. Summary Enactment; Consultation. When necessary to protect the public health and welfare, the Mayor is authorized to issue a public health emergency order. Either prior to the issuance of such order, or within seven (7) days thereafter, the Mayor shall consult with the City Council regarding the purpose and content of the order.

B. Publication of Public Health Emergency Order. As possible and prudent under the circumstances, the Mayor shall cause the public health emergency order to be published by posting in a prominent place at Greenleaf City Hall and posting on the City's website. Except as may be specifically stated in the public health emergency order, such order shall be effective upon posting at Greenleaf City Hall.

C. Term of Order. Every public health emergency order shall include an effective date and a termination date that shall be no more than thirty (30) days from the effective date, which may be extended upon approval of the City Council.

D. Council Override. A majority of Council members may override any action taken by the Mayor pursuant to this chapter.

E. Authority of Council President in Absence of Mayor. In case of a temporary vacancy in the office of the Mayor due to absence or disability during a period of a declared disaster or public health emergency, the president of the council is authorized to exercise all powers of the Mayor set forth in this chapter. (Ord. 286, 06-02-2020)

5-6-10: EXCLUSIONS: Unless otherwise specifically prohibited by a public health emergency order duly enacted by the Mayor, the following activities shall be exempt from the scope of such order:

A. Any and all expressive and associative activity that is protected by the United States and Idaho Constitutions, including speech, press, assembly, and/or religious activity.

B. Educational institutions, which shall follow the duly adopted policies of their respective governing bodies.

C. Activities necessary to operate critical infrastructure and utilities.

D. Activities necessary to operate and use medical facilities and services.

E. Activities necessary to buy, sell, or otherwise deliver food and necessities. (Ord. 286, 06-02-2020)

5-6-11: SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, POLICIES AND PROCEDURES: During a public health emergency and upon issuance of a public health emergency order, the Mayor may suspend certain non-essential City government services and functions as deemed necessary and advisable given the specific public health emergency and in consideration of the health of employees and the general public. During such time, the Mayor may also suspend the regular meetings of City boards and commissions, including but not limited to the Planning and Zoning Commission. In order to facilitate such suspension of meetings, the ordinances providing for the regular meetings of these commissions shall be temporarily suspended. Those ordinances providing the timeline for processing applications shall also be suspended. The Mayor is also authorized to waive such internal rules, regulations and procedures as deemed necessary to protect the health and welfare of City employees. (Ord. 286, 06-02-2020)

5-6-12: FORCE MAJEURE: In the context of this section, a public health emergency is a force majeure. No person shall be entitled to recover from the City of Greenleaf any costs incurred, or profits lost, as may be alleged to be attributed to the enactment of a public health emergency order. (Ord. 286, 06-02-2020)

5-6-13: PENALTY: It shall be unlawful to violate any provision or directive of a duly

enacted public health emergency order while such order is in effect. The violation of any provision or directive of a public health emergency order shall be a misdemeanor. (Ord. 286, 06-02-2020)

Chapter 7
NOISE

5-7-1 TITLE:
5-7-2 PENALTY FOR AND DETERMINATION OF PUBLIC DISTURBANCE NOISES:

5-7-1 TITLE: This Chapter shall be known and cited as *THE CITY OF GREENLEAF NOISE ORDINANCE*. (Ord. 238, 07-06-2010)

5-7-2 PENALTY FOR AND DETERMINATION OF PUBLIC DISTURBANCE NOISES:

A. Noncompliance with the provisions of this chapter may be cited as an infraction as provided in Greenleaf Code §1-4-1. It is a violation for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

1. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off highway vehicle or internal combustion engine within a residential district, including forms of aircraft, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

3. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;

5. Sound from motor vehicle sound systems, such as, but not limited to, tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the vehicle itself;

6. Sound from audio equipment, such as, but not limited to, tape players, radios, or compact disc players, operated at a volume so as to be audible greater than fifty feet (50') from the source, and if not operated upon the property of the operator.

B. The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for athletic events or park concerts.

C. Nothing in the foregoing provisions shall be construed to prevent, hinder, or limit in any way the performance of legally zoned land use activities conducted for business purposes, particularly in commercial, industrial, and agricultural zones. (Ord. 238, 07-06-2010; Amd Ord #300, 03-14-2023)

Title 6
MOTOR VEHICLES AND TRAFFIC

Chapter 1
PARKING REGULATIONS

6-1-1: TITLE:
6-1-2: FINDINGS:
6-1-3: DEFINITIONS:
6-1-4: PARKING PROHIBITED IN SPECIFIED PLACES:
6-1-5: OBSTRUCTING TRAFFIC:
6-1-6: EXTENDED PARKING PROHIBITED:
6-1-7: REQUIREMENTS FOR LEAVING VEHICLE UNATTENDED:
6-1-8: PARKING VIOLATIONS; NONPAYMENT OF FINES:
6-1-9: PARKING TICKETS AND PROCEDURES:

6-1-1: TITLE: This chapter shall be referred to and known as the GREENLEAF PARKING ORDINANCE. (Ord. 131, 4-13-1998)

6-1-2: FINDINGS: The city council finds:

A. That the highway system of the city presents certain logistical considerations for its efficient and safe use by the public; and

B. That regulation of the parking of motor vehicles is essential to the safe use of the city's highway system by users of that highway system, as well as facilitating the continued physical integrity of the highway system and to ensure that highway system use is compatible to the land use which it serves;

C. That the city is composed of various residential districts including single-family residential (R1), combined residential (R2), mobile home (R2T), and multi-family residential (R3) districts as defined in title 9, chapter 4 of this code; and

D. This city is and has been dominated by its residential character of land use. The city's residential development was as an unincorporated area until 1972. As a result the highway system of the city for the most part is narrow and congested, does not have curb and gutter and has not been constructed to withstand the continued use by or parking of "commercial vehicles", trucks, (other than pickup trucks and/or truck campers) dromedary tractors, buses, emergency vehicles or any vehicle that exceeds thirty feet (30') in length or any combination of vehicle and/or trailer exceeding forty feet (40') in length; and the city council also finds that the parking of the same is injurious to said highway system and the safe use of the highway system and the quiet enjoyment of the residential land use of said areas. (Ord. 131, 4-13-1998)

6-1-3: DEFINITIONS: Words and phrases used in this chapter are defined in accordance with the definitions codified at chapter 1, title 49 of the Idaho Code which are hereby adopted by reference as if set forth herein at length. (Ord. 131, 4-13-1998)

6-1-4: PARKING PROHIBITED IN SPECIFIED PLACES: Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

A. Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

2. On a sidewalk.

3. Within an intersection.

4. On a crosswalk.

5. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

6. At any place where official traffic control devices posted at the direction or under the authority of the city prohibit or limit such stopping, standing or parking.

7. Or remain stopped, standing or parked past the time limit prescribed on each traffic control device. In addition, at the expiration of the posted time limit, as required, that all vehicles be removed from the block face of the area in which it was parked in a posted time limit for the remainder of that calendar day.

8. Along any yellow painted curb.

9. At any place where posted by the city prohibiting or limiting the stopping, standing or parking of any vehicle upon a highway of the city.

B. Stand or park a vehicle, unless driver occupied, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway.

2. Within fifteen feet (15') of a fire hydrant. (Ord. 131, 4-13-1998)

3. Within twenty feet (20') of a crosswalk or a bike/pedestrian curb ramp, except at an intersection where a traffic control signal is in operation. (Ord. 131, 4-13-1998; amd. 2003 Code)

4. Within thirty feet (30') upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.

5. At any place where official traffic control devices posted at the direction or under the authority of the city prohibit such stopping.

C. Stop, stand or park any "commercial vehicle", truck (other than a pickup truck/including a camper), dromedary tractor, or any vehicle or trailer that exceeds thirty feet (30') in length or any combination of vehicle and/or trailer exceeding forty feet (40') in length whether attended or unattended, upon any highway of the city except:

1. For the purpose of loading and unloading passengers, materials or merchandise; or

2. For any purpose incident to any lawful construction project located within the immediate vicinity; or

3. For any purpose incident to a lawful commercial operation located in any residential district so long as the parking occurs adjacent to the real property upon which the commercial operation is located.

D. The city council, upon finding and declaring the necessity to prohibit the parking or standing of vehicles upon a street during the nighttime or at other times during the day, may, upon resolution of the city, post or erect signs prohibiting or limiting the stopping, standing or parking of any vehicle upon the streets of the city. (Ord. 131, 4-13-1998)\

6-1-5: OBSTRUCTING TRAFFIC: No person shall stop, park or leave standing any vehicle whether attended or unattended, upon a street or highway in such a manner or under such conditions as to leave available less than twelve feet (12') of such roadway for the free movement of vehicular traffic. (Ord. 131, 4-13-1998)

6-1-6: EXTENDED PARKING PROHIBITED: No person shall park a vehicle upon any street, alley or public property for a period of seventy two (72) hours or longer. (Ord. 131, 4-13-1998)

6-1-7: REQUIREMENTS FOR LEAVING VEHICLE UNATTENDED: No person having control or charge of a vehicle shall allow such vehicle to stand on any street unattended without stopping the motor of the vehicle and effectively setting the brakes thereon. (Ord. 131, 4-13-1998)

6-1-8: PARKING VIOLATIONS; NONPAYMENT OF FINES: Any owner or operator who shall stand, stop or park a vehicle in violation of any of the provisions of this chapter shall be deemed to have committed a parking violation. The administrative procedure for payment of parking tickets for violations is set out in section 6-1-9 of this chapter. In the event of nonpayment in accordance with administrative procedure set out hereinbelow, an infraction citation or complaint for a parking violation or failure to pay a parking penalty may be filed in the magistrative division of the district court. (Ord. 131, 4-13-1998)

6-1-9: PARKING TICKETS AND PROCEDURES: The police department shall have authority to issue parking tickets as follows:

A. It shall be the duty of the police department or a designated person upon observing a vehicle parked, standing or stopped in violation of the provisions of this chapter, to leave upon such vehicle a separate notice for each posted time limit or as frequently as every two (2) hours that such vehicle has been parked or stopped in violation of the provisions of this chapter. Among other things, each notice shall bear the date and hour of leaving the same at or upon the vehicle, make of the vehicle, and its license number, the specific code section violated and the amount of the fine, instructing the owner or operator of such vehicle to report to the police department. One copy of each notice mentioned herein shall be filed with the police department.

B. In order to eliminate burdening courts with violations of ordinance and to eliminate insofar as possible public inconvenience, each person receiving a parking ticket under this chapter left upon his or her vehicle shall:

1. Within seventy two (72) hours of the time of such notice, pay to the police department in full satisfaction of such violation, the fee indicated in the fee schedule for each notice left upon his or her vehicle:

Fee Schedule: Ten dollars ($10.00)

2. Within ten (10) days from the date of said parking violation ticket if same has not been paid within the seventy two (72) hours above prescribed, pay to the police department, an additional three dollars ($3.00) for each such notice left upon his or her vehicle, the additional three dollars ($3.00) for each said ticket being deemed necessary to defray the administrative and clerical expenses. The failure of any operator to report and/or make such payments to the police department within the times prescribed above shall render the owner or operator thereof subject to penalties as provided by section 6-1-8 of this chapter.

C. If any vehicle is found stopped, standing or parked in any manner violative of the provisions of this chapter and the identity of the operator cannot be determined, the owner or person or corporation in whose name said vehicle is registered or the named lessee in a rental or lease agreement of said vehicle shall be held prima facie responsible for said violation. (Ord. 131, 4-13-1998)

Title 7
PUBLIC WAYS AND PROPERTY

Chapter 1
STREETS, SIDEWALKS AND PUBLIC WAYS

7-1-1: STREET AND ALLEY CUTS:
7-1-2: REMOVAL OF SNOW AND ICE:
7-1-3: PERMIT TO PLACE SUBSTANCES ON STREETS:

7-1-1: STREET AND ALLEY CUTS:

A. Permit Required: It shall be unlawful for any person to cut or make cuts in any highway, street, alley, sidewalk, shoulder, curb and/or right of way within any right of way of the city for the purpose of making sewer connections, water connections or for any other purpose without first obtaining a street cutting permit from the city clerk who shall issue a permit after the city engineer has reviewed the application and the engineer finds the application in order. (Ord. 109, 9-13-1995; amd. 2003 Code)

B. Permit Terms And Conditions: In order to obtain a permit under this section an applicant must comply with the following:

1. Complete an initial application form; and

2. Pay an initial application fee of two hundred fifty dollars ($250.00); and

3. Provide a statement of purpose for the cut and proof of the easement and/or other legal right associated with the purpose for which the cut is proposed to be made; and

4. Identify the exact location(s) of the proposed cut and including an accurate description of the operations to be conducted in association with the cut and the location and depth of any structures that shall remain after the cut is made and completed if any; and

5. Agree to restore and pay all cost of street or alley and/or right of way restoration and guarantee to the city the restoration of the cut for a period of one year following the date of the completion of the operations and that the same shall be completed in accordance with the street/alley, sidewalk, shoulder, curb and right of way construction and improvement standards or regulations prepared by the city engineer and adopted by the city council pursuant to this section which provisions shall govern the construction and repair of all streets, sidewalks, shoulders, and curbs within any street or alley and/or right of way of the city; and

6. Provide a financial guarantee of performance by cash deposit, certified check, negotiable bond or irrevocable bank letter of credit with a bank

eligible to be a public depository under the "Public Depository Law" of the state in an amount not less than one hundred dollars ($100.00) or such other sum as is determined by the city engineer to be reasonable security for the performance by the applicant of the restoration of the cut subject to this application, which financial guarantee shall be held by the city treasurer until the city engineer notifies the city treasurer of the compliance by the applicant with the requirements of this section and the permit; and

7. The applicant agrees that the financial guarantee of performance may be applied to the cost of repair and/or restoration of any cut made by the applicant pursuant to the permit not in compliance with this section and/or the terms of the permit subject to written notice of noncompliance from the city engineer after providing fourteen (14) days' notice to the applicant to cure the noncompliance. (Ord. 109, 9-13-1995)

C. Unlawful Cut Of Paved Alleys And Streets: It is a misdemeanor for any person to cut or make cuts in any street or in any paved alley for any purpose without first obtaining a street cutting permit from the city engineer, pursuant to the terms of subsections A and B of this section, and it shall be unlawful for any person who has once obtained a street cutting permit pursuant to said subsections to fail to restore any said street, alley, sidewalk, shoulder, curb and/or right of way within any right of way of the city in accordance with the provisions of subsection B of this section. Upon conviction, said misdemeanor shall be punishable by a fine as provided in section 1-4-1 of this code for any one offense. (Ord. 109, 9-13-1995; amd. 2003 Code)

7-1-2: REMOVAL OF SNOW AND ICE:

A. Removal Required: It shall be the duty of the owner or tenant of any premises abutting or adjoining any public sidewalk to remove all snow and/or ice from such sidewalk. (1973 Code § 8-1-1)

B. Cleaning After Storm:

1. In case of a snow, hail or sleet storm, between the hours of six o'clock (6:00) A.M. and five o'clock (5:00) P.M., all sidewalks within the city limits shall be cleared of such snow, hail or sleet within one hour after such storm ceases.

2. In case of a snow, hail or sleet storm between the hours of five o'clock (5:00) P.M. and six o'clock (6:00) A.M., the said sidewalks shall be cleared off before nine o'clock (9:00) A.M. (1973 Code § 8-1-2; amd. 2003 Code)

7-1-3: PERMIT TO PLACE SUBSTANCES ON STREETS:

A. Permit Required; Penalty For Noncompliance:

1. It is a misdemeanor for any person to apply any substance upon any public street or roadway located within the corporate limits of the city without first obtaining a permit from the city clerk pursuant to the terms of this section.

2. Upon conviction, said misdemeanor shall be punishable as provided in section 1-4-1 of this code for any one offense.

B. Application For Permit; Contents: The city clerk shall have prepared an application form for the granting or denial of the permit to deposit substances upon public roads or streets, which permit shall specify the following:

1. Name of the applicant;

2. Area proposed to have substance applied;

3. Purpose for the applying of the substance;

4. Detailed description of the substance to be applied, including a certification by the state environmental protection agency that the substance has been approved by said agency and/or a certification by any other appropriate regulating agency which regulates hazardous substances, which states that the substance is environmentally safe for the purpose intended and safe for use upon public property;

5. The name and address of the applicant and the name of the insurance carrier of the persons who apply the substance. (Ord. 54, 4-9-1987; amd. 2003 Code)

C. Criterion For Granting Of Permit:

1. No permit shall be granted unless the same has been submitted by the clerk to the city engineer for approval.

2. No permit shall be granted for any other purpose other than dust control.

3. The criterion to be applied by the city engineer are as follows:

a. That the application is for the proper purpose;

b. That it will be applied by a person qualified to apply said substance upon the roadway;

c. That the person applying the substance is covered with liability insurance with limits of five hundred thousand dollars ($500,000.00) single limit, five hundred thousand dollars ($500,000.00) per person, five hundred thousand dollars

($500,000.00) per incident coverage which is in effect for the time within which the application of the substance is to be made;

d. That the engineer is satisfied that all of the criterion set forth in this subsection have been complied with, and further, that the applicant has presented sufficient information to establish that the substance proposed to be applied is environmentally safe and will not be harmful to humans and/or animals, and/or harmful to any plant life adjacent to the roadway.

After having reviewed the application, the engineer shall submit his findings to the city clerk who shall issue the permit if the engineer finds the application in order. If the engineer determines that the application is not in order, the clerk shall deny the permit and inform the applicant of their right to apply for hearing, pursuant to the Greenleaf contested hearing procedures act1. (Ord. 54, 4-9-1987; amd. Ord. 95, 3-9-1994)

Chapter 2
STREET NAMES, NUMBERING SYSTEM

7-2-1: TITLE, AUTHORIZATION:
7-2-2: PURPOSE:
7-2-3: DEFINITIONS:
7-2-4: NAMING OF STREETS:
7-2-5: NUMBERING OF STREETS:
7-2-6: ADMINISTRATOR; APPOINTMENT, DUTIES:
7-2-7: LANDS AFFECTED:
7-2-8: UNLAWFUL ACTS; PENALTY:

7-2-1: TITLE, AUTHORIZATION:

This chapter is authorized by sections 50-301, 50-302 and 50-318 of the Idaho Code. This chapter shall be known and cited as the CITY OF GREENLEAF UNIFORM ADDRESS NUMBERING ORDINANCE and shall conform to the Canyon County uniform address numbering ordinance as passed by the Canyon County board of commissioners on August 28, 1980. (Ord. 35, 4-8-1982; amd. 2003 Code)

7-2-2: PURPOSE:

The purpose of this chapter is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of the city and the inhabitants thereof, and to provide for:

A. The coordination of a street name and number grid system to coincide with the county system (county ordinance 80-004).

B. The proper administration and enforcement of this chapter by defining the powers and duties of the approval authorities. (Ord. 35, 4-8-1982)

7-2-3: DEFINITIONS:

As used in this chapter, the following terms mean:

ADMINISTRATOR: An official having knowledge in the principles and practices of naming and numbering streets and roads who is appointed by the mayor with the approval of the city council to administer this chapter.

CITY: City of Greenleaf, Canyon County, Idaho.

CITY COUNCIL: City council of the city of Greenleaf.

PERSON: Any individual, firm, copartnership, association, or corporation.

PLAT: A subdivision plat.

OFFICIAL ADDRESS NUMBERING MAP: The map or maps showing all the streets within the city with the official address number grid systems and address numbers maintained by the administrator.

OFFICIAL STREET NAME LIST: The list containing the official street names within the city composed of all street names approved by the city council and filed with and maintained by the administrator.

OFFICIAL STREET NAME MAP: The map or maps showing all the streets within the city, with the official name shown thereon, approved by the city council, filed with and maintained by the administrator.

STREET: A right of way providing vehicular and pedestrian access to adjacent properties and includes the terms: street, drive, courts, circle, private street, road, avenue, boulevard, lane, place, or any other such terms. (Ord. 35, 4-8-1982; amd. 2003 Code)

7-2-4: NAMING OF STREETS: The naming of streets in the city shall be subject to the following standards:

A. Duplications: There shall be no duplication of street names by sound or spelling within any street address numbering grid system within the city.

B. Suffixes: Differentiation of street names shall not be by the addition of suffixes such as road, street, avenue, lane, etc.

C. Future Dedications: Names for future right of way dedications shall be suggested by the person or agency proposing the right of way dedication subject to all the provisions of this chapter.

D. Continuation Of Existing Street: Where the proposed street is on the alignment and continuation of the existing street, or where the street is on the same alignment but not linked to an existing street, the name of the existing street shall be applied.

E. Street Change Of Direction: If a street makes a very obvious change in direction, a new street name may be assigned.

F. Subdivisions: Street names for proposed subdivisions shall be shown on the preliminary and final plats in accordance with the provisions of this chapter, and:

1. No plats shall be approved until all provisions of this chapter have been complied with; and

2. Subdividers shall erect street name signs at their own expense.

G. Sign Location: All street name signs shall be located in accordance with city standards.

H. Cost Borne By Developer: All new roads will be properly designated with a name and a sign erected at the expense of the developer before being accepted into the city street system.

I. Street Signs: All other street signs will be erected and maintained by the city. (Ord. 35, 4-8-1982)

7-2-5: NUMBERING OF STREETS:

A. Conformance With Grid System: All street numbers shall conform to the grid system shown on the official numbers map kept on file by the administrator.

B. General Standards: The general standards used in the street address grid system are as follows:

1. There shall be one thousand (1,000) numbers per mile.

2. North-south numbers shall begin with zero at the Base Line Road near Melba.

3. East-west numbers will begin at the base meridian in Ada County and number west from that meridian. Beginning in Canyon County at Can-Ada Avenue the first mile in Canyon County will be four thousand (4,000) mile.

C. Lyman System: Addresses will consist of a house number with a compass direction followed by a street number and a compass direction using the Lyman system.

D. Installation By Owner: The owner and/or occupant of every dwelling and business shall place or install in a position visible from the street, address numbers as hereinafter directed.

E. General Requirements: The general requirements for the street numbering system are as follows:

1. Only one number shall be assigned to each business use or dwelling unit.

2. All address numbers shall be assigned for the street upon which the structure fronts.

3. All addresses located on the north and east sides of the streets shall be even numbers, all addresses located on the south and west sides of the streets shall be odd numbers. These requirements may be varied in the case of winding streets or circles which have been determined to be running predominantly in one direction; the numbering shall not be changed if the street changes directions.

4. Numbers on private lanes or streets not accepted into the city street system may be named and numbered as provided in this chapter. Signs on these private lanes or streets shall be at the expense of the residents of these lanes or streets, and shall be of such design as approved by the city council as to indicate that they are not in the city street system.

5. Street signs will be erected and maintained at the expense of the city. Each sign will be placed on the northwest corner of the intersection to which it applies and at the edge of the right of way, as nearly as possible or as appropriate. (Ord. 35, 4-8-1982)

7-2-6: ADMINISTRATOR; APPOINTMENT, DUTIES:

A. Appointment: The mayor with the approval of the city council shall appoint the administrator to carry out the provisions as herein specified.

B. Compile Street Name List: The administrator shall compile and maintain an official street name list on an official street name map subject to the approval by resolution by the city council and the list shall be filed in the city planning and zoning office.

C. Existing Street Names: The administrator shall use the existing street names in the city as a guide in determining street names.

D. Size And Standards: The administrator shall adopt size and standards for all signs. The signs will bear the names and street number; for example: Friends 21, 500W; Academy 21375W; Main 20500N.

E. Assignment Of Numbers: All address numbers shall be assigned by the administrator, and no other person or organization public or private shall assign any address number to any residence, business or industry or use. (Ord. 35, 4-8-1982)

7-2-7: LANDS AFFECTED:

This chapter shall apply to all lands within the incorporated area of the city of Greenleaf, Canyon County, Idaho. (Ord. 35, 4-8-1982)

7-2-8: UNLAWFUL ACTS; PENALTY:

A. Prohibited Acts: It shall be unlawful for any person to:

1. Erect or install a street name sign not in accordance with the official street name map.

2. Remove, alter, change or deface a street name sign erected or installed as provided herein.

3. Place or post address not approved or assigned. (Ord. 35, 4-8-1982)

B. Penalty: Noncompliance with the provisions of this chapter may be cited as a misdemeanor as provided in Greenleaf Code §1-4-1. (Ord. 35, 4-8-1982; amd. 2003 Code; Amd Ord #300, 03-14-2023)

Chapter 3
NOXIOUS WEEDS

7-3-1: DEFINITION:
7-3-2: REMOVAL OF NOXIOUS WEEDS REQUIRED:
7-3-3: FAILURE TO COMPLY:

7-3-1: DEFINITION: "Noxious weeds" means any plant having the potential to cause injury to public health, crops, livestock, land or other property, which is designated as noxious by the Director of the Department of Agriculture of the State of Idaho. (2003 Code; amd. Ord 281, 12-11-2018)

7-3-2: REMOVAL OF NOXIOUS WEEDS REQUIRED: It is the duty and responsibility of all landowners to control weeds on their property and adjacent parking in the public right-of-way. All noxious weeds shall be removed by the landowner and other weeds controlled to no more than six inches (6”) in height. Weed control shall be at the landowner's expense. (1973 Code § 8-2-2; amd. 2003 Code; amd. Ord 281, 12-11-2018)

7-3-3: FAILURE TO COMPLY: Whenever the city becomes aware that noxious weeds are present or growth of weeds advances to a condition prohibited by this chapter, the city or its designated official shall notify the landowner to remove the same within ten (10) days following the date of notice. If the condition should remain longer than ten

(10) days it shall be an infraction and punishable as provided in section §1-4-1 of this code, and considered a separate offense for each day after the ten (10) days that the condition remains. After issuance of two infractions for non-compliance to the same landowner, the violation may be cited as a misdemeanor. The city may also remove the weeds and the cost thereof shall be assessed against the private property cleared or cleaned, such assessment to be certified by the city clerk to the county assessor and tax collector, who shall place the same upon the tax roll for collection as a special tax in addition to the taxes for general revenue purposes and shall collect the same in the same manner and subject to the same penalties as other city taxes. In the event assessment is made for special tax, a $1,000.00 Property Maintenance Charge shall be added as a part of the special assessment above, as an administrative fee and financial deterrent in addition to a pass-through of material and labor costs of abatement. (1973 Code § 8-2-3; amd. 2003 Code; amd. Ord 281, 12-11-2018)

Chapter 4
MUNICIPAL WATER SYSTEM ORDINANCE

7-4-01: TITLE:
7-4-02: PURPOSE:
7-4-03: DEFINITIONS:
7-4-04: APPLICABILITY:
7-4-05: ADMINISTRATION AND MANAGEMENT OF WATER SYSTEM:
7-4-06: USE OF CITY WATER REQUIRED:
7-4-07: LIMITED GRANDFATHER RIGHTS:
7-4-08: WATER CONNECTION REQUIREMENTS; FEES:
7-4-09: WATER SERVICE INSTALLATION AND WATER METERS:
7-4-10: WATER SERVICE CONNECTIONS AND WATER LINES:
7-4-11: LIABILITY FOR MAINTENANCE:
7-4-12: WATER MAIN REGULATIONS:
7-4-13: AUTHORITY TO TURN OFF WATER; NON-LIABILITY OF CITY; HOLD HARMLESS:
7-4-14: SHUTOFF VALVES:
7-4-15: FIRE HYDRANTS; USE:
7-4-16: WASTE OF WATER OR INJURY TO WATER SYSTEM:
7-4-17: OVERSIZED WATER LINE EXTENSIONS; REIMBURSEMENT; AND LATECOMERS FEE:
7-4-18: WATER USE RESTRICTIONS:
7-4-19: GREENLEAF WATER REVENUE FUND:
7-4-20: SERVICE CHARGES AND FEES; COLLECTION:
7-4-21: BILLING, DELINQUENCY AND DISCONNECTION:
7-4-22: DEPOSIT:
7-4-23: USER LIABLE FOR VIOLATION:
7-4-24: PENALTIES:

7-4-01: TITLE: This Chapter shall be known and cited as the “Municipal Water System Ordinance”. (Ord. 257, 10-02-2014)

7-4-02: PURPOSE: This chapter sets forth the City's authority to own, operate and maintain its Municipal Water System and its authority to acquire, construct, upgrade, relocate, reconstruct, improve, better, extend and to manage such system for the health, safety, welfare, comfort and convenience of the inhabitants of the City. (Ord. 257, 10-02-2014)

7-4-03: DEFINITIONS: Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter are set forth below. The City's reasonable interpretation of the following terms and the Municipal Water System Ordinance is controlling.

AUTHORIZED WATER USER: Any person making authorized and proper use of the municipal water system and/or the water delivered thereby and who has made application or water service and such application has been granted and has paid for such service, water and all fees required. An authorized water user may be an owner, tenant by lease or rental, a developer, or similar agent.

BASE RATE FEE: The fee set to cover the costs of operation, maintenance and expansion of the municipal water system, including but not limited to labor, benefits and administrative costs, DEQ fees, insurance, training, short-term depreciation funds to pay for capital improvement costs, additions, participation in extensions to the system, and redemption of bonds or promissory notes that have been used to finance system improvements, all as a part of the city's responsibility to provide adequate domestic water service and facilities.

BOND FEE: The fee the City must collect from its residents and nonresident users of city service to pay the principal and interest and bond sinking funds required by law on bonds which are not general obligation bonds and loans obtained to finance the City's water system and water treatment facilities.

CITY: The City of Greenleaf, Idaho.

CITY WATER SYSTEM OR MUNICIPAL WATER SYSTEM (AKA "WATER SYSTEM"): All components and facilities of the City's public water system, including but not limited to its real property and easements, water source, water storage facilities, booster pump stations and distribution system up to and including the individual meter, and related infrastructure and equipment that are owned, operated and/or maintained by the City.

CONNECTION: Each structure, facility, or single family residence which is connected to the Water System, and which is or could be used for domestic, commercial, agricultural or industrial purposes, is considered a single connection.
CONNECTION FEE: A fee calculated and based upon a formula, including but not limited to, the replacement value of Water System infrastructure, the system capacity, cost to deliver service well and storage capacity, other parts of the water infrastructure and bond indebtedness, governmental regulatory compliance fees, and required for each EDU. Such fee is set from time to time by Resolution of the City Council.

CROSS-CONNECTION: Any physical arrangement whereby a public water supply is actually connected or potentially can be connected with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste or liquids of unknown or unsafe quality which may be capable of introducing contamination to the public water supply as a result of backflow.

DEQ: The State of Idaho Department of Environmental Quality ("DEQ")

DEPARTMENT: The Public Services Department of the City.

DIRECTOR: The Public Services Director of the Public Services Department or designee.

DISTRIBUTION SYSTEM: The collection of water mains, or a part of the capacity thereof, designed or used to distribute water for fire protection and domestic use within a given territory served by the city.

EQUIVALENT DWELLING UNIT ("EDU"): The service to a typical residential house on an individual lot that is occupied by an average single-family dwelling is designated as one equivalent dwelling unit. All other connections are prorated in relation to equivalent connections based on the estimated usage of or benefit derived from the service.

ISPWC: Idaho Standards for Public Works Construction

MASTER WATER OR FACILITY PLAN: A plan that describes the overall water system, which may include a comprehensive planning document describing existing infrastructure, defining service areas and future infrastructure and service areas of the system, including upgrades and additions thereto and in conformance with applicable local, state and federal law. A facility plan shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal and approval by DEQ.

MULTIPLE BUILDING DEVELOPMENT: Includes but is not limited to various types of developments which have common or joint ownership areas such as apartments, condominiums, townhomes, mobile home parks or courts, shopping centers, professional offices, multiple uses and/or strip malls.

OFF-SITE WATER FACILITY: Any water system facility (including but not limited to main lines, wells, storage tanks, booster pump stations, pressure reducing valves, and related facilities) located beyond the boundary of a development which does or has the capability of expanding water service beyond the boundary of the development, excluding facilities located within existing roadways adjacent to the new development boundary unless such facilities are approved by the city specifically to serve adjoining property.

OWNER: Refers to the owner of the real property connected to or which desires connection to the municipal water system.

PERSON: A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, society, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity.

PRIVATE FIRE SERVICE CONNECTION: A separate and independent connection to the municipal water main connected to a fire suppression system or fire control device that has been, or is to be, installed in any building solely for the purpose of fire suppression.

PRIVATE WATER SERVICE LINE: The individual water service line, whether privately or publicly owned by a person other than the City, that is installed past the water meter setter and serves an authorized water user.

PROPERTY: Refers to all property, whether privately or publicly owned, within the service limits of the municipal water system excluding therefrom lands that have been dedicated for public street or highway rights of way.

PUBLIC SERVICES COMMISSION: The commission established by Greenleaf City Code §2-1-11 whose duties include providing planning, operational and budget assistance to the Director of the Public Services Department.

SERVICE AREA: The area served by the municipal water system, including all property within three hundred feet (300') of a system water main which has water service available from the system.

SERVICE CONNECTION: The point of connection of a non-city owned water service line to the City's water supply facilities, typically from the meter to the property.

SWDH: Southwest District Health

SUPPLY MAIN: A water main or a part of the capacity thereof designed or used for the purpose of transporting water to a distribution main.

UNAUTHORIZED WATER USER: Any person who makes any unauthorized or illegal use of the municipal water system or the water delivered thereby, or who causes damage or injury to said system in any fashion.

UNIFORM PLUMBING CODE: The most currently adopted edition of the uniform plumbing code by the State of Idaho.

USER: See "Authorized Water User".

UNIT OF SERVICE: The incremental unit of measure used to calculate water usage for assessing the Water Use Fee on the monthly billing statement, set at one thousand (1,000) gallons.
WATER MAIN: The principal pipe or conduit laid in a street or right of way through which water is transported or distributed by the city.

WATER METER SETTER: The meter setter (yoke) and primary water shut-off valve assembly for mounting the water meter within the water meter vault.

WATER METER VAULT: The in-ground structure with removable surface lid to protect and house the water meter setter and water meter.

WATER USE FEE: The fee set to cover variable operations and maintenance expenses related to producing and delivering a quantity of water through the system for use or consumption. (Ord. 257, 10-02-2014)

7-4-04: APPLICABILITY: This chapter shall apply to all property within the corporate limits of the city and any lot, parcel, premises, or building outside of the corporate limits of the city that is connected to the municipal water system. (Ord. 257, 10-02-2014)

7-4-05: ADMINISTRATION AND MANAGEMENT OF WATER SYSTEM:

A. Exclusive Management and Control: The City shall have exclusive control and management of the municipal water system and shall have the exclusive management and control of the supply and distribution of water to the inhabitants thereof. The City may make such rules and regulations as are necessary for the complete management, control, distribution and supply of water within and without the City.

B. Administration by Public Services Department: The Public Services Department operates and maintains the municipal water system under the direction of the Public Services Director.

1. Powers and Responsibilities of Public Service Department: The Public Services Department shall have the powers, duties and responsibilities related to operation and maintenance of the Water System as set forth in this code.

2. Appeal: Any person aggrieved by any act or determination of the Director may appeal the decision to the City Council utilizing the disputed bill protest process under section 7-4-20:F.

C. Adjustments of Charges and Fees by Director: Where the strict enforcement of the provisions of this Chapter to applicants and existing users will present severe unintended costs to an applicant which is not or will not be commensurate with the benefits to be received, the Director may fix the amount of such cost or charge in such an amount, and may prescribe such conditions respecting refunds, and such conditions relating to service, which are in harmony

with the purposes and spirit of this Chapter. The Director shall utilize the Public Services Commission for review of any amounts over $1,000.00. All such decisions are subject to appeal to the City Council as set forth in this Ordinance.

D. Waiver by City Council: The City Council retains discretion to waive any of the requirements of this chapter upon a finding that such waiver will not be detrimental to the public health, safety or welfare and will not cause the city to be in violation of its financial obligations under existing or future bonds. (Ord. 257, 10-02-2014)

7-4-06: USE OF CITY WATER REQUIRED:

A. Connection To City System: The owner or occupant of any house, building or property used for residential, commercial, industrial, governmental or recreational use, or any other purpose, situated within the city which is abutting on or having a permanent right of access to any street, alley, easement or right of way in which there is located a city water line is hereby required at his expense to connect such building directly with the municipal water system in accordance with the provisions of this chapter, within one hundred eight (180) days after the date of official notice from the city to do so; provided, however, that said city water is within three hundred feet (300') of any property line where said building to be served is located.

B. Disconnection of Private System Required: At such time as the municipal water system becomes available to the property served by an existing private water system, and the owner or tenant connects his property to the municipal water system as required, it is mandatory that the private water supply is not connected or cross-connected in any way to the water lines served by the municipal water system. The disconnection of the private water supply line shall be inspected and approved by the Public Services Director or his designated representative.

C. Connection to City Water System Outside City Limits: All extensions of water service outside the city limits shall first be approved by the City Council before service may be made. Said extensions of service shall be granted only when in the best interest of the city. The extension of service outside the City limits is a privilege and not a right.

1. In determining whether to allow an extension of water service, all of the following criteria shall be considered:

(a) Whether water connection fees in place at the time the City Council approves the application for service will be paid.

(b) Whether connection would create an adverse impact upon existing Water System facilities and/or create economic burdens for future operation and maintenance of the Water System. (Ord. 257, 10-02-2014)

(c) Whether the connection will be economically feasible. Water mains shall be adequately sized for future growth, as determined by the City Engineer. No credit will be allowed for additional costs associated with oversized mains required by the City either within the proposed development or in the extension of city water lines, unless an agreement is entered into with the City and applicant as described in section 7-4-16 of this code.

(d) Whether the water system has adequate capacity to serve existing development and the proposed development for which the extension is requested and all probable development within the city and between the city and the proposed development outside the city limits.

2. In the event the City Council grants the application for extension of water service, it shall include as a condition that the legal owner(s) of the parcel(s) consent to the annexation of the parcel(s) serviced; such agreement shall be written and recorded. The City Council may also impose such other conditions of granting the application as are reasonable to assure that the proprietary funds of the municipal water system are not used for the extension and/or enlargement of the system.

3. The property owner of the parcel(s) receiving water service is a user and subject to this chapter and all rules and regulations promulgated by the Director. (Ord. 257, 10-02-2014)

D. New Wells Prohibited; Exception:

1. New Wells Prohibited: The drilling of new wells for use as potable water is prohibited within the municipal water system service area. Wells for other than potable uses are approved through the permit process established by the Idaho Department of Water Resources (IDWR) and should be installed to meet IDWR standards.

2. Exception: Wells existing at the effective date of this chapter within the municipal water system service area may continue to be used until such wells fail. (Ord. 257, 10-02-2014)

7-4-07. LIMITED GRANDFATHER RIGHTS:

A. Lots of Record: Owners of all lots of record within the service area as of August 7, 2001, whether vacant, improved with a structure or building and fitted with a water meter setter, utilizing an existing well, or within three hundred feet (300') of a municipal water system line, may connect to the municipal water system within one hundred eighty (180) days from the effective date of this chapter (the "grandfather period") without paying the connection fees as required by this chapter, subject to the following requirements of this section.

1. Owners of lots of record may begin paying the bond fee as of the first billing cycle after the grandfather period ends and may connect in the future without paying the connection fees.

2. Owners of lots of record who do not connect to the municipal water system within the grandfather period or who are delinquent in bond fee payments at the time of application for connection will be subject to all future service connection fees at the rates existing at the time of the connection. Such future connection is subject to available water capacity at the time of the connection.

B. Payment of Fees Upon Connection: Owners of lots of record subject to the limited grandfather rights established by this section shall be required to pay the base rate fee and usage fees as set forth in this chapter upon connection to the municipal water system.

C. Properties within the service area that were not existing as of August 7, 2001, including all new lots created after August 7, 2001, are not subject to the limited grandfather rights established by this section, and shall be required to comply with the requirements of this chapter. (Ord. 257, 10-02-2014)

7-4-08: WATER CONNECTION REQUIREMENTS; FEES:

A. Application Required: Any person desiring or required to obtain a supply of water from the municipal water system shall first submit an application to the city for service and agree to be governed by such rules and regulations not inconsistent with this chapter, as may be prescribed by the mayor and City Council for control of the water supply.

B. Contents of Application: Each applicant for water service shall sign an application for the service desired, to establish credit and provide security acceptable to the City to ensure payment for such service.

1. New Construction: The applicant must state the location, type of building, and uses therein, and fully and truly state the purpose for which the water is to be used, and shall furnish a set of floor plans showing all water uses and a site plan if the water is to be used for irrigation. The applicant may indicate a preferred location for the water meter vault location on the property. If the application is granted, the public services department may authorize the extension, at the expense of the applicant, and at no expense to the City, the service pipe and meter vault, meter valve setter, lid curb stop and any other fittings that are necessary to install service at the point most convenient to the City for supplying the applicant.

2. Existing Water Service: In the case of an existing water service connection, if the real property or improvement is sold or otherwise

transferred, the person entitled to possession shall make application to the municipal billing department to transfer the account, and shall supply the public services department with all information requested by the department.

C. Third Party Billing: After establishing an account for water service, a property owner may request that a third party, such as a property management company or a tenant, receive the billing for water, sewer and solid waste collection services. The third party to whom the billings are sent shall also execute a written agreement with the City as is necessary to confirm the billing information and ensure payment. The City shall provide only one (1) third party billing per meter at any one time. If in the event such an account becomes delinquent, the City shall notify the owner in addition to notice provided to the billing recipient, at the addresses contained in the agreements. The city shall charge a monthly third party billing fee to cover ongoing additional mailing costs and expenses, with such fee to be set by resolution of the City Council. In the event the water service is shut off for delinquency, the property owner shall be liable for any past due amounts regardless of any third party billing arrangement, which must be paid in full before water service is resumed.

D. Maintenance of Billing Information: Applicants and authorized water users are responsible to maintain current contact information, including billing address, with the City at all times. Failure to do so will be grounds for immediate disconnection of the account at the discretion of the Director, subject to all applicable penalties, fees, and charges, including disconnection and reconnection, as if the account were disconnected for non-payment. Unpaid fees shall constitute a lien on the property as provided in section 7-4-21:K of this code.

E. Water System Connection Fees:

1. Purpose: There is hereby established an equitable system of charging new customers for the impact or water system capacity utilized whenever they enlarge an existing water service or connect a new water service to the existing wells, storage tanks, pumps, outbuildings, and appurtenances of the municipal water system.

2. Water System Connection Fees: Except as provided in section 7-4-07 herein, a water system connection fee shall be collected from any person requesting connection to the water system for any new building or structure or for any existing building for which a change in occupancy or use, as defined under Section 3406.0 of the International Building Code, 2006 Edition and as may be amended, is made and for which a new or larger water service line is installed. Notwithstanding the foregoing, no system connection fee shall be charged for connection of water service solely for fire protection services. Such water system connection fees shall be established by resolution approved by the City Council. (Ord. 257, 10-02-2014)

7-4-09: WATER SERVICE INSTALLATION AND WATER METERS:

A. Water Meters: The Department shall furnish, set and maintain all water meters. The user shall pay the cost of the water meter, together with meter setter, meter vault and complete water system installation. All water meters shall be installed by the City, or by a licensed plumber or a contractor with a Public Works license with permission of the Director and be inspected by the Department.

1. Water Meters Required: A separate and independent city water service with a meter and stop valve shall be provided for every authorized water user. New water meters shall be radio read capable. Water meter charges shall be set by resolution of the City Council.

2. Monthly Readings, Special Readings: All meters shall be read by the Department at intervals of approximately one month, or as nearly so as the convenient operation of the Department will permit, except as otherwise specifically provided for herein. The interval between two successive meter readings shall be deemed and regarded as a month for the purposes of this Chapter, and all fees shall be computed accordingly. When service is commenced or discontinued between regular meter readings, the Base Rate Fee will not be prorated and will be charged based on the meter size through which such service is taken plus any units of service consumed (water use fee).

3. Water Meter Charge: All water service applications which require the installation of a new water service will be charged for the first service and an additional charge for each subsequent service to be installed at single premises. The water meter charge will be waived for meters replaced at end of life. These charges shall be established by resolution approved by the City Council.

4. Separate Meters Required; Exception:

a. Every building or structure within the municipal water system service area shall be separately and independently connected by a separate meter to the city water system, with the exceptions provided below.

b. A separate meter shall be placed upon each separate service connection to each parcel served and the charge to be paid shall be computed separately upon each meter.

c. Meters shall not be required for stand-alone interior fire sprinkler systems.

d. Accessory dwelling units (ADUs) and other accessory structures may be connected to and receive potable water service through the same private service line which serves the primary structure on the property, subject to all requirements of this code and any applicable building and plumbing codes.

Accessory dwelling units (ADUs) may be assessed connection fees and assigned equivalent dwelling unit (EDU) status for monthly billing as adopted by resolution of the City Council, to include a chart indexing ADU criteria by number of identified bedroom areas, EDU assessment not to exceed one additional EDU, and connection fee assessment not to exceed one additional EDU. ADU's may receive potable water service through the same private service line as the primary single-family residence on the parcel. All applicable standard fees and residential EDU status shall apply if the ADU is served by its own separate private service line.

B. Ownership, Replacement and Repairs: All water service connections, meters and housings installed by the Department or conveyed to the Department however provided for, shall remain at all times the property of the City and shall be maintained, repaired and renewed by the Department when rendered unserviceable through reasonable use. Where replacement, repairs or adjustments are rendered necessary by the act, negligence or carelessness of the water user, any member of the user's family, person in the user's employ, or agent of the user, any expense caused to the City thereby shall be charged and collected from the user. The Department will pay no rent or charge where such facilities are located on the user's premises. The Department may relocate its facilities as required by operating conditions, and may relocate any and all of its facilities from user's premises at the termination of service.

C. Adjustments of Bills for Meter Error: In the event the City determines that a water meter is failing to register correctly the water used, the authorized water user shall pay for the water for the month or months the defective meter was used, on the basis of the average reading of the meter for the previous three (3) months that the City determines the meter was operating correctly.

D. Requested Water Meter Replacement: The authorized water user may request that the water meter be replaced for any cause by written request to the Director and pay all costs associated and incurred by the City, as set by resolution of the City Council.

E. Temporary shut off: A user with an existing water service connection may request in writing a temporary shut off. A temporary shut off shall be subject to the provisions of this section:

1. The minimum and maximum length of time for which a temporary shut off can be requested shall be determined by resolution of the City Council.

2. Any user requesting a temporary shut off must have an account that is paid and current, including any fees to be incurred for the actual shut off to be performed, which shall be set by resolution of the City Council.

3. A written request for temporary shut off constitutes agreement by the user requesting the temporary shut off to the time limits, the fees assessed during the shut off and acknowledgment that if the maximum time limit is exceeded the Director may disconnect the property by removing the water meter and other parts of the service connection back to the water main. A written request for temporary shut off signed by the user must be on file at city hall before the temporary shut off may be made.

4. During the time the service connection is shut off, the property shall still be assessed the Base Rate Fee plus any additional costs and fees that the City Council may determine necessary for a temporary shut off, as set by resolution. A water service connection that is temporarily shut off may not be turned back on unless the account is paid in full and current.

5. Failure to pay required fees and request turn on within the time period required may result in removal of the water meter and other parts of the service connection back to the water main in the Director's discretion. Any future reconnection to the water system will be required to pay all costs and fees in arrears and is subject to the process provided in this chapter for opening a new account with any and all of the prevailing water connection fees and other additional charges and fees that apply at that time.

F. Second Meter for Non-Potable Use: Customers that have significant non-potable water use which could trigger sanitary sewer overage fee charges may install, at the customer's cost but without charge for additional connection fee, a second meter dedicated to non-potable water uses and to be billed the water use rate. Cross-connection and backflow prevention precautions in this code are applicable to second meters for non-potable uses. (Ord. 257, 10-02-2014; Amd. Ord. 278, 04/03/2018, Amd, Ord 295, 11-09-2021)

7-4-10: WATER SERVICE CONNECTIONS AND WATER LINES: All materials and workmanship in the installation of water service, water service lines and connections to the city water system shall conform to ISPWC, Uniform Plumbing Code as adopted by the State of Idaho, and City of Greenleaf Standards, as applicable, and be accomplished to the satisfaction of the Public Services Director or City Engineer, and conform to the following regulations:

A. Service Line Installation:

1. The owner may request permission from the city to install the water service line, including tap to the city water main, service line, meter setter, meter vault and lid under private contract, with all materials pre-approved

by the Director. Such installation shall be in conformance with the ISPWC and Uniform Plumbing Code as adopted by the State of Idaho. Contractors performing the work shall be licensed and bonded and have valid public works license. A licensed plumber may install the tap to City mains. If the Director determines system pressure at the service exceeds the IDAPA 58.01.08 guideline of 80 psi, the owner may be required to install a pressure reducing valve at the owner's expense.

2. The owner shall secure a plumbing permit, at his expense, from the State of Idaho Division of Building Safety as required for the connection of the service line from the meter and to the house before the installation is backfilled and before the water is turned on for use at the premises. Such installations may also be subject to additional inspection by the city at the discretion of the Director or City Engineer, with any cost for re-exposure of the installation to be borne by the owner.

3. The city may reject any materials or workmanship at the discretion of the City Engineer or the Director and upon such rejection, the rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances such as excavations, backfilling and other work items, at the sole cost of the applicant or property owner.

4. The contractor shall provide a traffic plan and secure a permit from the City to work in the public right of way. All excavations for all water service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. When installation of a water service line and appurtenances causes damage to any property, public or private, other than the owner's property, the owner shall be responsible for all repair costs including, but not limited to, repair to streets, sidewalks, curbs, gutters, sewer lines, irrigation facilities, storm drains, lawns, fences, gas lines, other water mains, telephone lines, cable, fiber optic, data cable, and electrical lines.

5. The applicant shall notify the City when the water service is ready for inspection.

B. Cross Connection Prohibited: No person shall make or permit the cross connection of any private water supply, well or other line intended to carry water to a water line that is connected or served by the municipal water system. Backflow prevention devices as required by chapter 7-4a of this code and as may be required at the discretion of the Director or City Engineer, along with annual inspection of backflow prevention devices as a responsibility of the owner and at the owner's expense.

C. Metered Temporary Connection: Water for construction and miscellaneous uses may be furnished through a metered temporary service

connection at the sole discretion of the Department with installation of a temporary meter by the City, subject to fees and charges as set by resolution of the City Council. Where it is impracticable to furnish such water through a temporary service connection, the Director shall estimate the quantity and the monthly charges shall be established by resolution approved by the City Council. The estimated quantity shall be subject to review and adjustment by the Director after completion of use.

D. Fire Service Connection: The installation of a private fire service connection shall comply with the requirements for a city water service line and the owner, or his agent, will be required to pay all costs for connection and extension of the facility from the municipal water main. The construction of a fire service connection shall be made in accordance with the International Fire Code as adopted by the State of Idaho and Uniform Plumbing Code as adopted by the State of Idaho, and the ISPWC. The fire service connection must include a shut-off valve at the water main in the City right-of-way or at other location as directed by the Director, backflow prevention device and check valve, and said backflow preventer and valve installation location, housing size and type shall be approved by the Director at the expense of the user. Water meters shall not be required for fire service connections. In no case shall a water service line be extended from a fire service connection. The Department is authorized to shut off fire service connections.

E. Water Drawn From Hydrants: For miscellaneous uses where water is drawn from hydrants into portable tanks, the charge shall be established by Resolution approved by the City Council. Water drawn from hydrants without permission from the Director is considered water theft.

F. Temporary Connections for Recreational Vehicles: Nothing in this chapter shall be construed as a prohibition against temporary use by currently licensed and road-worthy recreational vehicles, campers, or other self-contained vehicles connected with an approved back-flow prevention device installed in- to residential utilities in accordance with city regulations. (Ord. 257, 10-02-2014)

7-4-11: LIABILITY FOR MAINTENANCE:

A. User Responsibility: All users shall have the responsibility of, and are liable for, and shall pay for, all costs and expenses of maintaining their own water service line(s) extending from the building and/or improved property to the point of connection to the water meter setter. This point of connection may be inside or outside of the meter vault depending on the length of the meter setter tail. The City is responsible to maintain City water facilities only from the point of connection at the water main to the point of connection of the private water service line to the meter setter. At no time is the City responsible or liable to maintain a private water service line or connection to a structure.

B. Protection of Pipes, Meters, Hydrants, Valves and Flush Points: All water users shall keep their service lines, connections and other apparatus in good

repair and protected from frost damage at their own expense. All water users shall provide and maintain a four foot wide by four foot long by eight foot high (4' x 4' x 8') clear access, centered on the water meter lid, to the water meter serving their improved property. Minimum 4' x 4' clear access shall also be maintained around hydrants, valves and flush points. No person, prior to written approval from the Director or City Engineer, shall be allowed to dig into the public right-of-way, easement, street or sidewalk for the purpose of laying, removing or repairing any service pipe. (Ord. 257, 10-02-2014)

7-4-12: WATER MAIN REGULATIONS:

A. Water Line Development: The total cost and construction for water line development shall be that of the owner, subdivider and/or developer. It shall be the owner's, subdivider's or the developer's responsibility to purchase and lay water lines, including public main lines, fire hydrants, and individual water service lines to be sized as determined necessary by the City Engineer to support anticipated fire flow needs, and from the point of connection with existing water supply main lines "to and through" the project; to the proposed project and to the boundary of the project farthest from the original water supply line, including frontage roads.

B. Water Line Contamination: No person shall connect, cross-connect, maintain or install any tank, fixture, receptacle or other device, in or on, any premises which is connected to any water line, pipe or conduit which conveys or carries any water for domestic or human consumption if the plan, arrangement, connection, maintenance or installation is such as to make possible any contamination or pollution of such water.

C. Property Serviced: Except where it is impracticable to do so, all property shall be served with water from a water main installed in a street or right-of-way on which such property fronts or to which it is contiguous. If there is no such main, extension of an existing water main shall be required as a condition to obtain service.

D. Connection to Existing Main: If there is an existing water main from which service may be obtained, property not previously connected to the main may receive water service through such main. All requirements of this chapter, including fees and charges, are applicable at standards and rates in place at the time of connection to the municipal water system.

E. Extension Made at Applicant's Expense: Where a water main extension is required to provide water service, it shall be made at the expense of the person applying for such service, except as provided in this Chapter. Such extension shall extend from the nearest water main in place, deemed of sufficient size by the Director and City Engineer, to and for the full length of that portion of the street or right-of-way on which the property to be served fronts or to which it is contiguous. Such expense shall include, but not be limited to, all improvements necessary to install the main line extension, including any required road repairs, fire hydrants, valves and all other water appurtenances as identified by the Director.

F. Easement: Each applicant and user gives and grants to the City of Greenleaf an easement and right-of-way on and across their property for the installation of water mains and the necessary valves and equipment in connection therewith. All easements shall be reviewed and approved by the City Engineer before they shall be submitted to the City for approval. Only after the approved easement has then been recorded shall it be deemed accepted by the City.

G. Installation in Undeveloped Areas:

1. All proposed extensions of the municipal water system to serve undeveloped areas within the existing corporate limits, newly annexed areas, new subdivisions or areas outside the corporate limits shall comply with this chapter and with the overall master plan for the service area.

2. Where it is necessary to install a water supply well or other necessary water system facilities in undeveloped areas, newly annexed areas, new subdivisions, or new planned unit developments (PUDs), the applicant shall pay the cost of the construction. The facilities shall be designed and constructed in accordance with DEQ regulations and ISPWC and shall be approved by the Director and City Engineer prior to installation. The applicant shall dedicate and deed the facilities to the City, including but not limited to a permanently graded well lot, easement thereto for such supply well and storage facility. Applicant shall pay the cost of connecting the existing main and facilities to the supply well, pumping or water storage facility, as well as other appurtenances such as supervisory control and data acquisition (SCADA) equipment, as determined by the Director and City Engineer to be necessary.

a. If the applicant proceeds with construction of a water supply well and/or storage facilities, the City will not assume ownership, operation and maintenance of any water facilities or supply well, until the applicant establishes that the water quality meets the Primary Drinking Water Standards, as established by EPA, DEQ and the City. If treatment of the water supply is required to meet the applicable standards, the applicant shall be solely responsible to pay for and construct the necessary water treatment facilities. The water supply well shall be equipped with necessary control equipment, and sequenced with the City control system, to allow the well to be monitored and operated from a remote site.

1. In addition to providing the water system to serve the subdivision and other water facilities, as required in this section, the developer shall pay for any and all design and engineering review costs.

c. The applicant shall also dedicate/deed to the City all rights-of-way that may be necessary for permanent or temporary pipelines or other equipment.

H. The developer/applicant of a subdivision or planned unit development shall be required to enter into a development agreement with the City that will more closely define the roles and responsibilities of the City and the developer.

I. Certification by Engineer: After the construction of the municipal water system extensions, it shall be the obligation of the owner, or his agent, to have a registered professional engineer that has been pre-approved by the City verify to the City that the said system extensions were installed in accordance with the approved plans and specifications on file in the office of the City Engineer. Following certification by the registered professional engineer and acceptance by the City, the entire extension of the municipal water system, including the City water service lines, shall become the property of the city and it shall be the City's responsibility to maintain and operate the system thereafter.

J. Work Done by Contractor: The installation of all public water systems shall be performed and completed by a contractor possessing a valid State of Idaho public works license with the proper endorsement for the work. (Ord. 257, 10-02-2014)

7-4-13: AUTHORITY TO TURN OFF WATER; NON-LIABILITY OF CITY; HOLD HARMLESS:

A. Authority: In order to provide needed tests and/or maintenance and/or for the protection of health and safety, the City shall have the authority to turn off water from mains and pipes of the system without notice and without liability therefore.

B. Non-Liability of City:

1. The City shall not be liable for any damage to persons or property caused in any manner by the use of water beyond the meter setter along the service line to the property, as that is the point of delivery to the Authorized Water User.

2. The City shall not be held liable for damage to any person or property by reason of stoppage or other interruption of the water supply, caused by groundwater depletion or fluctuation, lack of pressure, accident or break in works or mains, alterations, additions, construction or repairs or other unforeseen or unavoidable water service damages or interruptions.

C. Hold Harmless: All persons receiving City water service are deemed to accept and consent to such conditions of pressure and service, including meter location at the service line and hold the City harmless from any damages arising

out of low-pressure or high-pressure conditions or interruptions of service. (Ord. 257, 10-02-2014)

7-4-14: SHUTOFF VALVES: All shutoff valves at meters are installed by the Department for its own use. Such shutoff valves shall not be used or in any way disturbed or manipulated by a user, except in case of emergency. If replacement, repairs or adjustments are rendered necessary to any shutoff valve as a result of any act, negligence or carelessness of the user, any member of the user's family, person in the user's employ, or agent of the user, the charge for repair or replacement of such shutoff valve, which amount shall be established by resolution approved by the City Council, shall be charged to and collected from the user. (Ord. 257, 10-02-2014)

7-4-15: FIRE HYDRANTS; USE:

A. Authority to Operate: Due to the danger of damage to fire hydrants through improper operation, no person, other than City personnel or persons authorized by the City, and authorized emergency response personnel shall use or operate any hydrant or any hydrant valve, or cause the same to be done, except as set forth in this section.

B. Conformance with Standards: All fire hydrants, connections and appurtenant facilities shall conform to the ANSI-AWWA nationally recognized standards.

C. Gate Valve: Before operating any hydrant valve a wheel-type gate valve having a "standard hydrant thread" shall be installed on the hydrant outlet and this valve shall be the only valve operated for turning the water off and on, except for the initial opening and the final shutoff of the hydrant. Every person opening fire hydrants shall replace the caps on the outlets when the same are not in use. Failure to do so will be sufficient cause to prohibit further use of the hydrants and the refusal to grant subsequent permits for the use of such hydrants.

D. Temporary Use Permit; Equipment: No person, other than City personnel or persons authorized by the City, authorized emergency response personnel, shall use, take, remove, draw or discharge any water from any hydrant; or connect, install, affix or maintain any hose, device, tool or equipment on any hydrant or any hydrant valve; or cause the same to be done; without first obtaining a written permit for temporary use of water. An applicant for temporary use of water from a hydrant shall secure a permit from the City, secure a water meter supplied by the City and attach such meter to the hydrant, secure and provide any special equipment required, and pay the City a fee for the loan, installation or removal of such special equipment. Failure to do so will be sufficient cause to prohibit further use of the hydrants and the refusal to grant subsequent permits for the use of such hydrants.

E. Violation; Fees and Penalties: In the event a user, any member of the user's family, agent of the user, or person in the user's employ allows or causes a connection to any fire hydrant by any method of connection in noncompliance

with the provisions of this Chapter, that user shall be determined to have allowed an illegal water service connection and will be subject to the additional fees and penalties as specified in section 7-4-24 of this Chapter. (Ord. 257, 10-02-2014)

7-4-16: WASTE OF WATER OR INJURY TO WATER SYSTEM:

A. Waste Prohibited: It shall be unlawful for any water user to waste water or allow its waste from imperfect water stops, valves, leaky pipes, or other means which are not under the jurisdiction of the City. It is unlawful for any water user or person to permit the malicious or willful consumption of water, having no beneficial use. The City, based on meter readings, will make a determination of the quantity of waste and will notify the user of that determination. It shall then be the user's responsibility to make the necessary repairs, or to institute actions that will correct the situation within thirty (30) days of the City's notification to the user. All costs incurred, including the cost of the quantity of wasted water and any repairs, shall be the sole responsibility of the user and/or owner and if it is necessary that the City correct the situation or make repairs, the cost and charges shall be assessed and added to the owner's water bill.

B. Water Use Restricted: Watering troughs for animals shall not be allowed a constant flow of water but shall be allowed to use such quantity as shall supply the actual needs of the stock having access thereto, nor shall continuous streams of water be permitted to flow from hydrants, faucets, or stops over wash basins, water closets, or urinals.

C. Damage Or Injury To System: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, pipeline, fire hydrant, fitting connection appurtenance or equipment which is a part of the municipal water system. (Ord. 257, 10-02-2014)

7-4-17: OVERSIZED WATER LINE EXTENSIONS; REIMBURSEMENT; AND LATECOMERS FEE: Extensions of the City water system built by property owners or agents to serve undeveloped areas within or without the existing City limits shall conform to the line sizes of the City's adopted master water plan and follow as closely as practicable the line locations indicated by the master water plan. If a master water plan is not available for the area of development, a site specific engineering analysis approved by the city engineer and city may be employed for the exercise of this function. The cost of any engineering analysis will be borne by the owner and reimbursed to the City prior to the grant of any land use approval or construction of the extension, whichever occurs first in time. Such facility extensions shall be allowed only as approved in advance by the City Council in writing on a case by case basis. The provisions herein for partial reimbursement in accordance with a credit agreement may apply as follows:

A. Costs: Costs for all extensions and/or oversizing, whether within or without the existing City limits, shall be the responsibility of the property owner or its agent.

B. Installation: All water system extensions and/or oversizing shall be installed prior to the construction of any new streets unless a special use permit or other acceptable cash/performance bond/ letter of credit is received by the City. All design and construction of any extensions and/or oversizing of the water system shall comply with the official specifications for water systems and extensions as adopted by the City and as detailed in this Chapter.

C. Plans: The plans for all extensions and/or oversizing to the water system shall be prepared and signed by an Idaho registered professional engineer. Three (3) copies plus one (1) electronic copy of the plans shall be filed with the City. Copies of the plans shall be filed with the DEQ for its review and approval in accordance with DEQ regulations and as required by Idaho Code. All design and construction plans and associated infrastructure shall be reviewed and approved by the City Engineer, who shall then submit his or her recommendation to the City Council for its approval. Upon approval by the City Engineer and the City Council for extension and/or oversizing to the water system, the city reserves the right to impose other requirements such as a special permit fee, right of way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond and other similar measures as may be required to protect the public. No work shall commence on any such extension and/or oversizing until the project has been approved by the City.

D. Obligation of Owner: After the construction of any water system extension and/or oversizing, it shall be the obligation of the owner or agent to have an Idaho registered professional engineer certify to the City and to the DEQ that the said system extensions and/or oversizing were installed in accordance with the approved plans and specifications on file with the respective agencies. Following certification by the Idaho registered professional engineer and acceptance by the city, the entire extension and/or oversizing of the water system, including the city water service lines, shall become property of the City and it shall be the City's responsibility to maintain and operate the system thereafter.

E. Methods Of Computing Credits:

1. Oversized Water Mains: Credits for oversized mains shall be based upon the actual materials cost of the oversized main minus the materials cost of an equivalent eight inch (8") diameter main. Reimbursement of the credits shall be done in accordance with subsection 7-4-16:G of this Chapter.

2. Off Site Water Facility: Credits for off-site water facilities except main lines may be approved by agreement between City and developer as recommended by the City engineer and subject to approval by City Council. Any such credit is at the sole discretion of the City Council and may only be made with recommendation and approval of the City Engineer after determination is made that such credit is precisely calculated, in the public interest.

F. Eligible Construction Costs: In order for any constructed facilities to be eligible for construction credits the owner or its agent shall meet the following requirements:

The work for which construction credits are requested and the service area benefited shall be specifically agreed to in writing prior to the City issuing final plan approval for construction. All work shall be competitively bid. The bids shall be reviewed and approved by the City engineer prior to award.

The owner or its agent shall be required to follow the State of Idaho's public works bidding and public works licensure requirement. Bidding documents must be supplied by the developer or its engineer as required by Idaho law and in a manner such that there is an individual bid price for every item for which construction credits are requested. Actual construction costs shall be established by multiplying the quantity of work performed by the actual bid price.

The owner or its agent shall submit a tabulation of all bids received, along with a copy of the accepted contractor's bid for all work for which construction credits are requested.

Construction cost change orders are not eligible for credit unless specifically approved in writing by the City prior to construction.

G. Latecomer's Fee:

1. For all off site water main extensions which are constructed and paid for by the developer, the developer may negotiate with the City a "latecomer's fee" which shall be charged to all property indicated by the service area boundary shown on the service area map which receives benefit from the extension and did not participate in financing the original construction. Seventy-five percent (75%) of the total service area shall be used for purposes of calculating the latecomer's fee to account for potentially undevelopable property within said service area. The fees collected shall be placed into a separate interest bearing account. The developer shall then receive payments from this account on a semi-annual basis.

2. Payments shall be made for the principal plus interest until the credit agreement is paid in full, or a period of ten (10) years, whichever is sooner. The interest rate shall be established in the credit agreement. The city shall charge a fee for administration of the "latecomer's" account that shall be established in the credit agreement.

3. The latecomer's fee shall be calculated by the following equation:

Latecomer's Fee[1] = (Total Credit + Administrative Fee) / ((75%)(TSA[2] - TDA[3]))

[1] Latecomer's fee is expressed as dollars per acre ($/acre)
[2] TSA = Total Service Area
[3] TDA = Total Development Area

4. Method Of Collecting Latecomers' Fees: All fees shall be based upon gross development area and shall be collected by the City at the time of preliminary plat application, final plat application, and/or building permit application as directed and specified in the credit agreement. Fees may be further subdivided for collection purposes on an individual basis as follows:

a. For commercial and/or industrial developments the fees shall be based upon the commercial lot area plus a percentage of any right of way and/or common area as applicable.

b. For residential developments the fees shall be based upon a per equivalent single-family dwelling basis based upon the total fee established on the gross area of the subdivision divided by the number of equivalent single-family dwellings.

H. In unusual circumstances, the City Council may enter into an agreement with an applicant to extend water mains at partial cost to the city, negotiated for consideration of defined and tangible benefit to the city under written agreement binding on the owner, heirs, successors and assigns to run with the land. Such an agreement shall not be normal occurrence, but rather applicable only upon initiation by the City, not the applicant or developer. (Ord. 257, 10-02-2014)

7-4-18: WATER USE RESTRICTIONS:

A. Curtailment of Certain Water Uses: The City may curtail non-domestic use of water during a state of emergency, system shutdown or other conditions that may affect the public health, safety and welfare, as determined by the Director. Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to penalty as provided in this chapter.

B. Water Scarcity: In any time of shortage of water, whenever it shall, in the judgment of the Mayor and Council be necessary and they shall so direct, the Mayor shall, by proclamation, limit the use of water for other than domestic purposes, including filling swimming or wading pools and lawn sprinklers; and in his/her discretion provide that lawn sprinklers and hydrants shall not be used or be used only on alternate days in certain designated localities. Any person

violating the provisions of this section shall be subject to penalty as provided in this chapter. (Ord. 257, 10-02-2014)

7-4-19: GREENLEAF WATER REVENUE FUND: There is hereby created the "Greenleaf Water Revenue Fund" into which all fees and charges received and collected under authority of this Chapter shall be deposited and credited as a restricted enterprise. The accounts of the Fund shall show all receipts and expenditures for the maintenance, operation, upkeep and repair and capital outlay of the Water System, including the payment of bonds issued to finance such capital outlay. When budgeted and appropriated, the funds and credits to the account of the "Greenleaf Water Revenue Fund" shall be available for the payment of the requirements for the maintenance, operation, repair and upkeep and improvement of the Water System, including the payment of bonds and/or promissory notes issued therefore. (Ord. 257, 10-02-2014)

7-4-20: SERVICE CHARGES AND FEES; COLLECTION:

A. Service Charges and Fees Established: There is hereby established a system of periodic service charges and fees in order to equitably impose upon all water users the cost and expenses of operation, maintenance, replacement, and repair of the City's municipal water system, participation in oversized extensions to the system, and redemption of bonds that have been used to finance system improvements, all as part of the City's responsibility to provide adequate water service and facilities for the City. For new connections, the water user charge is to begin when the meter is turned on. All service charges and fees for the water system shall be established by resolution of the City Council.

B. Monthly Service Charges: The monthly water service charges and fees for each water user served by the municipal water system shall be based upon the total cost of the municipal water system operations and the gallons of water used per connection as measured by the water meter reading and meter records maintained by the City. Monthly service charges and fees levied and assessed for the water system under the provisions of this Chapter shall be effective as of the date set in the resolution.

D. Water Service Fees: All users of property connected to the municipal water system under the terms of this Chapter shall be assessed and pay monthly user fees, as set forth herein. Fees for water service shall include those set forth in this section, as set by resolution of the City Council.

1. Base Rate Fee: The base rate fee is established to cover the operation and maintenance costs of the city water system, and to provide funds to pay for capital improvement costs, additions, participation in oversized extensions to the system, and redemption of bonds or promissory notes that have been used to finance system improvements, all as a part of the city's responsibility to provide adequate domestic water service and facilities for the city. Except for properties subject to the limited grandfather rights established in section 7-4-07 of this chapter, the base rate fee shall be assessed to all properties within the municipal water

system service area beginning with the first billing cycle after the effective date of this chapter. For new connections, the base rate fee shall begin when the meter is turned on. The base rate fee shall be assessed to each property within the city municipal water system service area connected to the municipal water system regardless of whether water is used. Property with two (2) or more services extended to it shall have the choice of paying a single monthly user base fee (for all services connected to the Property) or establishing separate accounts for each service with a third party billing arrangement as provided in section 7-4-08:C.

2. Bond Fee: The bond fee is established to pay the principal and interest and bond sinking funds required by law on bonds which are not general obligation bonds and loans obtained to finance the City's water system and water treatment facilities. All properties within the municipal water system service area connected to the system are subject to the bond fee as recompense for availability of service and other benefits. Except for properties subject to the limited grandfather rights set forth in section 7-04-07 of this chapter, the bond fee shall be assessed as part of the base rate.

3. Water Use Fee: The water use fee shall be established to cover variable costs of operation of the water system and billed per volume of water used in per unit of service (1000 gallon increments) per equivalent dwelling unit (EDU). The Water Use Fee shall be assessed to each separate service connection based upon the total amount of metered water used by that property during one billing period.

4. Other Fees:

a. The City shall establish and charge a fee to any user's water account for repair of damages to the water meter and its appurtenances including, but not limited to, the lid, padlocks, valves and transmitters.

b. Additional charges for electronic fund transfer convenience fees for payment methods other than cash or check may be applied to cover costs of the transaction.

E. Collection: The charges, fees, penalties and interest authorized by this Chapter shall be charged and collected by the City for all water sold, supplied, distributed or transported by the Water System at rates set by resolution of the City Council.

F. Standby or Partial Service: The fees and charges provided in this Chapter are not applicable to standby or partial service. This type of service may be furnished in accordance with fees, charges, terms, and conditions contained in contracts approved by the Council. This section is not applicable to temporary shut-off of existing meters. (Ord. 257, 10-02-2014)

7-4-21: BILLING, DELINQUENCY AND DISCONNECTION:

A. Billing Procedures:

1. Each month the City shall furnish each water user a unified statement of the amount due for water and sewer and other monthly billed utilities for the preceding month or up to the time the meter has been read, and such bill becomes past due if not paid by the next billing cycle. In the event of inclement weather or other mitigating situations, the Director may estimate usage for that month's billing.

2. All charges and fees levied and assessed for the Water System under the provisions of this Chapter shall be made by, and all payments shall be paid to, the City. Bills shall be deemed paid on the date payment is received by the City. All payments must be received by end of business hours at City Hall on the date due. Any account not paid by the past due date shall become delinquent and bear interest at the maximum rate permitted by law, commencing upon the past due date. The billing cycle shall be established by resolution of the City Council.

3. Funds received through unified monthly utility billing, including but not limited to domestic water, sewer and garbage services, will be applied first to garbage service, then to sewer service, then to any other billed utility service, and lastly to domestic water service.

4. The unified monthly utility billing (account summary) shall also serve as the notice of disconnect for the account if the account is not paid by the past due date and the account becomes delinquent. Verbiage to the effect that the monthly billing is also a disconnect notice and the user's right to protest or request a hardship shall be printed on the monthly billing statement sent out by the City.

B. Delinquency and Notice: All bills for water use fees not paid by the past due date shall authorize the City, in addition to its rights and remedies set forth in this chapter, to discontinue the water service to any such defaulting customer, unless the user submits a written protest as provided in section 7-4-21:F or the user submits a written hardship request as provided in section 7-4-21:G. Notice of such delinquency and a disconnect date shall be included with the monthly billing statement. A second and separate disconnect notice may be hand delivered or sent to the customer by mail at the sole discretion of the Director.

C. Returned Checks: Payment of fees with an insufficient funds check shall be considered non-payment and, in addition to any other remedies allowed by law, shall result in termination of municipal water service as provided in section 7-4-22:E. The City Council shall also establish by resolution a charge for any dishonored or returned check received in payment on an account.

D. Additional Charges:

1. At the end of the billing cycle, a disconnect charge (penalty) in an amount established by resolution approved by the City Council will be made and added to other amounts due from the user.

2. Upon disconnection, the service will be shut off and service disconnection fees and service restoration fees, in an amount set by resolution of the City Council, shall be applicable.

3. When service has been disconnected for nonpayment of bills, it shall not be reconnected except upon payment of all prior billing for service at this address and all other accounts for this user. If the user requests a reconnection of service same day as disconnection or outside of regular business hours, an additional expedite fee, in an amount set by resolution of the City Council, will be assessed.

4. In the event the water meter has been removed, a meter fee, connection fee, and all other fees related to a new service as set by resolution of the City Council must be paid as a condition of resumption of water service.

5. If a user turns on or causes to be turned on a disconnected service, the Department may again turn off the service using any means to ensure that service may not be reconnected by the user or an agent of the user and an additional disconnect charge may be assessed and/or the actual cost for disconnection including replacement costs for any damaged equipment, whichever amount is greater, in addition to other amounts due. Theft of water charges and penalties may also be applicable.

E. Disconnection for Noncompliance: The Department shall disconnect, in accordance with the provisions of this section, the water system connection of any user who has failed to comply with the provisions of this chapter. The Department shall not disconnect the water system for nonpayment prior to the disconnection date specified on the billing statement, or not prior to forty-eight (48) hours after the hand-delivery of a disconnect notice. All services for a customer receiving such notice of disconnection with the monthly billing statement, by mail or other delivery may be disconnected without further notice. Accounts disconnected for non-compliance shall continue to be assessed the monthly base rate fee. In the event of a health or safety issue, the Director may shut off the water connection at any time regardless of disconnect notice timing. Reconnection requires the property owner to submit and execute a current service application with the City, including providing the City with a deposit as described in section 7-4-22.

F. Disputed Bill; Protest: Water service will not be disconnected if the user submits to the Director a written protest of the disputed bill containing all facts and evidence necessary to review the protest at least three (3) days prior to the disconnection date specified with the billing statement, hand-delivered or mailed

notice. If the user and the Director cannot come to a reasonable adjustment, the user may appeal in writing to the Public Services Commission. If the user is unsatisfied with the determination of the Public Services Commission, then the user may appeal to the city council in accordance with the procedures in title 1, chapter 10 of this code. Should the protest be denied, water service shall be disconnected within forty-eight (48) hours after the hand-delivery of, or five (5) days after the mailing of the determination of the appeal.

G. Hardship: A user who does not have the financial ability to pay the required fees may request temporary relief based upon financial hardship. The written hardship request must be received by the City Clerk at least three (3) days prior to the disconnection date specified in the billing statement, hand-delivered or mailed notice. The Public Services Commission shall review and make a determination on all requests for hardship. The user shall provide all personal and financial information and documentation deemed necessary by the Director to evaluate the request. The Public Services Commission may grant either a temporary waiver or extension of time to pay the required fees. Water service will not be disconnected until after the Public Services Commission has reviewed and made a determination on the financial hardship request. If the user is unsatisfied with the determination of the Public Services Commission, then the user may appeal to the City Council in accordance with the procedures in title 1, chapter 10 of this code.

H. Multiple Premises Served; Service Disconnection: If the user is receiving water service at more than one premises, service at any or all of the user's premises receiving water service not current with monthly billing may be subject to disconnection and discontinuance without further notice when a notice of disconnection has been mailed or hand-delivered to such user and bills for water service at any one or more premises are not paid within the time specified above; provided that if specific properties are paid in full and current, they shall not be subject to disconnection.

I. Water Diversion or Theft of Service; Fee:

1. Diversion or Theft by Connected Users: Where any user, in the determination of the Director, has caused or allowed water diversion or theft of water service to occur an additional fee set by resolution shall be charged and collected in addition to any other amounts due from the user. This fee may be in addition to any penalties provided for in any other section of this code or imposed due to violation of state or local law. Reconnection after water diversion or theft of service may result in requirement by the city for the property owner to submit and execute a new water service application and a deposit to re-establish credit as described under 7-4-22:C.

2. Diversion or Theft by individuals and/or entities not connected to the municipal potable water system: Where any individual and/or entity, in the determination of the Director, has caused or allowed water

diversion or theft of water service to occur an additional fee set by resolution shall be charged and invoiced at an estimate of the amount of water stolen at the water use rate multiplied by 1,000 plus a pass-through of any expenses incurred by the city, including city attorney billing, to discourage repeat occurrence of potential harm to the integrity of the municipal potable water system and violation of Idaho Drinking Water Rules, including but not limited to the threat of reduction of potable water system pressure below 25 psi from unanticipated and unplanned draw of water, such as from a hydrant or blow-off, which could result in system cross-contamination and necessitate a boil order being issued by the Idaho Department of Environmental Quality. This fee may be in addition to any penalties provided for in any other section of this code or imposed due to violation of state or local law, including criminal citation. The Director may choose to lodge formal complaints with any professional organizations and/or licensing bodies affiliated with the individual and/or entity, and the director may also choose to notify public and private water systems in the area, including cities in Canyon and Owyhee Counties, of the theft to warn against possible violation of their systems by the individual and/or entity.

J. Liability of Owner: In the event that a property is vacant, the owner of such premises, as the authorized water user, shall be liable to the City for the payment of any charges incurred. This includes all charges incurred between the time a tenant vacates the premises and the premises is re-occupied by a new tenant. Any duplicate billing sent by the City to an authorized third party, such as a tenant by lease or rental, a developer, agent or the like, is provided by the City as a convenience to the property owner as the authorized water user. Any and all unpaid water charges shall be a lien against the property as provided below. The City may initially deny water service to any authorized water user who requests service at a new location when that authorized water user has a delinquency at any previous location or premises. The City shall not initially deny water service to any authorized water user for whatever reason without informing the authorized water user of the right to a hearing before the City Council on the issue of whether the city can initially deny water services. In the case of an initial denial of water service, the city is not required to provide water service pending a hearing. However, a hearing upon request of an authorized water user initially denied water service shall be held within forty-five (45) days from date of receipt of a written request for a hearing, and held in the manner and accordance with the procedures set forth in title 1, chapter 10 of this code.

K. Lien Imposed: Where allowed by law, all delinquent charges or fees, as provided by this code, not paid after the final determination of the delinquent account, shall be imposed as a lien against and upon the property against which such charge or fee is levied or assessed; and the City Clerk shall, at the time of certifying the City taxes, certify such delinquencies together with all penalties to the tax collector of Canyon County, and when so certified, the same shall be a lien upon the property. All monies collected by the clerk under the provisions of this section shall be paid over to the City Treasurer in the same manner as is required

for the payment of other city monies. If a lien has been filed against the property, and service has been shut off for any reason, the property shall not be turned back on until all liens and past due amounts are paid.

L. Remedies for Delinquent Accounts:

1. The City Treasurer is hereby authorized to collect delinquent payments by any legal method as approved by the City Attorney. At such time as any delinquency shall become inactive for a period of time exceeding one (1) year, or in the case of bankruptcy proceedings, said debt may be deemed uncollectible. The City Treasurer may prepare a request for write off of the account for the city council's consideration.

2. Writing off a delinquent account shall not act as a forgiveness of the underlying obligation. Notwithstanding any other section of this code nor any other remedy permitted by state law or City ordinance, in the event a water user fails to pay a water bill and allows the bill to become delinquent, in addition to any other remedies provided by law, the City shall have the following remedies:

a. The City may turn the account over to a collection agency for collection;

b. The City may attach the unpaid obligation to a different water account in the user's name, whether the account is in existence or subsequently created, and continue to bill the original account; or

c. The city may refuse to offer new water services to the user until the account is paid in full.

3. All accounts disconnected due to delinquency or failure to comply with the requirements of this chapter shall be required to submit a current, signed application for service that satisfies the requirements of section 7-4-08 prior to reconnection, unless the Director authorizes a temporary reconnection. (Ord. 257, 10-02-2014, Amd. Ord 297, 12-13-2022)

7-4-22: DEPOSIT:

A. Deposit Required; Exception: Except for accounts established before the effective date of this chapter which are paid and without past due balances, each applicant for water service shall deposit with the City a sum as established by resolution approved by the City Council. The deposit is calculated by taking into account all monthly services billed by the City including, but not limited to, water, sewer and solid waste disposal, as set by resolution of the City Council. Such deposit shall be in the form of cash, check, money order, time certificate from a commercial bank or savings and loan, electronic fund transfer, or

cashier's check. The water service deposit must be received with the user's application before water is delivered or turned on.

B. Refund: Deposits made by tenants shall be held until the account is closed. All owner-occupied property customers who have made prompt payments for a period of two (2) years, meaning that the user has not been placed on the city's shutoff list, may make a written request to have the deposit applied as a credit to their account. When the account is closed, any refund of the water deposit will first be attributed to the balance due and owing on the user's account, with any remaining deposit balance refunded as a check from the City.

C. Reestablish Credit on an Existing Service Connection: On the failure of any user to comply with the terms of this Chapter regarding the payment of bills and where the deposit has been refunded or consumed, the City may require the user to reestablish credit, including payment of a new deposit in an amount not less than approximately fifty percent (50%) more than the highest month's billing on record of all monthly services billed by the City. The second deposit to re-establish credit shall not be refundable until the account is closed and any remaining balances have been paid. (Ord. 257, 10-02-2014)

7-4-23: USER LIABLE FOR VIOLATION: If any owner shall permit any person from any other property, or any unauthorized user to use or obtain water from his property or water fixtures, whether inside or outside of his buildings, the water supply of such owner may be cut off; and such unauthorized person shall, for taking said water, be subject to the penalties provided for in section 7-4-24 of this chapter. Any user or owner suspected of having violated the provisions of this chapter, other than nonpayment of user fees, assessments, or charges for repairs, shall be notified of the violation and be notified that if the violation is not corrected within ten (10) days, the Director shall shut off the water; provided, however, in the event of an emergency, the Director may shut off the water without notification. Nothing in this chapter shall be construed as a prohibition against temporary use by currently licensed and road-worthy recreational vehicles, campers, or other self-contained vehicles connected with an approved back-flow prevention device installed in-line to residential utilities in accordance with city regulations. (Ord. 257, 10-02-2014)

7-4-24: PENALTIES:

A. Notice Of Violation; Responsibility For Remedy: Any person found to be violating any provisions of this chapter, other than for nonpayment of user fees, penalties and interest, shall be served by the City with a written notice stating the nature of the violation and providing ten (10) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and if necessary make all corrections and repairs to the system or pay for same if the City has to make the correction or repair. If, in the sole discretion of the Director or designee, the violation presents a health and safety issue at the property site or presents a threat to the remainder of the municipal water system, then the City may immediately disconnect service without notice until the violation has been resolved.

B. Penalty Imposed; Discontinue Service: Any person who shall continue any violation beyond the time limit provided for in this section, may be cited as an infraction as provided in Greenleaf Code §1-4-1, and shall have his water service terminated. Each day in which such violation shall continue may be deemed a separate offense.

C. Liability To City For Loss Or Damage: Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation and, for other than nonpayment of water bill violations, may have their water supply terminated after the above ten (10) day notice period has expired.

Cumulative Penalties: These penalties shall not be construed to be exclusive but shall be construed to be cumulative of, and in addition to, any other penalties provided for in this code or the criminal code of the state of Idaho. As an example, a person stealing water could be criminally charged with theft or a person injuring the water system could be criminally charged with malicious injury to property. For all criminal violations relating or pertaining to the water system, the notice provisions provided for in this chapter shall not apply. (Ord. 257, 10-02-2014; Amd Ord #300, 03-14-2023)

ARTICLE A. BACKFLOW PREVENTION

7-4A-1: PURPOSE AND POLICY:
7-4A-2: DEFINITIONS:
7-4A-3: CROSS CONNECTION PROHIBITED:
7-4A-4: SURVEYS AND INVESTIGATIONS:
7-4A-5: TYPE OF PROTECTION REQUIRED:
7-4A-6: BACKFLOW PREVENTION ASSEMBLIES:
7-4A-7: BACKFLOW PREVENTION SUPERVISOR:
7-4A-8: ADMINISTRATIVE PROCEDURES:
7-4A-9: WATER SERVICE TERMINATION:
7-4A-10: NONCOMPLIANCE; BACKFLOW ASSEMBLY TEST AND INSTALLATION:

7-4A-1: PURPOSE AND POLICY:

A. Purpose: The purpose of this article is:

1. To protect the public water supply of the city by isolating the customer's water service from the city water system, thus preventing contamination or pollution, which could backflow from the customer's premises to the city water system;

2. To eliminate both potential and existing cross connections between the potable water system and nonpotable water systems within the customer's premises;

3. To maintain the backflow prevention program by administering an inspection and testing program of the customer premises and backflow prevention assemblies installed at the location specified by the public works director.

B. Policy:

1. The public services department has a responsibility to protect the public water system from contamination caused by the backflow of contaminants through a water service connection. If, in the judgment of the director, an approved backflow prevention assembly is required to prevent contamination, the city shall give notice to the customer to install the approved assembly or assemblies at the service connection to the premises, or at an alternate location deemed acceptable by the public works director. The customer shall immediately install the approved assembly or assemblies at the customer's own expense. Failure, refusal or inability of the customer to install the approved assembly or assemblies shall constitute grounds for disconnecting water service to the premises until the backflow assembly or assemblies have been installed.

2. These regulations shall apply to all premises served water by the city water system. (Ord. 197, 11-1-2005)

7-4A-2: DEFINITIONS: The following words and phrases shall have the meanings ascribed to them, unless otherwise noted:

AWWA STANDARD: An official standard developed and approved by the American Water Works Association (AWWA).

AIR GAP SEPARATION: A physical break between a supply pipe and a receiving vessel which shall be at least double the diameter of supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch (1").

APPROVED BACKFLOW PREVENTION ASSEMBLY: A device or a physical separation that has been designed specifically for preventing the backflow of water or liquid from entering the system and the device that has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the state of Idaho department of environmental quality.

APPROVED WATER SUPPLY: Any potable water supply which is regulated by the state or local health agency.

AUXILIARY SUPPLY: Any water supply on or available to the premises other than the city water supply.

BACKFLOW: A flow condition, caused by a differential in pressure that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a

potable supply of water from any source or sources other than an approved water supply source. To draw off or convey through as if in a siphon is one cause of backflow. Back pressure is the other cause.

BACKFLOW PREVENTION SUPERVISOR: A person, designated by and at the expense of the water user, to maintain the backflow prevention assemblies and to prevent cross connections on the premises.

CITY WATER SYSTEM: The city of Greenleaf's water source facilities, water storage facilities and distribution system under the control of the public services department up to and including the meter.

CONTAMINATION: An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health.

CROSS CONNECTION: Means and includes any unprotected actual or potential connection or structural arrangement between a potable water system used to supply for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections.

CUSTOMER'S WATER SYSTEM: Means and includes all facilities beyond the service meter. The system or systems may include both potable and nonpotable water systems.

DEPARTMENT: The public services department of the city.

DOUBLE CHECK DETECTOR CHECK ASSEMBLY: A backflow prevention device consisting of a line size double check valve assembly in parallel with a detector meter and meter size double check valve assembly. Each double check valve assembly is to be equipped with properly located test cocks and a tightly closing shutoff valve at the end of the assembly. Specific details of this assembly are on file in the director's office.

DOUBLE CHECK VALVE ASSEMBLY: An assembly composed of at least two (2) independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the watertightness of each check valve.

DOUBLE CHECK VALVE BACKFLOW PREVENTION ASSEMBLY: A backflow prevention device consisting of two (2) independently operating spring loaded check valves. In the event one valve is obstructed, the second valve should close to prevent reverse flow. The device should include tightly closing resilient seated shutoff valves at each end of the assembly and be fitted with properly located resilient seated test cocks.

HAZARD, DEGREE OF: "Degree of hazard" is a term derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable

water system.

HEALTH AGENCY: The state of Idaho department of environmental quality.

HEALTH HAZARD: Any condition, device, or practice in the water supply system and its operation which could create, or in the judgment of the mayor, health department, county or state health official, may create a danger to the health and well being of the water customer.

LOCAL HEALTH AGENCY: The Southwest District health department.

PERSON: An individual, corporation, company, association, limited liability company, trust, partnership, other legal entity, municipality, public utility or other public body or institution.

PLUMBING HAZARD: A plumbing type cross connection in a customer's potable water system that has not been properly protected by an approved air gap or approved backflow prevention assembly.

POLLUTION: The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

POLLUTION HAZARD: An actual or potential threat to the physical properties of the potable water system or of the customer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

PREMISES: The integral property or area, including improvements thereon, to which water service is provided or for which an application for water service is filed.

PUBLIC WATER SYSTEM: A system for the provision of piped water to the public for human consumption by the city.

REDUCED PRESSURE DETECTOR CHECK ASSEMBLY: An approved backflow prevention device consisting of a line size reduced pressure principle device in parallel with a detector meter and meter size reduced pressure principle device. Each reduced pressure principle device is to be equipped with properly located test cocks and a tightly closing shutoff valve at each end of the assembly. Specific details of this assembly are on file in the director's office.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY: An approved assembly incorporating not less than two (2) independently acting approved check valves together with an automatically operated differential relief valve located between the check valves. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly.

SERVICE CONNECTION: The point of connection of a user's piping to the water supplier's facilities.

SYSTEM HAZARD: An actual or potential threat of severe damage to the physical properties of the public potable water system or the customer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

WATER SUPPLIER: The city public services department.

WATER USER: Any person obtaining water from an approved water supply system. (Ord. 197, 11-1-2005)

7-4A-3: CROSS CONNECTION PROHIBITED: No water service connection shall be installed or maintained to any premises where actual or potential cross connections are known to exist unless such cross connections are abated or controlled to the satisfaction of the director. It is unlawful for the owner or occupant of any premises using water supplied by the water utility to cross connect such water supply to a foreign or nonapproved source of water that does not meet the standards of the city of Greenleaf and DEQ. (Ord. 197, 11-1-2005)

7-4A-4: SURVEYS AND INVESTIGATIONS:

A. Existing Facilities: The customer's premises shall be open at all reasonable times to the department for the purpose of conducting surveys and investigations of the water use practices to determine whether there are actual or potential cross connections within the customer's premises through which contamination or pollution could backflow into the city water system.

B. New Buildings And Facilities: The city building section and permit services section, in cooperation with the water service section of the public services department, will review plans and other conditions to determine if a backflow assembly is required as water service protection for new buildings and facilities. If the installation of a backflow prevention assembly is required in the building or as a meter protection, the permit services section to comply with the state plumbing code shall require the installation of the specified approved backflow prevention assembly as part of issuing a plumbing permit. Existing commercial and industrial buildings and facilities will be reviewed for compliance with city backflow prevention ordinance when changes in occupancy occur or when required by the director. The director's inspection responsibility begins at the point of service at the meter and carries throughout the entire length of the customer's water system. (Ord. 197, 11-1-2005)

7-4A-5: TYPE OF PROTECTION REQUIRED:

A. Types Of Devices: The type of protective device that may be required to prevent backflow into the approved water supply (listing in an increasing level of

protection) includes: double check valve assembly (DC), reduced pressure principle backflow prevention assembly (RP), and an air gap separation (AG). The customer may choose a higher level protection than required by the division.

B. Degrees Of Hazard: The minimum types of backflow protection that shall be installed on customer's premises at the service connection whenever the following degrees of hazard exist are set forth in the following chart:

Degree of Hazard Prevention	Minimum Type of Backflow
1. Sewage And Hazardous Substances:	
a. A system where there are wastewater pumping and/or treatment plants and there is no interconnection (but the potential exists) with the city water system. This includes multi-family buildings, but not a single-family residence that has a sewage lift pump. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air gap if approved by the director and the health agency.	AG, RP1
b. A system where hazardous substances are handled such as to create an actual or potential hazard to the city water system. This shall include systems having auxiliary water supplies, tanks or industrial piping systems containing process fluids or used waters originating from the city water system which are no longer under the sanitary control of the city. This, however, does not include a single-family residence that has a sewage lift pump. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air gap if approved by the director and the health agency.	AG, RP1
c. A system where there are irrigation systems into which fertilizers, herbicides or pesticides are, or can be, injected.	RP
2. Auxiliary Water Supplies:	
a. A system where there is an unapproved auxiliary water supply which is interconnected with the public water system. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air gap if approved by the director and the health agency.	AG, RP1
b. A system where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A double check valve assembly may be provided in lieu of a reduced pressure principle backflow prevention assembly if approved by the director and the health agency.	RP, DC1
3. Fire Protection Systems: All fire protection systems will be required to have backflow prevention devices as described below. However, class I and class II fire protection systems will be exempt from these	

requirements. Class I and class II fire protection systems are defined (refer to AWWA manual M-14).	
a. A fire system that is directly supplied or from the public water system and an unapproved auxiliary water supply reduced pressure is available for use on or to the detector check premises (not interconnected). A double check valve assembly may be provided in lieu of a reduced pressure principle backflow prevention assembly if approved by the director and health agency.	RP, DC1
b. A fire system that is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A reduced pressure principle backflow prevention assembly may be provided in lieu of an air gap if approved by the director and the health agency.	AG, RP1
c. A fire system supplied by the recycled water and the department's water system is used as a supplemental supply.	AG
d. A fire system that is supplied from the department's water system and there exists a recycled water supply to the premises (not interconnected). An RP assembly may be provided in lieu of an air gap if approved by the director and the health agency.	AG, RP1
e. A fire system that is supplied from the public water system and where reduced either elevated storage tanks or fire pressure pumps which take suction from the detector private reservoirs or tanks are used. A double check valve assembly may be provided in lieu of a reduced pressure principle backflow prevention assembly if approved by the director and the health agency.	RP or reduced pressure detector check assembly
f. A fire system that is interconnected with more than 1 service connection from the city water system and check no other system hazard exists.	DC or double check detector check assembly
4. Other Systems:	
a. A system that requires a booster pump on the service connection line. (For fire service requirements, refer to subsection B3e of this section.)	RP
b. A system where there are intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes making it impracticable or impossible to ascertain whether or not cross connections exist.	RP
c. A system that is restricted, classified or closed to on site inspection.	RP
d. A system where there is a repeated history of cross connections being established or reestablished within customer's premises.	RP

e. A system with internal cross connections that cannot be permanently corrected and controlled to the satisfaction of the director and health agency.	RP
f. 2 or more services supplying water from different street mains to the same building, assembly, structure or premises through which an interstreet main flow may occur, shall have a double check valve on each water service to be located adjacent to and on the property side of the respective meters.	DC
g. Other systems which may be specified by public services department from time to time.	Device to be specified

Note:
1. May be installed if approved by the director and the health agency.
(Ord. 197, 11-1-2005)

7-4A-6: BACKFLOW PREVENTION ASSEMBLIES:

A. Approved Backflow Prevention Assemblies: Only backflow prevention devices which have been approved by the director shall be acceptable for installation by a water user connected to the public water system.

B. Backflow Prevention Assembly Installation:

1. Expense Of Customer: The approved backflow assembly shall be installed at the expense of the customer.

2. Air Gap Separation (AG): The air gap separation shall be located on the customer's premises as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one inch (1") above the overflow rim of the receiving tank as specified in the current edition of the uniform plumbing code adopted by the state of Idaho requirements for minimum air gaps for water distribution.

3. Reduced Pressure Principle Backflow Prevention Assembly (RP): The approved reduced pressure principle backflow prevention device shall be installed on the customer's premises and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches

(12") above grade and no more than thirty six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance. The assembly shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the director.

4. Double Check Valve Assembly (DC): The approved double check valve assembly shall be located as close as practical to the user's connection and shall be installed horizontally above grade and in a manner where it is readily accessible for testing and maintenance. If it is necessary to put a double check valve assembly below the grade upon the approval of the director and the local health agency, it must be installed in a vault such that there is a minimum of twelve inches (12") between the bottom of the vault and the bottom of the assembly so that the top of the assembly is not more than a maximum of eight inches (8") below grade, so there is a minimum of twenty four inches (24") of clearance between the side of the assembly with the test cocks and the side of the vault, and a minimum of twelve inches (12") clearance between the other side of the assembly and the side of the vault. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly. Vaults, which do not have an integrated bottom, must be placed on a three inch (3") layer of gravel.

5. Parallel Assemblies: Approved backflow assemblies shall have at least the same cross sectional area as the water meter. If a continuous water supply is necessary, two (2) sets of approved backflow assemblies shall be installed in parallel. Where parallel assemblies are required, the sum of the cross sectional areas of the assemblies shall be at least equivalent to the cross sectional area of the meter.

6. Exceptions: There shall be no outlet, tee, tap or connection of any sort between the water meter and the approved backflow assembly. A "Y" strainer and/or pressure reducing valve installed before the approved backflow assembly are the only exceptions.

7. Prohibited: Approved backflow assemblies shall not be bypassed, made inoperative or removed without specific written authorization by the director.

8. Protection: Approved backflow assemblies shall be protected, when necessary, from extreme weather or site condition that could cause physical damage to or malfunction of the backflow assembly.

C. Backflow Prevention Device Testing And Maintenance:

1. The owners of any premises on which, or on account of which, backflow prevention assemblies are installed, shall have the assemblies tested by a certified backflow prevention assembly tester licensed by the local health agency. Backflow prevention assemblies must be tested at least one time every year and immediately after installation, relocation or repair. The department will require testing every six (6) months if the device has a history of failing tests. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the city shall be filed with the public services department each time a device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found to be defective and all costs of testing, repair and maintenance shall be borne by the water user.

2. The department will notify affected customers by mail when annual testing of a device is needed and water users will submit the completed test reports to the city. The city will make available a model report to all certified backflow prevention assembly testers that will serve as a guide for the data to be submitted to the city.

D. Backflow Prevention Assembly Removal:

1. In no case shall a backflow prevention assembly be removed, relocated or replaced without approval from the director.

a. Removal: The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the director to verify that a hazard no longer exists or is not likely to be created in the future;

b. Relocation: An assembly may be relocated following confirmation by the director that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

c. Repair: An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the director. A retest will be required following the repair of the assembly; and

d. Replacement: An assembly may be removed and replaced, provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the director and must be commensurate with the degree of hazard involved. (Ord. 197, 11-1-2005)

7-4A-7: BACKFLOW PREVENTION SUPERVISOR: At each of the premises, when required by the department, a "backflow prevention supervisor" shall be designated by and at the expense of the water customer. Such backflow prevention supervisor shall be responsible for the monitoring of the backflow prevention assemblies and for avoidance of cross connections. In the event of contamination or pollution of the drinking water system due to a cross connection on the premises, the backflow prevention supervisor shall promptly notify the director so that appropriate measures may be taken to overcome the contamination. The water customer shall inform the director of the backflow prevention supervisor's identity on an annual basis and whenever a change occurs. (Ord. 197, 11-1-2005)

7-4A-8: ADMINISTRATIVE PROCEDURES:

A. Water Supply Survey:

1. The director shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the director for review of possible cross connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required device must be installed before service will be granted.

2. The director may require an on premises inspection to evaluate cross connection hazards. Any customer who cannot or will not allow an on premises inspection of their piping system shall be required to install the backflow prevention assembly the director considers necessary.

3. The director may require a reinspection for cross connection hazards of any premises to which the department services water. Any customer who cannot or will not allow an on premises reinspection of their piping system shall be required to install, at the meter, the backflow prevention assembly the director considers necessary.

B. Customer Notification; Device Installation:

1. Device Installation:

a. The director shall notify the customer of the survey findings, listing corrective action to be taken if required. If the corrective action is not taken within twenty four (24) hours, the director may discontinue water service to the parcel immediately and until the hazard is no longer present. The director, at his discretion, may grant additional time for corrective action to be taken.

C. Customer Notification; Testing And Maintenance:

1. The director shall notify each affected customer when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty (30) days to have the device tested by a state licensed backflow assembly tester and have the results of the test submitted to the department.

2. A second notice shall be sent to each customer who does not have his/her backflow prevention device tested as prescribed in the first notice within the thirty (30) day period allowed. The second notice shall give the customer a two (2) week period to have his/her backflow prevention assembly tested. If no action is taken within the two (2) week period, the director shall terminate water service to the affected water user until the subject device is tested. (Ord. 197, 11-1-2005)

7-4A-9: WATER SERVICE TERMINATION:

A. General: When the department encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the director shall discontinue water service to the parcel immediately and until the hazard is no longer present.

B. Basis For Termination: Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:

1. Refusal to install required backflow prevention assembly;

2. Refusal to test a backflow prevention assembly;

3. Refusal to repair a faulty backflow prevention assembly;

4. Refusal to replace a faulty backflow prevention assembly;

5. Removal and/or bypassing without prior approval of a backflow assembly where required;

6. Direct or indirect connection between the public water system and a sewer line;

7. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;

8. Unprotected direct or indirect connection between the public water system and an auxiliary water system;

9. A situation which presents an immediate health hazard to the public water system;

10. No designation of a customer's supervisor when required within a specific time period;

11. No submission of records of tests, repairs and maintenance to the department upon a second letter request of their submission; and

12. Nonpayment of fees/charges incurred by the division in connection with the administration of the backflow prevention program.

C. Water Service Termination Procedures:

1. For conditions in subsections B1 through and including B12 of this section, the water service to a customer's premises shall be terminated. The water service shall remain inactive until the director has approved correction of violations and the customer has paid any charges due to the department. (Ord. 197, 11-1-2005)

7-4A-10: NONCOMPLIANCE; BACKFLOW ASSEMBLY TEST AND INSTALLATION:

A. Backflow Assembly Test: Upon noncompliance by user pursuant to subsection 7-4A-8C of this article regarding the periodic testing of the backflow prevention assembly, the water service to a customer's premises shall be terminated. The water service shall remain inactive until the director has approved corrective action, and the customer has paid any charges due to the department.

B. Installation: For noncompliance in the installation of required backflow prevention assembly, the water service to a customer's premises shall be terminated. The water service shall remain inactive until the director has approved correction of violations and the customer has paid any charges due to the department. (Ord. 197, 11-1-2005)

Chapter 5
MUNICIPAL WASTEWATER SYSTEM ORDINANCE

7-5-1: SHORT TITLE:
7-5-2: PURPOSE:
7-5-3: DEFINITIONS:
7-5-4: APPLICABILITY:
7-5-5: ADMINISTRATION AND MANAGEMENT OF MUNICIPAL WASTEWATER SYSTEM:
7-5-6: GREENLEAF SEWER REVENUE FUND:
7-5-7: BUILDING SEWERS AND SERVICE CONNECTION REQUIREMENTS:
7-5-8: SERVICE CONNECTIONS OUTSIDE CITY:
7-5-9: USERS LIABLE FOR VIOLATION:
7-5-10: POINT OF LIABILITY FOR MAINTENANCE; SUPERVISION:
7-5-11: CITY NOT LIABLE FOR DAMAGE OR STOPPAGE:
7-5-12: SEWER LINE EXTENSIONS:

7-5-13: INFRASTRUCTURE REIMBURSEMENT:
7-5-14: BASIS FOR SEWER CHARGES:
7-5-15: SERVICE CHARGES AND FEES:
7-5-16: BILLING, DELINQUENCY AND DISCONNECTION:
7-5-17: DEPOSIT:
7-5-18: MAJOR CONTRIBUTING INDUSTRY:
7-5-19: PROHIBITED ACTS:
7-5-20: PENALTY:

7-5-1: SHORT TITLE: This chapter shall be known as the "MUNICIPAL WASTEWATER SYSTEM ORDINANCE."

7-5-2: PURPOSE: This chapter sets forth the City's authority to own, operate and maintain its Municipal Wastewater System and its authority to acquire, construct, upgrade, relocate, reconstruct, improve, better, extend, and manage such system for the health, safety, welfare, comfort and convenience of the inhabitants of the City.

7-5-3: DEFINITIONS: Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

ADJACENT CITY SEWER: Sewer services that are available if the municipal wastewater system is located in an easement or public right-of-way on or adjacent to the property on which any building is located and can be reached by a gravity building sewer of not more than three hundred feet (300') in length constructed in accordance with the requirements of the Idaho Standards for Public Works Construction (ISPWC) and International Plumbing Code.

BUILDING SEWER: The sewer line which connects the plumbing of a residence, building, or structure to the municipal wastewater system.

CITY: The City of Greenleaf, Idaho.

CITY OF GREENLEAF PRETREATMENT ORDINANCE: Refers to Article A of this chapter.

DEPARTMENT: The Public Services Department of the City.

DIRECTOR: The Director of the Public Services Department of the City, or designee.

PERSON: Any individual, partnership, firm, company, corporation, association, joint stock company, limited liability company, trust, estate, governmental entity, or any other legal entity, or their representatives, agents, or assigns. This definition includes all federal, state or local government entities.

PUBLICLY OWNED TREATMENT WORKS ("POTW"): Any "sewage treatment works," as defined by section 212 of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended (33 USC 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and

reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the City.

SEWER CONNECTION: The physical connection of the building sewer with the POTW.

SEWER SERVICE LINE: The pipe extension from the building to the public sewer, including the tap into the main line.

SEWER USER: A person, public or private legal entity, the United States, the State of Idaho, the City of Greenleaf, Canyon County, or any governmental agency or other entity who discharges wastewater into the POTW. (Repl., Ord 266, 01-05-2016)

7-5-4: APPLICABILITY: This chapter shall apply to all property within the corporate limits of the City and any lot, parcel, premises or building outside of the corporate limits of the City that is connected to the POTW. (Repl., Ord 266, 01-05-2016)

7-5-5: ADMINISTRATION AND MANAGEMENT OF WASTEWATER SYSTEM:

A. Administration: The City is in charge of the operation and maintenance of the POTW under the direction of the Director.

B. Powers and Duties: The City shall have the following powers, duties and responsibilities:

1. To carry out the City's responsibility providing for the repair, rebuilding, connection to, and acceptance of its POTW, which includes all aspects of a "sewerage system" as defined by Idaho Code §50-1029(c).

2. To operate and maintain such POTW within and without the boundaries of the City or within any part of the City as especially authorized.

3. To set appropriate sewer service rates, fees, charges, sewer service availability and inspection fees, and including levy of assessment for such rates, fees, or charges against all customers, including governmental units, departments or agencies, including the state and its subdivisions, for the services and facilities furnished by such POTW or by the rehabilitation thereof, and the provision of methods of collection and penalties, including the denial of service for nonpayment of such rates, fees, tolls or charges, to the end that the same may be and always remain self-supporting. Such rates, fees, tolls or charges shall be established by resolution approved by the Mayor and City Council.

4. The Department, through its authorized representatives bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds an easement for the purpose of testing, inspection, observation, repair, maintenance, replacement of any appurtenances, or any other task necessary for the proper operation and administration of the sanitary sewer system/POTW lying within said

easements in accordance with the provisions of this chapter. All entry and subsequent work if any, on said easement shall be done in a professional manner. (Repl., Ord 266, 01-05-2016)

7-5-6: GREENLEAF SEWER REVENUE FUND: There is hereby created the "Greenleaf Sewer Revenue Fund" into which all fees and charges received and collected under the authority of this chapter shall be deposited and credited as a special fund. The accounts of the fund shall show all receipts and expenditures for the maintenance, operation, upkeep and repair and capital outlay of the POTW, including the payment of bonds issued to finance such capital outlay. When budgeted and appropriated, the funds and credits to the account of the "Greenleaf Sewer Revenue Fund" shall be available for the payment of maintenance, operation, repair and upkeep and improvement of the POTW, including the payment of bonds issued therefor. (Repl., Ord 266, 01-05-2016)

7-5-7: BUILDING SEWERS AND SERVICE CONNECTION REQUIREMENTS:

A. Sewer Connection Required: Every structure deemed a separate dwelling unit, commercial, or industrial use building(s) with adjacent city sewer within the corporate limits of the City shall be separately and independently connected by a separate building sewer to the POTW, except as provided herein. An application for service shall be denied when the capacity of the City's POTW might be impaired or there are slope and/or other design issues based upon reasonable engineering standards and practices regarding such installation as it pertains to maintenance, materials used, diameter of the line, the providing of cleanouts, and the relationship of the buildings to the POTW.

(1) Accessory dwelling units (ADUs) and other accessory structures may be connected to and receive sanitary sewer service through the same private service line which serves the primary structure on the property, subject to all requirements of this code and any applicable building and plumbing codes.

(2) ADUs may be assessed connection fees and assigned equivalent dwelling unit (EDU) status for monthly billing as described in the water ordinance under 7-4-9:A:4:d if receiving sanitary sewer service through the same private service line as the primary single-family residence on the parcel. All applicable standard fees and residential EDU status shall apply if the ADU is served by its own separate private service line.

B. Permit Required:

1. Permit Required: It shall be unlawful for any person to do, or cause to be done, any of the following: to uncover, make any connection with, open into, use, alter and/or disturb any POTW sewer line or other appurtenance thereof, without first procuring a sewer service connection permit

2. Application: Any person entitled to receive a sewer service connection permit shall make application on the form provided. A description of the work proposed to be done, its location, ownership, and use of the premises

shall be given. The application may require plans and specifications and such other information as may be deemed necessary and pertinent before granting a permit. When it has been determined that the information furnished by the applicant is in compliance with this section, the sewer service connection permit shall be issued upon payment of the fees as hereinafter fixed.

3. Fees: Before any sewer service connection permit shall issue, the applicant shall pay to the City at the time of application a sewer service connection permit fee as provided in Section 7-5-15(A) of this chapter for each permit issued.

4. Plans: No permit shall be issued for the construction of any building or structure used as a dwelling unit, commercial or industrial building in the City on any lot, tract or parcel of land unless the plans and specifications show connection is made to the POTW, where a sewer line is adjacent to the lot, tract or parcel of land on which the building or structure stands.

C. Inspection:

1. At the time of issuance of the sewer service connection permit, the City shall notify the applicant at what stage of work the inspection shall occur.

2. All uncovering of connections with openings of, use of, alterations to, or disturbances of the POTW shall be inspected to ensure the integrity of the POTW and/or its appurtenances and the conformity of the connection to city standards and regulations.

3. It shall be the duty of the permit holder to notify the City at least twenty-four (24) hours prior to the time of the inspection, exclusive of Saturdays, Sundays and holidays, that the permittee will be ready for inspection at a stipulated time. When re-inspection is required after the final inspection because of failure to meet requirements of this chapter, it shall be made at a flat charge, not to exceed the cost of doing the re-inspection, to be approved by the Mayor and City Council by resolution.

D. Costs: All costs and expenses incident to the installation and connection of the building sewer and service connection shall be borne by the property owner. The owner shall indemnify and hold harmless the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and the marking of the service connection for same to the public sewer.

E. Materials and Methods of Construction: The materials of construction of the building sewer and service connections, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the ISPWC and International Plumbing codes, latest editions, as adopted by the City.

F. Surface Runoff; Ground Water: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer or the City POTW.

G. Excavations; Barricades; and Lights: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Repl., Ord 266, 01-05-2016; Amd. Ord. 278, 04/03/2018)

7-5-8: SERVICE CONNECTIONS OUTSIDE CITY: All extensions of sewer service outside the city limits shall be recommended by the Director or City Engineer and approved by the City Council on a case by case basis upon receipt of an application for such service. Said extensions of service shall be granted only when in the best interest of the city. The extension of service is a privilege and not a right.

A. Application and Permit: An application for a sewer line connection to the POTW outside the City shall be made to the City and accompanied by an application fee as set by resolution approved by the City Council. The application must include the following:

1. A consent to annex into the city limits and a request for annexation by binding agreement which agreement shall run with the land and be binding on the owner, heirs, successors and assigns.

2. A consent to be bound to all of the regulations and ordinances of the City established or thereafter established which govern the operation, maintenance or expansion of the system, including all provisions related to limitations of discharge, fees, surcharges, penalties and liabilities to the same extent as if the parcel were within the corporate boundaries of the City, and which agreement shall be recorded and run with the land so long as the connection to the City's POTW exists.

B. Criteria for Approval: In determining whether to allow an extension of sewer service, all of the following criteria shall be considered:

1. Whether sewer hookup fees in place at the time the City Council approves the application for service will be paid.

2. Whether the sewer connection would create an adverse impact upon the existing sewer system and facilities and/or create economic burdens for future operation and maintenance of the sewer system.

3. Whether the applicant will extend sewer collection mains at no cost to the city. Sewer collection mains shall be adequately sized for future

growth, as determined by the city engineer. No credit will be allowed for additional costs associated with oversized mains required by the city either within the proposed development or in the extension of city sewer lines unless an agreement for reimbursement by additional, subsequent users is entered into with the city.

4. Whether the sewer system has adequate capacity to serve existing development and the proposed development for which extension is requested and all probable development within the city and between the city and the proposed development outside the city limits.

5. Whether the owner or the proposed development consents to annex into the city limits at the city's sole option and convenience. This agreement will be binding on the owner, heirs, successors and assigns, and will run with the land. (Repl., Ord 266, 01-05-2016)

7-5-9: USERS LIABLE FOR VIOLATION: No user of the City sewer system shall permit or allow any person from any other premises or any unauthorized person to discharge sewage into said system, and the permit to connect with the sewer system shall be limited to the person and the premises designated in the permit. Any violation of this section by either the permit holder or an unauthorized person shall be deemed a misdemeanor. Any such violations shall be grounds for the City to withhold sewer service until a separate service connection is put in for each user. (Repl., Ord 266, 01-05-2016)

7-5-10: POINT OF LIABILITY FOR MAINTENANCE; SUPERVISION:

A. User: All users shall have the responsibility of, and be liable for, and shall pay for all costs and expenses of maintaining their own sewer lines extending from their property until such sewer lines reach City sewer mains. Liability of the user shall include the entire sewer service connection apparatus and plumbing equipment and materials.

B. City: The City's end point of liability for maintenance shall be at such point as the City sewer main connects to the user's sewer service connection, and not thereafter, with the user having complete responsibility for the sewer service connection to the City sewer lines.

C. Supervision: It shall be unlawful for any person to open or break any sewer line of the City except in the presence and with the approval of the City. The City may adopt such rules and regulations pertaining to such opening or breaking and connection of such lines as it may deem necessary to protect the City sewer system and provide for proper connection. (Repl., Ord 266, 01-05-2016)

7-5-11: CITY NOT LIABLE FOR DAMAGE OR STOPPAGE: The City shall not be held liable for damages to any sewer user by reason of a stoppage or other interruption of his sewer disposal service caused by accidents to the works, alterations, additions or repairs

to the sewer system or from other unavoidable causes beyond the control of the City. (Repl., Ord 266, 01-05-2016)

7-5-12: SEWER LINE EXTENSIONS:

A. Costs: Where an extension of the POTW is required to provide sewer service, it shall be made at the expense of the person applying for such service.

1. New Developments: As a condition of any application for a subdivision, planned unit development, or any other project requiring POTW service, the applicant shall construct, or cause to be constructed, at his, her or its expense, the POTW infrastructure necessary to provide POTW capacity and sewer service to the land and/or developments thereon. This includes the infrastructure necessary to convey the effluent from the land and/or project to existing City-owned POTW and associated infrastructure, and improvements necessary to existing POTW infrastructure to offset the impact created by the project for which the applicant seeks a permit.

2. Territory Annexed: Owners of all territory annexed after the effective date of this chapter, and all property within the City which is to be served by the POTW shall provide extensions to the POTW which shall be installed and conveyed to the City.

B. Compliance Required: All City POTW and associated infrastructure shall be constructed in accordance with Federal, State and City laws, regulations, ordinances, and resolutions and shall be in conformance with the City's adopted sewer master plan or a site specific engineering analysis provided by the applicant and approved by the City Council.

C. Application and Permit: Any person desiring to construct an extension to the POTW in, on or below any street or alley shall first obtain from the City a construction permit for such construction. The applicant shall provide the City with final construction plans prepared by licensed engineer and include the name of the person applying. The plans shall detail the location of the proposed extension, the legal description of the land or lots to be served by the sewer, the lots so served, together with the proposed size and type of pipe to be laid and any appurtenances to be constructed and/or installed, the approximate cost, and shall provide sufficient evidence that the sewer construction and design will be in accordance with the standards and specifications adopted by the City Council for City POTW sewer connection.

D. Approval: The City shall review the application and plan submittal together with any other information reasonably required and may approve the sewer construction permit in the event all application fees have been paid and the request complies with the standards and specifications adopted by the City and the provisions of this section. Such extension to the POTW shall extend from the nearest sewer line in place to and through the full length of that portion of the

street or right-of-way on which the property to be served fronts or to which it is contiguous. Sewer main extensions shall be stubbed to the limits of the property and extend to adjacent parcels, as required by the City.

E. Construction: All POTW construction plans and associated infrastructure shall be reviewed and approved by the City Engineer, who shall then submit his or her recommendation to the City for approval. Upon approval by the City Engineer and the City, the applicant shall dedicate the associated sewer infrastructure, including any necessary or convenient rights-of-way to the City, and said infrastructure shall become part of the City POTW system. The applicant may be required to enter into an agreement to clearly define the roles and responsibilities of the City and the applicant.

F. Certificate of Completion: Upon completion, the person constructing the extension to the POTW shall submit to the City as-built drawings, stamped by the responsible engineer in charge. The City shall not accept the operation and maintenance of said extension to the POTW until it has accepted the same in accordance with its policy regarding the acceptance of dedication and compliance with this section. (Repl., Ord 266, 01-05-2016)

7-5-13: INFRASTRUCTURE REIMBURSEMENT: A developer who constructs and dedicates to the City a sewer main or other public improvement may apply to the City for the establishment of a reimbursement agreement in order to be reimbursed for a portion of the costs of such public improvement from the owners of other property that is specially benefited by the improvements. The City is not required to enter into a reimbursement agreement and whether or not to enter into the agreement shall be at the sole discretion of the City Council. The terms of any such reimbursement shall be set forth in an agreement between the City and the developer.

A. Property Eligible for Inclusion: Any property is eligible for inclusion in the reimbursement calculation if it has been specially benefited by a sewer main extension, sewer interceptor lines, pumping stations, or other public improvements constructed by a developer and dedicated to the City. Property located outside the City limits may be included in the reimbursement calculation upon application by the developer. No reimbursement, however, may be collected from such property until it has been annexed into the City, which must occur prior to the last date on which reimbursement may be collected.

B. Construction Requirements:

1. The sewer extension shall be designed in substantial conformance with the City master plan and shall be constructed at a depth sufficient to serve upstream properties. The work for which construction credits are requested and the service area benefited shall be specifically agreed to in writing prior to the City issuing a final plan approval for construction. All work shall be competitively bid. The bids shall be reviewed and approved by the City prior to the award.

2. The owner or its agent shall be required to follow the State of Idaho public works bidding and public works licensure requirement. Bidding documents must be supplied by the developer or its engineer as required by Idaho law and in a manner such that there is an individual bid price for every item for which construction credits are requested. Actual construction costs shall be established by multiplying the quantity of work performed by the actual bid price. Construction cost change orders are not eligible for credit unless specifically approved in writing by the City prior to construction.

3. To be eligible for reimbursement, the user must solicit and receive three (3) bids for the sewer extension, and select the lowest responsive bid as determined in a bid opening. The owner or its agent shall submit a tabulation of all bids received, along with a copy of the accepted contractor's bid for all work for which construction credits are requested.

C. Reimbursement Terms:

1. No agreement shall pay the developer more than one hundred percent (100%) of the actual construction costs. Said construction costs may include reasonable engineering, surveying, construction staking and easement acquisition costs. Engineering costs incurred by the developer, not to exceed ten percent (10%) of construction costs and any application or hearing fees, may be included for determining the cost. The determination of whether a cost is reasonable shall be made by the City Engineer. Such determination is at the sole discretion of the City Engineer.

2. Payments shall be made for the principal plus interest until the credit agreement is paid in full, or a period of ten (10) years, whichever is sooner. The interest rate shall be established in the credit agreement. The city shall charge a fee for administration of the "latecomer's" account that shall be established in the credit agreement.

3. The reimbursement agreement shall be recorded with the county recorder and shall run with the land and shall bind all subsequent purchasers of the land.

D. Partial Reimbursement: In unusual circumstances, the City Council may enter into an agreement with an applicant to extend sewer mains at partial cost to the City, negotiated for consideration of defined and tangible benefit to the City under written agreement binding on the owner, heirs, successors and assigns to run with the land. Such an agreement shall not be normal occurrence, but rather applicable only upon initiation by the City, not the applicant or developer. (Repl., Ord 266, 01-05-2016)

7-5-14: BASIS FOR SEWER CHARGES:

A. System of Charges Established: There is hereby established a system of connection charges, permit and inspection fees, industrial cost recovery charges, monthly service charges and other fees for the service rendered by the City's POTW. All charges shall be calculated in a manner that ensures each sewer user will pay a fair share of the costs of operation, maintenance and capital equipment replacement based upon proportional usage of the sewer system and POTW. Charges may be based upon actual usage of waste treatment services or upon reasonable classifications of sewer users. The rates established shall generate sufficient revenue, as determined by the City Council, to defray the costs of operating and prudently managing the sewerage system, including but not limited to: (a) capital costs; (b) operation and maintenance costs; (c) replacement costs and reserves; and (d) debt service on bonded indebtedness. Sewer rates shall be established by generally accepted ratemaking principles and shall be reviewed periodically and adjusted if necessary to ensure all sewer users equitably share in the costs of operating the sewer system and POTW. Sewer user rates and charges shall be established by resolution approved by the Mayor and City Council, which resolution shall be kept on file in the office of the City Clerk.

B. Property Subject to Charges: All property in the City to which a public sewer is available and is required to connect to the sewer as required in section 7-5-7 of this chapter, but is not used by the owner or occupier of said parcel of land, is still subject to user charges under the provisions of this chapter. (Repl., Ord 266, 01-05-2016)

7-5-15: SERVICE CHARGES AND FEES:

A. Sewer System Connection Permit Fee: Before any sewer service connection permit shall issue, the applicant shall pay to the City at the time of application a sewer service connection permit fee for each permit issued which shall include the costs of inspection, administrative costs and the sewer service availability fee, as described herein:

1. Sewer Service Availability Fee: The sewer service availability fee shall be calculated and based upon an equity buy-in of the new connection which shall be determined using a formula which includes the current value of the POTW capacity and the proportionate value of that portion of the current POTW capacity that will be utilized by the applicant's connection; and may include additional fees for areas served which require additional sewer facilities in order to facilitate the availability of the sewer service to that area. The sewer availability fee may be different for residential, commercial, and industrial uses, depending upon the considerations of effluent quality, but shall be as consistent as possible under similar factual circumstances. The sewer service availability fee shall be assessed in terms of equivalent residential units.

2. Non-Residential Sewer Service Availability Fee: The sewer service availability fee for a non-residential customer may be based on a contractual arrangement with the City. Such agreement shall be

individually negotiated and shall provide for a lump sum payment, or defined series of payments, to the City in exchange for connection to the City sewer system. No connection of a new non-residential facility or any addition to an existing non-residential facility to the POTW shall be made without a contractual arrangement for such connection between the City and the user being affected.

B. Monthly Sewer Fee: The monthly sewer customer fee is established for the purpose of equitably imposing upon all customers the costs and expenses of operation, maintenance, repair and replacement of the POTW. For new connections, the monthly sewer customer fee is to begin when the connection is completed. All owners who derive benefit from the POTW shall, in return for said benefit, pay sewer customer fees as provided herein.

1. The monthly sewer fee shall be based on the sum of the costs and expenses of operation, maintenance, repair and replacement of the POTW, such charges having been determined to be the benefit derived by each building, structure or customer being charged divided by the number of EDUs served by the POTW.

2. The monthly sewer customer fee will also include and be established for each waste strength category of use based on the following classifications:

Waste Strength BOD or TSS Waste Strength Category	Milligrams Per Liter
I	0 to less than 200
II	200 to less than 400
III	400 to less than 600
IV	600 to less than 800
V	800 to less than 1,000
VI	1,000 to less than 1,500
VII	1,500 and greater

3. Sanitary Sewer Overage Fee: The Sanitary Sewer Overage Fee is established to collect for the additional cost of treatment, in an amount as set by resolution of the City Council. Customers with significant non-potable water use have the option of installing a second meter dedicated to non-potable use per GC §7-4-9(F).

(Repl., Ord 266, 01-05-2016, Amd, Ord 295, 11-09-2021)

7-5-16: BILLING, DELINQUENCY AND DISCONNECTION:

A. Third Party Billing: After establishing an account for sewer service, a property owner may request that a third party, such as a property management company or a tenant, receive the billing for water, sewer and solid waste collection services. The third party to whom the billings are sent shall also execute a written agreement with the City as is necessary to confirm the billing information and ensure payment. The City shall provide only one (1) third party billing per meter at any one time. If in the event such an account becomes delinquent, the City shall notify the owner in addition to notice provided to the billing recipient, at the addresses contained in the agreements. The city shall charge a monthly third party billing fee to cover ongoing additional mailing costs and expenses, with such fee to be set by resolution of the City Council. In the event the sewer service is shut off for delinquency, the property owner shall be liable for any past due amounts regardless of any third party billing arrangement, which must be paid in full before sewer service is resumed.

B. Billing Procedures:

1. Each month the City shall furnish each sewer user a unified statement of the amount due for water and sewer and other monthly billed utilities for the preceding month or up to the time the meter has been read, and such bill becomes past due if not paid by the next billing cycle. In the event of inclement weather or other mitigating situations, the Director may estimate usage for that month's billing.

2. All charges and fees levied and assessed for the Sewer System under the provisions of this Chapter shall be made by, and all payments shall be paid to, the City. Bills shall be deemed paid on the date payment is received by the City. All payments must be received by end of business hours at City Hall on the date due. Any account not paid by the past due date shall become delinquent and bear interest at the maximum rate permitted by law, commencing upon the past due date. The billing cycle shall be established by resolution of the City Council.

3. Funds received through unified monthly utility billing, including but not limited to domestic water, sewer and garbage services, will be applied first to garbage service, then to sewer service, then to any other billed utility service, and lastly to domestic water service.

4. The unified monthly utility billing (account summary) shall also serve as the notice of disconnect for the account if the account is not paid by the past due date and the account becomes delinquent. Verbiage to the effect that the monthly billing is also a disconnect notice and the user's right to protest or request a hardship shall be printed on the monthly billing statement sent out by the City.

5. Applicants and authorized sewer users are responsible to maintain current contact information, including billing address, with the City at all

times. Failure to do so will be grounds for immediate disconnection of the account subject to all applicable penalties, fees, and charges, including disconnection and reconnection, as if the account were disconnected for non-payment.

C. Delinquency and Notice: All bills for sewer use fees not paid by the past due date shall authorize the City, in addition to its rights and remedies set forth in this chapter, to discontinue the sewer service to any such defaulting customer, unless the user submits a written protest as provided in section 7-5-16(G) or the user submits a written hardship request as provided in section 7-5-16(H). Notice of such delinquency and a disconnect date shall be included with the monthly billing statement.

D. Returned Checks: Payment of fees with an insufficient funds check shall be considered non-payment and, in addition to any other remedies allowed by law, shall result in termination of municipal sewer service as provided in section 7-5-__16(F). The City Council shall also establish by resolution a charge for any dishonored or returned check received in payment on an account.

E. Additional Charges:

1. At the end of the billing cycle, a disconnect charge (penalty) in an amount established by resolution approved by the City Council will be made and added to other amounts due from the user.

2. Upon disconnection, the service will be shut off and service disconnection fees and service restoration fees, in an amount set by resolution of the City Council, shall be applicable.

3. When service has been disconnected for nonpayment of bills, it shall not be reconnected except upon payment of all prior billing for service at this address and all other accounts for this user. If the user requests a reconnection of service same day as disconnection or outside of regular business hours, an additional expedite fee, in an amount set by resolution of the City Council, will be assessed.

F. Disconnection for Noncompliance: The City shall disconnect, in accordance with the provisions of this section, the water system connection and/or the user's connection to the POTW of any user who has failed to comply with the provisions of this chapter. The City shall not disconnect the water system connection and/or connection to the POTW for nonpayment prior to the disconnection date specified on the billing statement, or not prior to forty-eight (48) hours after the hand-delivery of a disconnect notice. All services for a customer receiving such notice of disconnection with the monthly billing statement, by mail or other delivery may be disconnected without further notice. Accounts disconnected for non-compliance shall continue to be assessed the monthly base rate fee. In the event of a health or safety issue, the City may shut off the water connection at any time regardless of disconnect notice timing.

Reconnection requires the property owner to submit and execute a current service application with the City, including providing the City with a deposit as described in section 7-5-17.

G. Disputed Bill; Protest: Water and/or sewer service will not be disconnected if the user submits a written protest of the disputed bill containing all facts and evidence necessary to review the protest at least three (3) days prior to the disconnection date specified with the billing statement, hand-delivered or mailed notice. If the user and the Director cannot come to a reasonable adjustment, the user may appeal in writing to the Public Services Commission. If the user is unsatisfied with the determination of the Public Services Commission, then the user may appeal to the city council in accordance with the procedures in title 1, chapter 10 of this code. Should the protest be denied, water service shall be disconnected within forty-eight (48) hours after the hand-delivery of, or five (5) days after the mailing of the determination of the appeal.

H. Hardship: A user who does not have the financial ability to pay the required fees may request temporary relief based upon financial hardship. The written hardship request must be received by the City Clerk at least three (3) days prior to the disconnection date specified in the billing statement, hand-delivered or mailed notice. The Public Services Commission shall review and make a determination on all requests for hardship. The user shall provide all personal and financial information and documentation deemed necessary to evaluate the request. The Public Services Commission may grant either a temporary waiver or extension of time to pay the required fees. Sewer service will not be disconnected until after the Public Services Commission has reviewed and made a determination on the financial hardship request. If the user is unsatisfied with the determination of the Public Services Commission, then the user may appeal to the City Council in accordance with the procedures in title 1, chapter 10 of this code.

I. Multiple Premises Served; Service Disconnection: If the user is receiving sewer service at more than one premises, service at any or all of the user's premises receiving sewer service not current with monthly billing may be subject to disconnection and discontinuance without further notice when a notice of disconnection has been mailed or hand-delivered to such user and bills for sewer service at any one or more premises are not paid within the time specified above; provided that if specific properties are paid in full and current, they shall not be subject to disconnection.

J. Liability of Owner: In the event that a property is vacant, the owner of such premises, as the authorized sewer user, shall be liable to the City for the payment of any charges incurred. This includes all charges incurred between the time a tenant vacates the premises and the premises is re-occupied by a new tenant. Any duplicate billing sent by the City to an authorized third party, such as a tenant by lease or rental, a developer, agent or the like, is provided by the City as a convenience to the property owner as the authorized sewer user. Any and all unpaid sewer charges shall be a lien against the property as provided below. The

City may initially deny sewer service to any authorized sewer user who requests service at a new location when that authorized sewer user has a delinquency at any previous location or premises. The City shall not initially deny sewer service to any authorized sewer user for whatever reason without informing the authorized sewer user of the right to a hearing before the City Council on the issue of whether the city can initially deny sewer services. In the case of an initial denial of sewer service, the city is not required to provide sewer service pending a hearing. However, a hearing upon request of an authorized sewer user initially denied sewer service shall be held within forty-five (45) days from date of receipt of a written request for a hearing, and held in the manner and accordance with the procedures set forth in title 1, chapter 10 of this code.

K. Lien Imposed: Where allowed by law, all delinquent charges or fees, as provided by this code, not paid after the final determination of the delinquent account, shall be imposed as a lien against and upon the property against which such charge or fee is levied or assessed; and the City Clerk shall, at the time of certifying the City taxes, certify such delinquencies together with all penalties to the tax collector of Canyon County, and when so certified, the same shall be a lien upon the property. All monies collected by the clerk under the provisions of this section shall be paid over to the City Treasurer in the same manner as is required for the payment of other city monies. If a lien has been filed against the property, and service has been shut off for any reason, the property shall not be turned back on until all liens and past due amounts are paid.

L. Remedies for Delinquent Accounts:

1. The City is hereby authorized to collect delinquent payments by any legal method as approved by the City Attorney. At such time as any delinquency shall become inactive for a period of time exceeding one (1) year, or in the case of bankruptcy proceedings, said debt may be deemed uncollectible. The City may prepare a request for write off of the account for the city council's consideration.

2. Writing off a delinquent account shall not act as a forgiveness of the underlying obligation. Notwithstanding any other section of this code or any other remedy permitted by state law or City ordinance, in the event a sewer user fails to pay a sewer bill and allows the bill to become delinquent, in addition to any other remedies provided by law, the City shall have the following remedies:

a. The City may turn the account over to a collection agency for collection;

b. The City may attach the unpaid obligation to a different sewer account in the user's name, whether the account is in existence or subsequently created, and continue to bill the original account; or

c. The city may refuse to offer new sewer services to the user until the account is paid in full.

3. All accounts disconnected due to delinquency or failure to comply with the requirements of this chapter shall be required to submit a current, signed application for service that satisfies the requirements of section 7-5-8(B)(2) prior to reconnection, unless the Director authorizes a temporary reconnection. (Repl., Ord 266, 01-05-2016)

7-5-17: DEPOSIT:

A. Deposit Required; Exception: Except for accounts established before the effective date of this chapter which are paid and without past due balances, each applicant for sewer service shall deposit with the City a sum as established by resolution approved by the City Council. The deposit is calculated by taking into account all monthly services billed by the City including, but not limited to, water, sewer and solid waste disposal, as set by resolution of the City Council. Such deposit shall be in the form of cash, check, money order, time certificate from a commercial bank or savings and loan, electronic fund transfer, or cashier's check. The sewer service deposit must be received with the user's application before sewer service is turned on.

B. Refund: Deposits made by tenants shall be held until the account is closed. All owner-occupied property customers who have made prompt payments for a period of two (2) years, meaning that the user has not been placed on the city's shutoff list, may make a written request to have the deposit applied as a credit to their account. When the account is closed, any refund of the water deposit will first be attributed to the balance due and owing on the user's account, with any remaining deposit balance refunded as a check from the City.

C. Reestablish Credit on an Existing Service Connection: On the failure of any user to comply with the terms of this Chapter regarding the payment of bills and where the deposit has been refunded or consumed, the City may require the user to reestablish credit, including payment of a new deposit in an amount not less than approximately fifty percent (50%) more than the highest month's billing on record of all monthly services billed by the City. The second deposit to re-establish credit shall not be refundable until the account is closed and any remaining balances have been paid. (Repl., Ord 266, 01-05-2016)

7-5-18: MAJOR CONTRIBUTING INDUSTRY: There is hereby established a category of property owner or sewer customer which shall be known as a "significant industrial customer," which will be subject to certain regulations and pretreatment responsibilities as indicated in the City pretreatment ordinance at Article A of this chapter. (Repl., Ord 266, 01-05-2016)

7-5-19: PROHIBITED ACTS:

A. Improper Use of POTW:

1. It shall be unlawful to connect any open gutter, cesspool, or privy vault with any portion of the POTW. In any property where septic tanks presently exist, septic tanks shall not be hooked into the City sewer system and no septic tank waste will be discharged into the City sewer system, except as provided in Greenleaf City Code 7-5A-18.

2. No property owner or customer shall be allowed or permitted to discharge sewage into the POTW which shall be deemed deleterious to such system or which shall endanger the employees, operation or treatment processes of sewage disposal, or which shall cause encrustations, or shall chemically or physically attack so as to corrode or erode the sewer lines, treatment facilities or any other portion of the POTW.

3. Every property owner or customer shall be responsible to prevent and abate discharge from or upon such owner's or customer's property into the POTW which shall be deleterious to the sewer system. The City may send notice of any such deleterious discharge to the property owner or customer by certified or registered mail.

4. Any property owner or customer violating the provisions of this section shall, upon notice by the Director, immediately install such preliminary treatment through separators, traps, and/or chemical, physical or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this chapter or applicable sections of the City pretreatment ordinance, Article A of this chapter.

B. Use of Outside Toilets or Privies:

1. The use of any outside toilet or privy within the limits of the City is hereby declared to be against public health and to constitute a public nuisance and is prohibited.

2. Each day this subsection is violated by any person shall constitute a separate offense.

3. This section does not apply to the temporary use of port-a-potties at construction sites, special events or similar temporary uses.

C. Discharge of Unpolluted Water to POTW:

1. It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters or infiltration or inflow into the POTW.

2. Any person found to be violating any of these provisions shall be served with a written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

3. Any person who shall continue any violation beyond the time limit provided for in this subsection shall be guilty of a misdemeanor. (Repl., Ord 266, 01-05-2016)

7-15-20: PENALTY: It shall be unlawful and shall be a misdemeanor for any person to violate any section of this chapter or to do any act which is prohibited or unauthorized. Any such violation is punishable by a fine not to exceed one thousand dollars ($1,000) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. (Repl., Ord 266, 01-05-2016)

ARTICLE A. PRETREATMENT REGULATIONS

7-5A-1: TITLE:
7-5A-2: PURPOSE AND POLICY:
7-5A-3: ADMINISTRATION OF ARTICLE:
7-5A-4: DEFINITIONS:
7-5A-5: ABBREVIATIONS:
7-5A-6: APPLICATION OF ARTICLE:
7-5A-7: PROHIBITED DISCHARGE STANDARDS:
7-5A-8: FEDERAL CATEGORICAL PRETREATMENT STANDARDS:
7-5A-9: STATE REQUIREMENTS:
7-5A-10: LOCAL POLLUTANT LIMITS:
7-5A-11: CITY'S RIGHT OF REVISION:
7-5A-12: SPECIAL AGREEMENT:
7-5A-13: DILUTION:
7-5A-14: PRETREATMENT FACILITIES:
7-5A-15: DEADLINE FOR COMPLIANCE WITH REQUIREMENTS:
7-5A-16: ADDITIONAL PRETREATMENT MEASURES:
7-5A-17: ACCIDENTAL SPILL PREVENTION PLANS:
7-5A-18: SEPTIC TANK WASTES:
7-5A-19: WASTEWATER DISCHARGE PERMIT REQUIREMENTS:
7-5A-20: REPORTING REQUIREMENTS:
7-5A-21: SAMPLING AND ANALYTICAL REQUIREMENTS:
7-5A-22: COMPLIANCE MONITORING:
7-5A-23: CONFIDENTIAL INFORMATION:
7-5A-24: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:
7-5A-25: ADMINISTRATIVE ENFORCEMENT REMEDIES:
7-5A-26: JUDICIAL ENFORCEMENT REMEDIES:
7-5A-27: SUPPLEMENTAL ENFORCEMENT ACTION:
7-5A-28: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:
7-5A-29: PRETREATMENT CHARGES AND FEES:

7-5A-1: TITLE: This article shall be known and cited as the CITY OF GREENLEAF PRETREATMENT ORDINANCE. (Ord. 169, 12-10-2001)

7-5A-2: PURPOSE AND POLICY: This article sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the city to comply with all applicable state and federal laws, including the clean water act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR part 403) and shall have application at such time as the city has an NPDES permit for its POTW.

A. The objectives of this article are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the normal operation of the system or contaminate the resulting municipal sludge;

2. To prevent the introduction of pollutants into the POTW which do not receive adequate treatment and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;

3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and

5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

B. This article provides for the regulation of users of the POTW through enforcement of administrative regulations. This article authorizes the issuance of indirect discharge permits; authorizes monitoring, compliance, and enforcement activities, including recovery of costs relating to industrial user noncompliance; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program described herein. This article does not provide for the recovery of operations, maintenance or replacement costs of the POTW or the costs associated with the construction of collection and treatment systems used by industrial users in proportion to their use of the POTW, which are the subject of separate enactments. (Ord. 169, 12-10-2001)

7-5A-3: ADMINISTRATION OF ARTICLE: Except as otherwise provided herein, the public services director shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the public services director may be delegated by the director to his/her designee. (Ord. 169, 12-10-2001)

7-5A-4: DEFINITIONS: Unless a provision of this article explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

ACT OR THE ACT: The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

APPLICABLE PRETREATMENT STANDARDS: For any specified pollutant, includes the city's prohibited discharge standards, the city's specific limitations on discharge, state of Idaho pretreatment standards, or the federal categorical pretreatment standards (when applicable), whichever standard is appropriate or most stringent.

APPROVAL AUTHORITY: The regional administrator of the United States environmental protection agency region 10 is the approval authority until such time as the state of Idaho has an approved authority, at which time it shall be the state of Idaho department of environmental quality.

AUTHORIZED REPRESENTATIVE OF USER:

A. If the user is a corporation:

1. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty five million dollars ($25,000,000.00) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

C. If the user is a limited liability company, the managing member, or if the limited liability company has no managing members, any member.

D. If the user is a trust, the trustee/s as the case may be.

E. If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

F. The individuals described in subsections A through E of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall

responsibility for environmental matters for the company, and the written authorization is submitted to the city.

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, design standards, operational practices, maintenance procedures, educational activities, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to the POTW. BMPs also include treatment requirements, operating procedures, and practices to control spillage, leaks, waste disposal, or drainage from raw material storage.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees Celsius (20° C), usually expressed as a concentration (milligrams per liter [mg/l]).

BYPASS: The intentional diversion of wastestreams from any portion of a user's treatment facility.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with subsections 307(b) and (c) of the act (33 USC 1317) which applies to a specific category of users and which appears in 40 CFR chapter 1, subchapter N, parts 405-471.

CATEGORICAL USER: A user regulated by one of EPA's categorical pretreatment standards.

CITY: The city of Greenleaf, Idaho or the city council of the city of Greenleaf.

COLOR: The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero optical density.

COMMISSION: The public services commission of the city of Greenleaf.

COMPOSITE SAMPLE: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

COOLING WATER/NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration, to which the only pollutant added is heat.

DIRECTOR: The person appointed by the mayor and affirmed by the city council to be the public services director who supervises the operation of the POTW, and who is charged with certain duties and responsibilities by this article, or a designee duly

authorized by the director.

DOMESTIC USER (RESIDENTIAL USER): Any person who contributes, causes, or allows the contribution of wastewater into the city POTW that is of a similar volume and/or chemical makeup to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to one hundred (100) gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. environmental protection agency or, where appropriate, the director of the region 10 office of water, or other duly authorized official of said agency.

EXISTING SOURCE: A categorical industrial user, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pretreatment standards, which would be applicable to such source if and when the standard is thereafter promulgated in accordance with section 307 of the act.

EXISTING USER: Any noncategorical user which was discharging wastewater prior to the effective date of this article.

GRAB SAMPLE: A sample which is taken from a wastestream on a one time basis without regard to the flow in the wastestream and without consideration of time.

INDIRECT DISCHARGE OR DISCHARGE: The introduction of pollutants into the POTW from any nondomestic source regulated under subsections 307(b), (c), or (d) of the act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

INTERFERENCE: A discharge which alone or in conjunction with a discharge or discharges from other sources, either: a) inhibits or disrupts the POTW, its treatment processes or operations; b) inhibits or disrupts its sludge processes, use or disposal; or c) is a cause of a violation of the city's NPDES permit, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the clean water act; the solid waste disposal act (SWDA), including title II commonly referred to as the resource conservation and recovery act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; the clean air act; the toxic substances control act; and the marine protection, research, and sanctuaries act.

MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

MEDICAL WASTES: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical

wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MINOR INDUSTRIAL USER (MIU): A nonresidential user, with an indirect discharge to the POTW, that does not meet the criteria of a significant industrial user, but whose operation and discharge may warrant inspection to ensure compliance with discharge prohibitions, pretreatment facility operation, spill prevention measures, and pollution prevention assistance.

NEW SOURCE:

A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307 of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The building, structure, facility or installation is constructed for the production or wastewater generating processes which are substantially independent of an existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections A2 or A3 of this definition, but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a "new source" as defined under this subsection has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on site construction program:

a. Any placement, assembly, or installation of facilities or equipment; or

b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

NEW USER (NEW DISCHARGER): A "new user" is a user that is not regulated under federal categorical pretreatment standards but that applies to the city for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the city's collection system after the effective date of this article. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.

POTW (PUBLICLY OWNED TREATMENT WORKS): Any sewage treatment works as defined by section 212 of the act (33 USC 1292) owned and operated by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term shall also mean the city of Greenleaf at such time as the U.S. environmental protection agency issues the NPDES permits to the city of Greenleaf for treatment works owned by it when discharging into navigable waters.

PASS THROUGH: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

PERMITTEE: A person or user issued a wastewater discharge permit.

PERSON: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, limited liability company, partnership, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

pH: A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

PRETREATMENT REQUIREMENT: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS OR STANDARDS: Prohibited discharge standards, categorical pretreatment standards, and local limits established by the city.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES (PROHIBITED DISCHARGE STANDARDS): Absolute prohibitions against the discharge of certain substances, which appear in section 10-5A-7 of this article.

SEPTIC TANK WASTE: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE: Water carried human excrement, gray water or a combination of water carried wastes from residences, or any other building or structure.

SEWER: Any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

SHALL, MAY: "Shall" is mandatory, "may" is permissive.

SIGNIFICANT INDUSTRIAL USER:

A. A user subject to categorical pretreatment standards; or

B. A user that:

1. Discharges an average of twenty five thousand (25,000) GPD, or more, of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. Upon a finding that a user meeting the criteria in subsection B of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

B. Technical review criteria (TRQ) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable factor (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

C. Any other discharge violation which has caused, either alone or in a combination with other discharges, interference, pass through, or has endangered the health and safety of city personnel or the general public.

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an indirect discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation(s) which the city determines will adversely affect the operation or implementation of the city's pretreatment program.

SLUG LOAD: Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in sections 7-5A-7 through7-5A-10 of this article, or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: A classification pursuant to the standard industrial classification manual issued by the United States office of management and budget.

STORM WATER: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

TOTAL SUSPENDED SOLIDS: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

TOXIC POLLUTANTS: Pollutants or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under section 307 (33 USC 1317) of the act.

TREATMENT PLANT EFFLUENT: The discharge from the POTW into waters of the United States.

TREATMENT PLANT OR WASTEWATER TREATMENT PLANT: That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

USER OR INDUSTRIAL USER: A source of indirect discharge. The source shall not include "domestic user" as defined herein.

WASTEWATER: Liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER DISCHARGE PERMIT (INDUSTRIAL WASTEWATER DISCHARGE PERMIT OR DISCHARGE PERMIT): An authorization or equivalent control document issued by the city to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this article.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT: That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. 169, 12-10-2001)

7-5A-5: ABBREVIATIONS: Unless provisions of this article explicitly state otherwise, the following abbreviations, as used in this article, shall have the meanings hereinafter designated:

ASPP: accidental spill prevention plan

BOD: biochemical oxygen demand

CFR: code of federal regulations

COD: chemical oxygen demand

EPA: U.S. environmental protection agency

GPD: gallons per day

IWA: industrial waste acceptance

l: liter

LEL: lower explosive limit

mu: milligrams

mull: milligrams per liter

NPDES: national pollutant discharge elimination system

O&M: operation and maintenance

POTW: publicly owned treatment works

RCRA: resource conservation and recovery act

SIC: standard industrial classifications

SWDA: solid waste disposal act (42 USC 6901 et seq.)

TSS: total suspended solids

USC: United States code

(Ord. 169, 12-10-2001)

7-5A-6: APPLICATION OF ARTICLE: The provisions of this article which refer to the NPDES permit shall apply and be implemented in conjunction with, and at such time as, and in the event the city obtains an NPDES permit from EPA for its POTW. (Ord. 169, 12-10-2001)

7-5A-7: PROHIBITED DISCHARGE STANDARDS:

A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

B. Specific Prohibitions: No user shall introduce or cause to be introduced into the POTW nor cause the same to be processed or stored in such a manner that they could be discharged to the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140°F) (60°C) using the test methods specified in 40 CFR section 261.2l.

2. Wastewater having a pH not less than 5.0 nor greater than 12.5 or otherwise having pH qualities that otherwise cause corrosive structural damage to the POTW or equipment.

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference.

4. Pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104°F) (40°C) unless the approval authority, upon the request of the POTW, approves alternate temperature limit.

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Trucked or hauled pollutants, except at discharge points designated by the city.

9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair.

10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the city's NPDES permit. Color (in

combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

11. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable state or federal regulations.

12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director.

13. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes.

14. Medical wastes, except as specifically authorized by the director.

15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

16. Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

17. Any liquid, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten (10%) percent of the lower explosive limit (LEL) of the meter.

18. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grindings or polishing wastes.

19. Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.

20. Any wastewater, which, in the opinion of the director, can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under

special agreement by the director (except that no special waiver shall be given from categorical pretreatment standards).

21. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said person has first obtained testing and approval as may be generally required by the city and paid all fees assessed for the privilege of said discharge.

22. Any hazardous wastes as defined in rules published by the state of Idaho or in 40 CFR part 261.

23. Persistent pesticides and/or pesticides regulated by the federal insecticide fungicide rodenticide act (FIFRA).

24. Sewage sludge, except in accordance with the city's NPDES permit; provided, that it specifically allows the discharge to surface waters of sewage sludge pollutants. (Ord. 169, 12-10-2001)

7-5A-8: FEDERAL CATEGORICAL PRETREATMENT STANDARDS: The national categorical pretreatment standards as amended and promulgated by EPA pursuant to the act and as found at 40 CFR chapter I, subchapter N, parts 405 through 471, are hereby incorporated and shall be enforceable under this article. (Ord. 169, 12-10-2001)

7-5A-9: STATE REQUIREMENTS: State of Idaho requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this article, or in other applicable ordinances. (Ord. 169, 12-10-2001)

7-5A-10: LOCAL POLLUTANT LIMITS:

A. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing pollutant levels in excess of the daily maximum allowable discharge limits of the following, as established by the city council by resolution:

mg/l arsenic

mg/l cadmium

mg/l chromium

mg/l copper

mg/l cyanide

mg/l lead

mg/l mercury

mg/l nickel

mg/l oil and grease (petroleum or mineral oil products)

mg/l oil and grease (animal and vegetable based)
~OR} _ mg/l oil and grease (petroleum and vegetable based) (Note this combined limit is only used if the 2 previous limits are not used)

mg/l silver

mg/l zinc

B. The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The director may impose mass limitations in addition to (or in place of) the concentration based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply. (Ord. 169, 12-10-2001)

7-5A-11: CITY'S RIGHT OF REVISION: The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Ord. 169, 12-10-2001)

7-5A-12: SPECIAL AGREEMENT: The city reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, users may request a net/gross adjustment to a categorical standard in accordance with 40 CFR section 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR section 403.13. (Ord. 169, 12-10-2001)

7-5A-13: DILUTION: No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 169, 12-10-2001)

7-5A-14: PRETREATMENT FACILITIES: Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all applicable pretreatment standards and requirements set out in this article within the time limitations specified by the EPA, the state, or the director, whichever is more

stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this article. (Ord. 169, 12-10-2001)

7-5A-15: DEADLINE FOR COMPLIANCE WITH REQUIREMENTS:

A. Time Limit; Exception: Compliance by existing sources covered by categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The city shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the federal categorical pretreatment standards.

B. New Sources And New Users: New sources and new users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed ninety (90) days from the beginning of discharge. New sources and new users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

C. Shortest Time Feasible: Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit which is in noncompliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to ensure compliance within the shortest time feasible. (Ord. 169, 12-10-2001)

7-5A-16: ADDITIONAL PRETREATMENT MEASURES:

A. Restriction During Peak Flow Periods: Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.

B. Storage And Flow Control Facility: Each user discharging into the POTW greater than gallons per day or greater than percent (%) of the average daily flow into the POTW, whichever is less, shall install and maintain, on its property and at its expense, a suitable storage and flow control facility to ensure equalization of flow over [a twenty four (24) hour period]. The facility shall have a capacity for at

least percent (%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the director. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, Oil And Sand Interceptors: Grease, oil, and sand interceptors shall be provided when, in the opinion of the director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense.

D. Flammable Substances: Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 169, 12-10-2001)

7-5A-17: ACCIDENTAL SPILL PREVENTION PLANS: The director may require any user to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by the city, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the city for review and approval before implementation. The city shall determine which user is required to develop a plan and require said plan to be submitted within twenty eight (28) days after notification by the city. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this article.

A. Minimum Plan Requirements: Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges.

2. Description of stored chemicals.

3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in sections 7-5A-7 through 7-5A-10 of this article.

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and

maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.

B. Notify Plant Of Accidental Discharge: Users shall notify the city wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this article. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city on account thereof under state or federal law.

C. Written Report: Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

D. Posting Of Signs: Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures. (Ord. 169, 12-10-2001)

7-5A-18: SEPTIC TANK WASTES:

A. Designated Receiving Structure: Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the director. Such wastes shall not violate this section or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the director.

B. Waste Haulers:

1. Septic tank waste haulers may only discharge loads at locations specifically designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable pretreatment standards. The director may require the hauler to provide a waste analysis of any load prior to discharge.

2. Septic tank waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.

C. Fees For Dumping: Fees for dumping hauled wastes will be established as part of the user fee system as authorized in section 7-5A-29 of this article. (Ord. 169, 12-10-2001)

7-5A-19: WASTEWATER DISCHARGE PERMIT REQUIREMENTS:

No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subject the wastewater discharge permittee to the sanctions set forth in this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

The director may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this article.

A. Existing SIU: Any SIU that was discharging wastewater into the POTW prior to the effective date of this article and that wishes to continue such discharges in the future shall, within sixty (60) days after notification by the director, submit a permit application to the city in accordance with subsection D of this section and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days after the effective date of this article, except in accordance with a wastewater discharge permit issued by the director.

B. New Sources And New Users: At least ninety (90) days prior to the anticipated startup, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any new user considered by the city to fit the definition of SIU shall apply for a wastewater discharge permit and will be required to submit to the city at least the information listed in subsections D1 through D5 of this section. A new source or new user cannot discharge without first receiving a wastewater discharge permit from the city. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall give estimates of the information requested in subsection D1 through D5 of this section.

C. Extrajurisdictional Users: Any existing user who is located beyond the city limits and who is required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in subsection A of this section. New sources and new users who are located beyond the city limits and

who are required to obtain a wastewater discharge permit shall comply with subsection B of this section.

D. Permit Application Contents: All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information. The director shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR section 403.12(b). Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

1. Identifying Information: The user shall submit the name and address of the facility including the name of the operator and owners.

2. Permits: The user shall submit a list of all environmental control permits held by or for the facility.

3. Description Of Operations: The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

4. Flow Measurement:

a. Categorical User: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(1) Regulated or manufacturing process streams; and

(2) Other streams as necessary to allow use of the combined wastestream formula (40 CFR section 403.6(e)).

b. Noncategorical User: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

Total process flow, wastewater treatment plant flow, total plant flow

or individual manufacturing process flow as required by the director.

The city may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

5. Measurements Of Pollutants:

a. Categorical User:

(1) The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.

(2) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the categorical pretreatment standard or as required by the city) of regulated pollutants (including standards contained in sections 7-5A-7 through 7-5A-10 of this article, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in section 7-5A-21 of this article.

(3) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

(4) Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR section 403.6(e) for a categorical user, this adjusted limit along with supporting data shall be submitted as part of the application.

b. Noncategorical User:

(1) The user shall identify the applicable pretreatment standards for its wastewater discharge.

(2) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by the city) of regulated pollutants contained in sections 7-5A-7 through 7-5A-10 of this article, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and

shall conform to sampling and analytical procedures outlined in section 7-5A-21 of this article.

(3) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

(4) Where the director developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

6. Certification: The user shall submit a statement, worded as specified in subsection E of this section, which has been reviewed by an authorized representative of the user, and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements.

7. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the applicable pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The user's schedule shall conform with the requirements of subsection 7-5A-20C of this article. The completion date in this schedule shall not be later than the compliance date established pursuant to section 7-5A-15 of this article.

a. Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR section 403.7), the combined wastestream formula (40 CFR section 403.6(e)), and/or a fundamentally different factors variance (40 CFR section 403.13) at the time the user submits the report required by this subsection, the information required by subsections F and G of this section shall pertain to the modified limits.

b. If the categorical pretreatment standard is modified by a removal allowance (40 CFR section 403.7), the combined wastestream formula (40 CFR section 403.6(e)), and/or a fundamentally different factors variance (40 CFR section 403.13) after the user submits the report required by subsections F and G of this section, then a report containing modified information shall be submitted by the user within sixty (60) days after the new limit is approved.

8. The user shall submit any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

E. Signatory And Certification Requirement: All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

F. Permit Decisions: The director will evaluate the data furnished by the user and may require additional information. Within twenty eight (28) days of receipt of a complete wastewater discharge permit application, the director will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within twenty eight (28) days of full evaluation and acceptance of the data furnished. The director may deny any application for a wastewater discharge permit.

G. Permit Contents: Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:

    a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

    b. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

    c. Applicable pretreatment standards and requirements, including any special state requirements.

    d. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

e. Requirement for immediate notification to the city where self-monitoring results indicate noncompliance.

f. Requirement to report a bypass or upset of a pretreatment facility.

g. Requirement to report immediately to the city all discharges, including slug loadings, that could cause problems to the POTW.

h. Requirement for the SIU who reports noncompliance to repeat the sampling and analysis and submit results to the city within twenty eight (28) days after becoming aware of the violation.

i. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.

2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

h. Any special agreements the director chooses to continue or develop between the city and user.

i. Other conditions as deemed appropriate by the director to ensure compliance with this article, and state and federal laws, rules, and regulations.

H. Permit Appeals: Any person, including the user, may petition the city to reconsider the terms of a wastewater discharge permit within twenty eight (28) days of its issuance.

1. Failure to submit a timely petition for review by the commission shall be deemed to be a waiver of the administrative appeal.

2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

4. If the commission fails to act within twenty eight (28) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.

5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the third judicial district court in and for the state of Idaho in the county of Canyon within the time period provided by Idaho state law for judicial review.

I. Permit Duration: Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

J. Permit Modification: The director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements.

2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

4. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters.

5. Violation of any terms or conditions of the wastewater discharge permit.

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR section 403.13.

8. To correct typographical or other errors in the wastewater discharge permit.

9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator. Modification for this purpose may not be allowed unless the wastewater discharge permit is transferable, as provided in subsection 7-5A-19K of this article.

K. Permit Transfer: Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least twenty eight (28) days' advance notice to the director, and the director approves the wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

Provided that the notice required above occurred and that there were no significant changes to the manufacturing operation or wastewater discharge, the new owner will be considered an existing user and will be covered by the existing limits and requirements in the previous owner's permit. The notice to the director must include a written certification by the new owner and/or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur; and

3. Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date of the transfer.

L. Permit Revocation: Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

1. Failure to notify the city of significant changes to the wastewater prior to the changed discharge.

2. Failure to provide prior notification to the city of changed conditions.

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

4. Falsifying self-monitoring reports.

5. Tampering with monitoring equipment.

6. Refusing to allow the city timely access to the facility premises and records.

7. Failure to meet discharge limitations.

8. Failure to pay fines.

9. Failure to pay sewer charges.

10. Failure to meet compliance schedules.

11. Failure to complete a wastewater survey or the wastewater discharge permit application.

12. Failure to provide advance notice of the transfer of a permitted facility.

13. If the city has to invoke its emergency provision as cited in section 7-5A-25G of this article.

14. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

M. Permit Reissuance: A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with subsection D of this section, a minimum of twenty eight (28) days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its reapplication in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the city issues or denies the new wastewater

discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its reapplication in the time period specified herein will be deemed to be discharging without a wastewater discharge permit. (Ord. 169, 12-10-2001)

7-5A-20: REPORTING REQUIREMENTS:

A. Final Compliance Report (Initial Compliance Report):

1. Within ninety (90) days following the date for final compliance of an existing significant industrial user with applicable pretreatment standards and requirements set forth in this article, in federal categorical standards, or in a wastewater discharge permit, or, in the case of a new source or a new user considered by the city to fit the definition of SIU, within ninety (90) days following commencement of the introduction of wastewater into the POTW, the affected user shall submit to the city a report containing the information outlined in subsections 7-5A-19D4 and D5 of this article.

2. For users subject to equivalent mass or concentration limits established by the city in accordance with procedures established in 40 CFR section 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

B. Periodic Compliance Report:

1. Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the city during the months of June and December, unless required on other dates or more frequently by the city, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year.

2. The report shall include a record of the concentrations (and mass, if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured, and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and shall also include any additional information required by this article or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by the city or by this article, using methodologies in 40 CFR part

136, it must submit all results of sampling and analysis of the discharge during the reporting period.

3. Any user subject to equivalent mass or concentration limits established by the city, or by unit production limits specified in the applicable categorical standards, shall report production data as outlined in subsection A2 of this section.

4. If the city calculated limits to factor out dilution flows or nonregulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and nonregulated flows.

5. Flows shall be reported on the basis of actual measurement; provided, however, that the city may accept reports of average and maximum flows estimated by verifiable techniques, if the city determines that an actual measurement is not feasible.

6. Discharges sampled shall be representative of the user's daily operations, and samples shall be taken in accordance with the requirements specified in section 7-5A-21 of this article.

7. The city may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

8. The city may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the city agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the city for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The city is under no obligation to perform periodic compliance monitoring for a user.

C. Compliance Schedules For Meeting Applicable Pretreatment Standards:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in subsection C1 of this section shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.

D. Notification Of Significant Production Changes: Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the city within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit.

E. Hazardous Waste Notification:

1. Any user that is discharging more than fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month, or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), is required to provide a one time notification in writing to the city, to the EPA region 10 office of waste and chemicals management director, and to the Idaho division of environmental quality. Any existing user exempt from this notification shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen (15) kilograms of hazardous wastes in a calendar month or any discharge of acutely hazardous wastes to the city sewer system.

2. Such notification shall include:

a. The name of the hazardous waste as set forth in 40 CFR part 261;

b. The EPA hazardous waste number; and

c. The type of discharge (continuous, batch, or other).

3. If an industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:

a. An identification of the hazardous constituents contained in the wastes;

b. An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month; and

c. An estimation of the mass of constituents in the wastestreams expected to be discharged during the following twelve (12) months.

4. These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.

5. Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a user shall notify the city of the discharge of such a substance within ninety (90) days of the effective date of such regulations.

6. In the case of any notification made under this subsection, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

F. Notice Of Potential Problems, Including Accidental Spills, Slug Loads: Any user shall notify the city immediately of all discharges that could cause problems to the POTW, including any "slug loads", as defined in section 7-5A-4 of this article. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city under state or federal law.

G. Noncompliance Reporting: If sampling performed by a user indicates a violation, the user shall notify the city within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation; except, the user is not required to resample if:

1. The city performs sampling at the user at a frequency of at least once per month; or

2. The city performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

H. Notification Of Changed Discharge: All users shall promptly notify the city in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p).

I. Reports From Unpermitted Users: All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the director may require.

J. Record Keeping: Users subject to the reporting requirements of this article shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the director. (Ord. 169, 12-10-2001)

7-5A-21: SAMPLING AND ANALYTICAL REQUIREMENTS:

A. Sampling Requirements For Users:

1. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. The director will determine on a case by case basis whether the user will be able to composite the individual grab samples. For all other pollutants, twenty four (24) hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The city may waive flow proportional composite sampling for any user that demonstrates that flow proportional composite sampling is infeasible. In such cases, samples may be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

2. Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the city and specified in the user's wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR section 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the city has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s).

3. All sample results shall indicate the time, date and place of sampling, and methods of analysis and shall certify that the wastestream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report.

B. Analytical Requirements: All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

C. City Monitoring Of User's Wastewater: The city will follow the same procedures as outlined in subsections A and B of this section. (Ord. 169, 12-10-2001)

7-5A-22: COMPLIANCE MONITORING:

A. Inspection And Sampling: The city shall have the right to enter the facilities of any user to ascertain whether the purpose of this article and any wastewater discharge permit or order issued hereunder is being met and whether the user is complying with all requirements thereof. Users shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.

2. The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.

4. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this article.

B. Monitoring Facilities:

1. Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the city. Each monitoring facility shall be situated on the users premises, except, where such a location would be impractical or cause undue hardship on the user, the city may concur with the facility being constructed in the public street or sidewalk area; provided, that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The director, whenever applicable, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line or a wastewater treatment system).

2. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user.

3. The director may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

4. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

C. Search Warrants: If the director has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this article or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the director shall seek issuance of a search and/or seizure warrant from the third district court in and for the county of Canyon state of Idaho. Such warrant shall be served at reasonable hours by the director in the company of a uniformed police officer of the city.

D. Vandalism: No person shall wilfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this article. (Ord. 169, 12-10-2001)

7-5A-23: CONFIDENTIAL INFORMATION: Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from city inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests

and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable public records law of the state of Idaho. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public if records qualify for exemption from disclosure under the laws of the state of Idaho, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR section 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 169, 12-10-2001)

7-5A-24: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE: The city shall publish annually, in the official paper of the city, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

A. "Chronic violations of wastewater discharge limits", defined herein as those in which sixty six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

B. "Technical review criteria (TRC) violations", defined herein as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

C. Any other discharge violation that the city believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public).

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with

categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation(s) which the city determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 169, 12-10-2001)

7-5A-25: ADMINISTRATIVE ENFORCEMENT REMEDIES:

A. Notification Of Violation: When the director finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation (via certified letter). Within fourteen (14) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Consent Orders: The director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections D and E of this section and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.

C. Show Cause Hearing: The director may order (via a certified letter) a user which has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

D. Compliance Orders: When the department finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

E. Cease And Desist Orders:

1. When the director finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

a. Immediately comply with all requirements; and

b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. Administrative Fines:

1. When the director finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such user in an amount not to exceed one thousand dollars ($1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

2. Unpaid charges, fines, and penalties shall accrue interest at the statutory rate of interest on money due under law of the state of Idaho. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

3. Users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within fourteen (14) days of being notified of the fine. Where a request has merit, the director shall convene a hearing before the public services commission on the matter within twenty eight (28) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

G. Emergency Suspensions:

1. The director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings in subsection H of this section are initiated against the user.

b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the director prior to the date of any show cause or termination hearing under subsections C and H of this section.

2. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. Termination of Discharge (Nonemergency):

1. In addition to the provisions in subsection 7-5A-19L of this article, any user that violates the following conditions is subject to discharge termination:

a. Violation of wastewater discharge permit conditions;

b. Failure to accurately report the wastewater constituents and characteristics of its discharge;

c. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

e. Violation of the pretreatment standards in sections 7-5A-7 through 7-5A-18 of this article.

2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection C of this section why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 169, 12-10-2001)

7-5A-26: JUDICIAL ENFORCEMENT REMEDIES:

A. Injunctive Relief: When the director finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the third district court in and for the county of Canyon, state of Idaho through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. Civil Penalties:

1. A user which has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of one thousand dollars ($1,000.00) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. The director may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 169, 12-10-2001)

C. Criminal Prosecution:

1. A user which has wilfully or negligently violated any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable as provided in section 1-4-1 of this code.

2. A user which has wilfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty as provided in section 1-4-1 of this code. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

3. A user which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this article shall, upon conviction, be punished as provided in section 1-4-1 of this code. (Ord. 169, 12-10-2001; amd. 2003 Code)

D. Remedies Nonexclusive: The provisions in sections 7-5A-24 through 7-5A-27 of this article are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement in response to pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against

any noncompliant user. These actions may be taken concurrently. (Ord. 169, 12-10-2001)

7-5A-27: SUPPLEMENTAL ENFORCEMENT ACTION:

A. Performance Bonds: The director may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this article, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

B. Liability Insurance: The director may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this article, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

C. Water Supply Severance: Whenever a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

D. Public Nuisances: A violation of any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of chapter 2 of title 52 Idaho Code and any amendments or recodifications of said chapter governing such public nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

E. Informant Rewards: The director may pay up to two hundred fifty dollars ($250.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the director may disburse up to fifty percent (50%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five hundred dollars ($500.00).

F. Contractor Listing: Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the city. (Ord. 169, 12-10-2001)

7-5A-28: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:

A. Upset:

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of subsection C of this section are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c. The user has submitted the following information to the POTW and treatment plant operator within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):

(1) A description of the indirect discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with applicable pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. Prohibited Discharge Standards: A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in subsections 7-5A-7A and B3 through B7 of this article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: 1) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or 2) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass:

1. For the purposes of this section:

a. "Bypass" means the intentional diversion of wastestreams from any portion of a users treatment facility.

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production.

2. A user may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C3 and C4 of this section.

3. Notice Of Bypass:

a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten (10) days before the date of the bypass, if possible.

b. A user shall submit oral notice to the city of an unanticipated bypass that exceeds applicable pretreatment standards within

twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.

4. Bypass Conditions:

a. Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during nominal periods of equipment downtime or preventive maintenance.

(3) The user submitted notice as required under subsection C3 of this section.

b. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three (3) conditions listed in subsection C4a of this section. (Ord. 169, 12-10-2001)

7-5A-29: PRETREATMENT CHARGES AND FEES: The city may adopt reasonable fees by resolution approved by the mayor and city council for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

A. Fees for wastewater discharge permit applications, including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals; and

E. Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the city. (Ord. 169, 12-10-2001)

Chapter 6
IRRIGATION UTILITY

07-06-01: DEFINITIONS:
07-06-02: APPLICABILITY:
07-06-03: POWERS AND AUTHORITY OF CITY:
07-06-04: CONNECTION:
07-06-05: RESTRICTIONS ON WATER USE:
07-06-06: MAINTENANCE OF SERVICE PIPES AND FIXTURES:
07-06-07: IRRIGATION ASSESSMENTS:
07-06-08: SHUTTING OFF THE WATER SUPPLY:
07-06-09: FAILURE OF WATER SUPPLY:
07-06-10: PROHIBITED ACTS:
07-06-11: SAVING CLAUSE:
07-06-12: PENALTIES:
07-06-13: PROPERTY EXCLUSION:

07-06-01: DEFINITIONS: Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

CITY: Refers to the city of Greenleaf, Canyon County, Idaho, or its authorized or designated agent, representative or deputy thereof.

CITY IRRIGATION SERVICE LINE: That portion of an irrigation service line that runs from its connection with the city irrigation main to the city's delivery point for service to a property. The city irrigation service line is owned and maintained by the city and will ideally be installed within the limits of the public right of way or utility easement.

CITY IRRIGATION SYSTEM: Includes all components and facilities of the irrigation system that is owned, operated and/or maintained by the city of Greenleaf, Idaho, to provide irrigation water supply.

CITY IRRIGATION UTILITY EASEMENT: Ideally, city irrigation service lines and city irrigation mains are located in the public right of way or utility easement. Where they are not, the city holds an easement for access and maintenance of all city irrigation

service lines and city irrigation mains that are located on private property within the city limits.

DELIVERY POINT: The place of access for irrigation water provided to a given property. The delivery point may be a corporation stop, pipe fitting, valve feature, diversion box with open access, or other place of delivery allowing access to irrigation water from the city system approved by the Public Services Director or Designee.

IRRIGATION MAIN: Any portion of the city irrigation system used for the purpose of transportation and/or distribution of irrigation water to serve more than one irrigation service line or user.

IRRIGATION WATER: Refers to water used for the purpose of irrigation in a beneficial manner, regardless of the water source.

MASTER IRRIGATION PLAN: The master irrigation plan includes any document which the city of Greenleaf has accepted or may accept by official action of the city council which describes or otherwise indicates an overall view of proposed future irrigation needs, irrigation main sizing and/or irrigation main spacing.

OWNER: Refers to any property owner served by the city irrigation system.

PRIVATE IRRIGATION SERVICE LINE: This is the private irrigation service line from the city delivery point to and throughout the property being served.

PRIVATE IRRIGATION SYSTEM: Any irrigation system that is not owned, operated and maintained by the city.

PROPERTY: Refers to all property, whether privately or publicly owned, within the duly adopted boundaries of the city irrigation system. (Ord. 242, 02-11-2011)

07-06-02: APPLICABILITY: The provisions of this article shall apply to all property within the corporate limits of the city and within the duly adopted boundaries of the city irrigation system, including all property owned or occupied by the United States of America, the State of Idaho and Canyon County. (Ord. 242, 02-11-2011)

07-06-03: POWERS AND AUTHORITY OF CITY: The city, through its authorized representative bearing proper credentials and identification, shall be permitted at proper and reasonable hours of the day to enter all properties to which irrigation water is furnished from the city irrigation system for testing or for any other purpose necessary for the proper administration of the city irrigation system in accordance with provisions of this article. Authorized representatives of the city bearing proper credentials and identification shall be permitted at any time to enter all properties in emergency circumstances. Also, the city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of inspection, observation, repair, maintenance, or any other purpose or function reasonably related to the city irrigation system. All entry and subsequent work, if any, within said easement shall be

done in a professional manner to the satisfaction of the Public Services Director or designee. (Ord. 242, 02-11-2011)

07-06-04: CONNECTION:

A. Boundaries: The city council shall establish by ordinance the boundaries of the city irrigation system, and may, from time to time, contract, extend or enlarge the boundaries of said system by ordinance. In the case of boundary extension or enlargement, the property owner brought into the municipal irrigation system shall have the responsibility of determining and/or providing the appropriate water rights to the municipal irrigation system.

B. Property Connections: Each property within the duly described boundaries of the city irrigation system may be connected to the irrigation main through a city irrigation service line, upon compliance with the terms of this chapter and any policies adopted pursuant thereto.

C. Irrigation Service Connection: No water shall be be provided by the municipal irrigation system unless the city's Public Services Director or designee is satisfied that all rules and regulations provided for the city irrigation system have been fulfilled, and all fees set forth in the rate schedule adopted by resolution of the city council have been paid.

D. Private Irrigation Service Line: All materials and workmanship used in the installation of private water service lines shall conform to city specifications and codes. The furnishing of all labor and materials shall be the sole responsibility of the owner.

E. Extension Of Irrigation Mains And Irrigation Main Fee:

1. All proposed extensions of the irrigation mains to service undeveloped areas within the boundaries of the city irrigation system shall comply with existing policies, specifications, master plans, or requirements established by the city engineer. The plans for all extensions to the city irrigation mains shall be prepared under the direction of and signed by a registered professional engineer as per the licensing requirements of Idaho law, and three (3) copies of the said plans shall be filed with the city. In approving a plan for extension of irrigation mains, the city reserves the right and discretion to establish other conditions and requirements such as a special permit fee, rights of way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond and other similar measures as may be required to protect the public. No work shall commence on any extension of irrigation mains until the extension project has been included within the boundaries of the city irrigation system and written approval of design plans have been provided by the city engineer. A permit shall not be issued until all applicable fees have been paid.

2. All irrigation main extensions and appurtenances shall be constructed at the expense of the applicant by a qualified contractor in accordance with city specifications and subject to conditions and fees established by the city.

3. The city may charge an irrigation main extension fee by resolution on all new development that will be provided irrigation service by the city irrigation system. The amount of the fee and the methods of derivation shall be in accordance with a rate schedule adopted by resolution of the city council.

4. The "Boise Project Board of Control Pressure Irrigation System Design Standards and Standard Specifications", dated June 2005 and successors, are hereby adopted as the official standards to govern design, construction, and testing of pressure irrigation facilities for the City of Greenleaf municipal irrigation system.

F. Construction Methods And Materials: The materials and methods used for construction of city irrigation service lines, private irrigation service lines, irrigation mains or city irrigation system appurtenances shall conform to the requirements of all codes and specifications as may be adopted by the city council. The city may reject any materials or workmanship for cause, and upon such order, the rejected materials shall be removed and replaced with approved materials.

G. Illegal Connections:

1. It shall be unlawful for any person to make or cause to be made any connection with the city irrigation system or to introduce or cause to be introduced water from the city irrigation system into any connection made therewith unless a permit has been first duly issued for such purpose by the Public Services Director or designee in compliance and conformity with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established therefor; or to cause a connection to become non-compliant with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established; or to interfere with or injure any line appurtenance or any portion of the city irrigation system. Violation of this provision shall be a misdemeanor.

2. The city shall give notice in writing to the owner and/or occupant of any premises connected to and served by the city irrigation system in all cases in which said connections are illegal. Said notice shall state the violation and require that the violations be cured within ten (10) days from notice thereof. Service may be disconnected immediately at the discretion of the Public Service Director or designee.

3. In the event that said illegal connection continues beyond the ten (10) day period, the city is authorized to discontinue irrigation service to said premises without further notice and until said illegal connection is remedied and all costs of the city associated therewith and fines have been paid.

H. Fees:

1. Service Connection Fees: The City Council may adopt a schedule of fees by resolution. Such service connection fees may include, but not be limited to, inspection fees and irrigation main extension fees, in addition to service connection fees for various line sizes. A copy of any resolution adopted for service connection fees shall be on file in the City Clerk's office. (Ord. 242, 02-11-2011)

07-06-05: RESTRICTIONS ON WATER USE: No person supplied with water from the city irrigation system will be entitled to use it for any purpose other than irrigation of that subject property and/or the watering of animals or raising of fish upon that subject property. Water shall not be supplied to other properties, or allowed to be taken off the premises with the intent of bypassing the provisions of this article. (Ord. 242, 02-11-2011)

07-06-06: MAINTENANCE OF SERVICE PIPES AND FIXTURES:

A. All private service pipes, lines, and fixtures on private property are the responsibility of the property owner and shall be kept in good repair and protected from freezing at the property owner's expense. The property owner shall be responsible for all damages resulting from leaks or breaks in private service pipes and fixtures. Water will not be furnished to any private irrigation service line or system where there is a leak in the private service piping or in a fixture. If a leak is discovered, the irrigation service may be discontinued immediately until all leaks have been repaired.

B. Damage to delivery points caused or allowed to occur by the property owner may be deemed the responsibility of the property owner at the discretion of the Public Services Director or designee, in which case the city may effect repair and invoice the property owner for the cost of delivery point repair.

C. For those delivery points with valves, the property owner shall be responsible for proper operation of the valve for the access of irrigation water. Any damages resulting from improper valve operation, including but not limited to unintended flooding of property if the valve is left open and/or damage to the delivery point or valve through mis-use, shall be the responsibility of the property owner. (Ord. 242, 02-11-2011)

07-06-07: IRRIGATION ASSESSMENTS:

A The annual irrigation assessment shall be established by the city council pursuant to Idaho Code, Title 50, Chapter 18.

B All assessments, fees and charges shall be set by resolution of the City Council, received and collected under the authority of this chapter shall be deposited and credited to the irrigation fund, and all expenditures therefrom shall be dedicated to the operation, maintenance, replacement, upgrade and extension of the city irrigation system.

C Separate assessments, fees and charges may be set by resolution of the City Council for different sub-sections of the municipal irrigation system, reflecting different costs for operations, maintenance, and anticipated system component replacement. For example, a new subdivision with newly installed pressurized irrigation system could have different costs for operation, maintenance, and replacement than would a neighborhood served by a gravity irrigation system.

D All properties with access to municipal irrigation water, including non-pressurized gravity system access points requiring the addition of a pump by the property owner, shall be subject to both a water assessment reflecting that property's per-acre portion of the cost of water to the municipal irrigation system from the water district, and to an operations and maintenance (O&M) fee. Those properties without access to municipal irrigation water shall be subject to a water assessment reflecting that property's per-acre portion of the cost of water to the municipal irrigation system from the irrigation district, but may be charged an administrative fee in lieu of the O&M fee.

E The levying of the annual assessment, processing of payments received and the disposition of delinquent accounts shall be in accordance with Idaho Code, Title 50, Chapter 18.

F The City Clerk shall maintain and pursue compliance with a calendar for irrigation activity in the same general format as the calendar given below. The clerk may adjust the calendar maintained as necessary and to remain in compliance with Idaho Code, Title 50, Chapter 18 or other applicable Idaho Code.

Date / Timeframe	Action / Event	Code Reference
On or before the 4th Monday of January	City Clerk to generate assessment book for upcoming irrigation season	IC 50-1807
01 February	February to March 'Window' opens for publishing and mailing notice of pending tax deed for properties three years delinquent on 01 July of this year	IC 50-1821
On or before the second Wednesday of	City Council to meet and make an estimate of necessary funds for irrigation for the coming irrigation season	IC 50-07

February		
Must publish twice, before the first day of March	Public Notice published in Newspaper for Council to sit as a 'board of corrections' for irrigation assessments.	IC 50-1807
20 March	Last day for the City Council to meet as a 'board of corrections' for current year irrigation assessments	IC 50-1807
31 March	February to March 'Window' closes for publishing and mailing notice of pending tax deed for properties three years delinquent on 01 July of this year	IC 50-1821
01 April	Irrigation Assessments past due	IC 50-1814
Sometime in April	Reasonable time to generate irrigation statements for overdue accounts, and send with cover letter requesting payment and explaining consequences	none
01 June	June – July 'window' opens for publication of delinquency notice from delinquency list recorded on or before the 4th Monday in July of this year for taking title of properties three years delinquent	IC 50-1821
01 July	Date of delinquent assessment roll – beginning and end point for 3-year redemption period	IC 50-1815
On or before the second Monday of July…	…the treasurer of the city shall enter all delinquent assessments and penalties on the assessment roll, which entry shall be considered to be dated as of the first day of July of each year, and shall have the force and effect of a sale to the city treasurer of the city as grantee in trust for said city of all the lands, parcels, pieces or tracts of real estate entered upon such assessment roll upon which such assessments have not been paid before delinquency. The penalty required to be added on delinquent assessments shall be two per cent (2%) of the amount unpaid and the treasurer of such city shall collect such assessments which are delinquent with such penalty added, together with interest on the amount of such delinquent assessment at the rate of eight per cent (8%) per annum from the date of sale until redemption.	IC 50-1815
31 July	June – July 'window' closes for publication of delinquency notice from delinquency list recorded on or before the 4th Monday in July of this year for taking title of properties three years delinquent	IC 50-1821
Sometime in August	Reasonable time to generate irrigation statements for overdue accounts, including penalty and interest recorded in July, and send with cover letter requesting	none

	payment and explaining consequences	
Sometime in November	Reasonable time to generate irrigation statements for overdue accounts, and send with cover letter requesting payment and explaining consequences	none

(Ord. 242, 02-11-2011)

07-06-08: SHUTTING OFF THE WATER SUPPLY: The city reserves the right at any time without notice to shut off the water supply for repairs, extensions or any other reason, and the city shall not be responsible for damaged pumps, pipes or fixtures, or any other damage resulting from the shutting off of the water. (Ord. 242, 02-11-2011)

07-06-09: FAILURE OF WATER SUPPLY: The city shall not be liable under any circumstance for a deficiency or a failure in the supply of water whether by the shutting off of the water to make repairs or connections, or for any cause whatsoever. (Ord. 242, 02-11-2011)

07-06-10: PROHIBITED ACTS:

A Malicious Or Willful Waste Of Water: It shall be unlawful for any irrigation water user to waste water or allow it to be wasted by faulty water stops, valves, leaky pipes, or improper adjustment of sprinklers, or to permit the malicious or willful consumption of water for non-beneficial use. The city will make a visual determination of where water has been wasted and shall notify the user of that determination. It shall then be the user's responsibility to make the necessary repairs, or to institute actions that will correct that situation in a time-line acceptable to the Public Services Director or Designee. All costs incurred including the cost of wasted water and any repairs shall be the responsibility of the user.

B Flood irrigation may be considered a willful waste of water at the discretion of the Public Services Director, subject to the prohibitions above under 07-06-10:A and penalties under 07-06-12.

C Water Theft: Use of irrigation water for which the assessment has not been paid shall be considered water theft and shall be punishable as a misdemeanor. (Ord. 242, 02-11-2011)

07-06-11: SAVING CLAUSE: If any section, paragraph, sentence or provision of this article or the application thereof to any particular circumstance shall ever be invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and be applicable to all circumstances to which it may validly apply. (Ord. 242, 02-11-2011)

07-06-12: PENALTIES:

A Any person found to be violating any provision of this article shall be served by the city with a written notice stating the nature of the violation and provided a specified maximum period of time, said period not to exceed thirty (30) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B Any person who shall continue any violation beyond the time limit provided for in subsection "A" of this section, may be cited as an infraction as provided in Greenleaf Code §1-4-1, with the exception that an illegal connection and water theft shall be deemed as misdemeanors. Each day in which any such violation shall continue may be deemed a separate offense.

C Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 242, 02-11-2011; Amd Ord #300, 03-14-2023)

07-06-13: PROPERTY EXCLUSION: Any person or legal entity seeking to exclude real property from the municipal irrigation system must file with the city clerk a petition therefor on a form approved by the city council and pay the fee for the processing of the petition as established by the city council by resolution, and comply with the following requirements.

A. NOTICE AND HEARING REQUIREMENTS: Upon the filing of a petition to exclude real property from the irrigation system, the city clerk shall transmit a copy of the petition to the city engineer, the public services director or watermaster of the irrigation system, Wilder irrigation district. The city clerk shall set the matter for public hearing and provide written notice of hearing not less than seven (7) days in advance of the hearing to owners of neighboring properties that are within three hundred feet (300') of the external boundaries of the subject real property and which are within the boundaries of the irrigation system and to the city engineer, the public services director or watermaster of the irrigation system, Wilder irrigation district; and the city clerk shall obtain a copy of the then current ad valorem tax notice for the subject property.

B. HEARING; REPORTS AND EVIDENCE: A public hearing shall be held at which time the council shall receive the reports of the, city clerk, the public services director or watermaster, city engineer, Wilder irrigation district and the applicant and any protestant with relevant evidence.

C. CONDITIONS FOR EXCLUSION: The real property may be excluded from the municipal irrigation system if the following conditions have been met:

1. The applicant is the owner of the real property which is the subject of the petition; and

2. The real property description of the subject real property is verified to be correct; and

3. The real property is a parcel of greater than five (5) acres; and

4. The real property is being used for agricultural purposes exclusively, and the owner has no immediate plans to change the existing agricultural use; and

5. The irrigation allotment and/or irrigation schedule administered by the city as opposed to the irrigation allotment or irrigation schedule applicable to the real property adversely affects the agricultural use of the real property; and

6. The real property is not being served by the distribution system of the municipal irrigation system; and/or

7. A reason demonstrated by a preponderance of the evidence that the exclusion from the municipal irrigation system of the real property is in the best interests of the use of the real property and of the continued operation and maintenance of the municipal irrigation system.

D. COUNCIL ACTIONS: The city council shall make a determination on the matter as to whether to grant or deny the petition for exclusion of real property from the municipal irrigation system and shall then prepare its findings of fact, conclusion of law and order of decision and notify the petitioner, and any protestants who demand notice of decision, and the Wilder irrigation district, which order shall be a final action of the city.

E. GRANT OF PETITION; ATTORNEY DRAFT ORDINANCE: In the event the city council shall determine to grant the petition for the exclusion of real property from the municipal irrigation system, it shall direct the city attorney to prepare the necessary ordinance. (Ord. 164, 9-19-2001, Amd. Ord. 242, 02-01-2011)

Chapter 7
CATV SYSTEM

7-7-1: DEFINITIONS:
7-7-2: GRANT OF FRANCHISE:
7-7-3: STANDARDS OF SERVICE:
7-7-4: REGULATION BY CITY OF GREENLEAF:
7-7-5: COMPLIANCE AND MONITORING:
7-7-6: BONDS AND OTHER SURETY:
7-7-7: LIABILITY & INDEMNIFICATION:
7-7-8: TERMINATION AND TECHINICAL VIOLATIONS:
7-7-9: MISCELLANEOUS PROVISIONS:

7-7-1: DEFINITIONS:

A. For the purposes of this Franchise, the following terms, phrases, and words shall have the meanings ascribed to them below. When not inconsistent with the

context, words used in the present tense include the future tense, words in the plural include the singular and words used in the singular include the plural.

"Affiliate" means a condition of being united, being in close connection, allied, or attached as a member or branch.

"Basic cable" is the tier of service regularly provided to all Subscribers including the retransmission of local broadcast television signals.

"Cable Act" means Title VI of the Communications Act of 1934 as amended by the Cable Television Consumer Protection and Competition Act 1992, as amended by the Telecommunications Act of 1996, and any subsequent amendments.

"Cable Services" means

- the one-way transmission to a subscriber of video programming, other programming service or data communication by a subscriber,
- subscriber interaction, if any, which is required for the selection by the subscriber of such video programming; or
- any other programming service or data communication by a subscriber.

"Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service and other service to Subscribers.

"Channel" means a single path or section of the spectrum which carries a cable service.

"City" means the City of Greenleaf, a municipal corporation of the State of Idaho.

"Council" means the present governing body of the City or any future board constituting the legislative body of the City.

"Disconnection" means the discontinuance of all cable service to a subscriber by a cable operator.

"FCC" means the Federal Communications Commission, a regulatory agency of the United States government.

"Franchising Authority" means the City of Greenleaf, Idaho.

"Franchise" shall mean the non-exclusive, initial authorization, or renewal thereof, issued by the City, whether such authorization is designated as a Franchise, permit, license, resolution, contract, certificate or otherwise, which authorizes construction or operation of the Cable System for the purpose of offering cable service or other service to Subscribers.

"Grantee" means Cable One of Idaho.

"Headend" means the electronic equipment located at the Cable ONE's system, usually

including antennas, preamplifiers, frequency converts, demodulator and related equipment.

"Installation" means the connection of the Cable System to Subscribers' terminals.

"Normal business hours" means those hours during which most similar businesses in the City are open to the service of customers and shall include at least four (4) consecutive hours per weekday.

"Normal operating conditions" means those service conditions, which are within the control or are reasonably anticipated by the cable operator, including special promotions, pay-per-view events, regular peak or seasonal demand periods and maintenance or upgrade of the Cable System.

"Person" means any individual, firm, partnership, corporation, organization, association, or other legal entity.

"Public way" means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, curb, boulevard, sidewalk, parkway, way, lane, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City in the Service Area which shall entitle the City and a Franchisee to the use thereof for the purpose of installing, operating, repairing and maintaining the Cable System. "Public way" shall also mean any easement now or hereafter held by the City within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the City and a Franchisee to the use thereof for the purpose of installing or transmitting Franchisee's cable service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, compliances, attachments and other property as may be ordinarily necessary and appurtenant to the Cable System.

"Service Area" means the present municipal boundaries of the City of Greenleaf and includes any additions thereto by annexation.

"Subscriber" means a person or user of the Cable System who lawfully receives cable services or other services there from with Franchisee's permission.

"Video Programming Service" means programming which is visually and audibly comparable to programming provided by a television broadcast station. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-2: GRANT OF FRANCHISE:

A. Grant: The Franchising Authority hereby grants to the Grantee a nonexclusive

Franchise which authorizes the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, in any manner connected with Public Ways within the Service Area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain on, over, under, upon, across, or along any public way and all extensions thereof and additions thereto, such pole, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System. Nothing in the Franchise shall be construed to prohibit the Grantee from offering any service over its Cable System that is no prohibited by federal or state law. The Grantee agrees to abide by any existing or new ordinance or regulation of general applicability to the operation of the Cable System in the Service Area, adopted in the manner provided by law, so long as they do not substantially impair the rights granted pursuant to this Franchise.

B. Term: The Franchise granted hereunder shall be for a term of fifteen (15) years commencing on the effective date of the Franchise as set forth below, unless otherwise lawfully terminated in accordance with the terms of this Franchise Agreement.

C. Incorporation by reference: This Franchise is granted pursuant to Title 50, Chapter 3 of the Idaho Code and the Cable Act. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-3: STANDARDS OF SERVICE:

A. Restoration of Public Ways: If, during the course of the Grantee's construction, operation or maintenance of the Cable System, there occurs a disturbance in any Public Way, the Grantee shall, at its expense, replace and restore such Public Way to a condition as approved by the City.

B. Relocation at the Request of the Franchising Authority: Upon its receipt of reasonable advance notice, not to be less than five (5) business days, the Grantee shall, at it own expense, protect, support, temporarily disconnect, relocate in the Public Way, or remove from the Public Way, any property of the Grantee when required by the Franchising Authority by reason of traffic conditions, public safety, street abandonment, street construction, change or establishment of street grade, installation of sewers, drains, utility pipes and any other structure or improvements by the Franchising Authority. The Grantee shall in all cases have the right of abandonment of its property. If public funds are available to any similar facilities-based utility as the Grantee, using such street, easement, or right-of-way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall make available such funds on behalf of the Grantee.

C. Relocation at the Request of a Third Party: The Grantee shall, on the request of any person holding a building moving permit issued by the Franchising Authority, temporarily raise or lower its wires to permit the moving of such building, provided the expense of such temporary raising or lowering of wires is

paid by said person, including if required by the Grantee, making such payment in advance and the Grantee is given not less than five (5) days advance written notice.

D. System Upgrade/Channel Capacity and Adaptation to New Technology: At the request of the Franchising Authority, the Grantee shall inform the Franchising Authority at least quarterly of planned, proposed and actual changes in the Grantee's Cable System and cable services related to subscriber in the Service Area regarding technological improvements, additional channel capacity and other matter related to services available to Subscribers.

E. Aerial and Underground Construction:

1. In those areas of the Service Area where all of the transmission or distribution facilities of the respective public service utilities providing telephone communications and electrical services are underground, the Grantee shall likewise construct, operate and maintain all of its transmission and distribution facilities underground. Nothing contained in this section shall require the Grantee to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, pedestals or other related equipment. Any above-ground appurtenances or equipment shall be located as close to lot corners as is practicable and shall be approved by the city engineer or public services director.

2. New Developments: The Franchising Authority shall provide the Grantee with written notice of any application for new development within the incorporated areas of the City of Greenleaf.

3. Local Improvement District: If an ordinance is passed creating a local improvement district which involves placing underground certain utilities including that of the Grantee which are then located overhead, the Grantee shall participate in such underground project and shall remove poles, cables and wires from the surface of Public Ways within such district and shall place them underground in conformity with the requirements of the Franchising Authority. The Grantee may include its costs of relocating facilities associated with the under grounding project in said local improvement district if allowed under applicable law.

F. Required Extension of Service: The Cable System, as constructed as of the date of the passage and final adoption of the Franchise, substantially complies with the material provisions hereof. Whenever the Grantee shall receive a request for service from at least 15 residences within 1320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its Cable System to such Subscribers at no cost to said subscriber for Cable System extension, other than the usual connection fees for all Subscribers, provided that such extension is technically feasible.

G. Subscriber Charges for Extensions of Service: No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate his cable drop underground, existence of more than 150 feet of distance from distribution cable to connection of service to Subscribers, or a density of less than 15 Subscribers per 1320 cable-bearing strand feet of trunk or distribution cable, service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by the Grantee and Subscribers in the area in which service may be expanded, the Grantee will contribute an amount equal to the construction and other costs per mile, multiplies by a fraction whose numerator equals the number of residences per 1320 cable-bearing strand feet of its trunks or distribution cable, and whose denominator equals 15 residences. Subscribers who request service hereunder will bear the remainder of the construction and other costs on a pro rata basis. The Grantee may require that the payment of the capital contribution in aid of construction borne by potential Subscribers be paid in advance.

H. Service to Public Buildings: The Grantee shall, upon request, provide without charge, one cable service to each of the Franchising Authority's offices, buildings, fire stations, police stations and to state accredited school buildings that are passed by its Cable System as well as other public buildings that may be constructed during the term of this Franchise Agreement. The outlets of cable service provided pursuant to this section shall not be used by the government entity to sell cable services in or throughout such buildings. The Grantee will provide one domain hosting service with 50MB of web space. The Grantee shall not be required to provide a cable service outlet to buildings where the drop line from the feeder cable to said building exceeds 150 cable feet unless the governmental entity agrees to pay the incremental cost of such drop line in excess of 150 cable feet.

Service Addresses are:

Greenleaf City Hall -- 20523 Whittier
Harmony Well Site -- 21307 Harmony Lane
Friends Well Site -- 20791 Friends Road
Butler Well Site -- 21580 Butler Court
Canyon-Owyhee School Services Agency (COSSA) -- 20567 Whittier
Greenleaf Friends Academy -- 20565 Academy Road

I. Emergency Use: In accordance with the provisions of Federal Communications Commission (FCC) Regulations the City of Boise shall maintain an Emergency Alert System (EAS) for use in transmitting Emergency Act Notifications (EAN) and Emergency Act Terminations (EAT) in local and state-wide situations as may be designated to be an emergency by the Local Primary, the State Primary and/or the State Emergency Operations Center, as those authorities are defined by the FCC.

J. Notice: Before entering upon any property for any of the reasons stated in this Section, the Grantee shall first give written notice to the property owners at least forty-eight (48) hours in advance. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-4: REGULATION BY CITY OF GREENLEAF:

A. Franchise Fee:

1. The Grantee shall pay to the Franchising Authority quarterly a sum equal to five percent (5%) of the Basic service level revenues. Payment for each month's fee shall be no later than thirty (30) days after the last day of the standard calendar quarter (Jan-Feb-Mar, Apr-May-Jun, Jul-Aug-Sep, Oct-Nov-Dec) to which that month belongs.

2. Late Payment. All sums, which become delinquent, shall accumulate interest at the statutory rate provided in Idaho Code Title 28, Chapter 22, Section 104(1). The accrual of interest is not intended to waive or in any manner restrict Franchising Authority's ability to elect any procedure or method of collection permissible by law to enforce all the terms and conditions of Franchise agreement.

3. Penalties For Failing To Pay Franchise Fees: Where the Franchising Authority determines by audit, financial statement or other method, that Grantee has underpaid Franchise fees other charges owed to Franchising Authority and where payment was not received by Franchising Authority within the quarter due, Grantee may be required to pay, in addition to any other remedy sought by Franchising Authority, all fees and interest due, and an additional penalty of fifty percent (50%) of the total amount owed. Acceptance of any Franchise fee payment by the Franchising Authority's shall not be construed as an agreement that the fee paid is in fact the correct amount, nor shall acceptance of payment be construed as a release or a waiver of any claim by the Franchising Authority against the Grantee.

4. Limitation on Franchise Fee Actions. The period of limitation for recovery of any Franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee is due. Unless the Franchising Authority initiates a lawsuit for recovery of unpaid Franchise fees in a court of competent jurisdiction within three (3) years after such payment is due, such recovery shall be barred.

5. Taxes. Nothing herein shall limit the Grantee's obligation to pay applicable local, state or federal sale, property, ad valorem or other taxes.

B. Rates and Charges:

1. Nothing in this Franchise Agreement shall be construed to prohibit the

reduction or waiving of changes in conjunction with promotional campaigns for the purpose of acquiring and/or retaining Subscribers.

2. Grantee shall provide the Franchising Authority with a minimum of thirty (30) days advance written notice of changes in subscriber rates, if the change is within the control of the Grantee, including any changes in Franchise fee amount and external Franchise related costs.

C. Customer Billing: All billing statements and charges to Subscribers shall be:

1. Clear, concise and understandable;

2. Itemized as to basic cable charges, premium charges, equipment charges, whether payments for purchase or rental, deposits, delinquent fees, and Franchise fees.

3. Show all activity during the billing period including optional charges, rebates, and credits. Said billing period shall not exceed forty-five (45) days.

D. Renewal: The Franchising Authority and the Grantee agree that any proceeding undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provisions of the Cable Act, as currently constituted or as may be hereafter amended. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-5: COMPLIANCE AND MONITORING:

A. Communication with Regulatory Agencies: Copies of all petitions, applications, communications and reports submitted by the Grantee to the FCC or any other federal or state regulatory commission or agency having jurisdiction in respect to matter affecting construction, maintenance or operation of the Grantee's Cable System or service, shall be made available to the Franchising Authority upon reasonable request. Copies of responses or any other communications from the regulatory agencies to the Grantee shall also be made available to the Franchising Authority.

B. Technical Standards: The Grantee shall be responsible for ensuring that the Cable System is designed, installed and operated in a manner that fully complies with FCC rule and regulations in Subpart K of Part 76 of Chapter 1 of Title 47 of the Code of Federal Regulations as now constituted or as may be amended. As provided in these rule and regulations, the Franchising Authority shall have, upon request, the right to obtain a copy of tests and records required in accordance with such rules and regulations, but has no authority to enforce compliance with such standards. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-6: BONDS AND OTHER SURETY: For the reason of the Grantee's past performance and investment, no performance bond or other surety is required under the terms hereof. If the Franchising Authority determines, in its discretion, that a bond or a surety will be required of the Grantee during the term hereof, the Franchising Authority agrees to give the Grantee ninety (90) days written notice stating the reason for the requirement and amount of the bond or surety. The Grantee agrees to post said bond or surety, as required by the Franchising Authority within said ninety (90) day period. The Grantee shall be required to provide standard performance bonds and insurance requirements for encroachment and/or right-of-way work permits. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-7: LIABILITY & INDEMNIFICATION: The Grantee shall maintain liability insurance at all times during the existence of this Agreement by acquiring a specific liability policy for this agreement or by endorsement to a policy to provide separate limits including Products and Completed operations insurance, in an amount not less than $1,000,000 per occurrence, $1,000,000 aggregate. The specific liability policy or the endorsement to the policy to provide separate limits shall not be required to extend exclusively to Franchising Authority but, rather, the requirement created by this paragraph may be met if the specific liability policy or the endorsement provided for herein includes all Cable One Franchising Authority. The Grantee agrees at all times during the existence of this Agreement to have in force automobile liability insurance in an amount of $1,000,000 per accident. In addition, the Grantee shall carry workers compensation insurance as required by the State of Idaho statutes. The Grantee shall provide the Franchising Authority annually with a certificate of insurance showing proof of insurance and naming the Franchising Authority as an additional insured on all coverage except auto and workers compensation. The Grantee shall provide the Franchising Authority with cancellation notice at least thirty (30) days prior to any discontinuance of coverage. This insurance policy, including renewal thereof, obtained by the Grantee in compliance with this Section must be with an insurer with a best rating of no less than "A-" and certificate of such insurance policy, including renewals thereof, shall be filed and maintained with the City Clerk during the term of this Franchise. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-8: TERMINATION AND TECHINICAL VIOLATIONS:

A. Default, Notice and Termination:

1. If the Grantee willfully violates or fails to comply with any of the material provisions of this Franchise agreement, the Franchising Authority shall give written notice to the Grantee of the alleged non-compliance of its Franchise. The Grantee shall have thirty (30) days from the date of notice of non-compliance to cure such alleged default or, if such default cannot be cured within thirty (30) days, to present to the Franchising Authority a plan of action whereby such default can be promptly cured. The Grantee shall be entitled to attend the hearing, respond to questions and explain why termination would be justified.

2. If such default continues beyond the applicable dates agreed to for such

cure, the Franchising Authority shall give the Grantee written notice that all rights conferred under this Franchise Agreement may be revoked or terminated by the Council after a public hearing. The Grantee shall be entitled to not less than thirty (30) days prior notice of the date, time and place of the public hearing.

B. Termination for Non-compliance: Subject to State and Federal law, in the event that any Franchise is terminated by the Franchising Authority by reason of the Grantee's non-compliance, the Grantee shall have the right for six months after the final decision by the Council to attempt to sell that part of the system under such Franchise to a third party. If the Grantee is unable to find a buyer within such period, the Franchising Authority may elect to acquire the property of the system located in the streets and public property at a cost consistent with the provisions of Section 627(b)(1) of the Cable Act, as currently constituted or as may be amended. If the Franchising Authority or a third party does not purchase the system, the Grantee shall, upon order of the Franchising Authority, remove the system from the public ways of the Franchising Authority. The Grantee agrees that in no case shall a termination for cause be considered as a "taking".

C. Technical Violations: The parties agree that it is not the Franchising Authority's intention to subject the Grantee to penalties or termination for technical violations of this agreement. Technical violations shall include, but are not limited to the following:

1. Instances where a violation or a breach by the Grantee of this agreement was a good faith effort that resulted in no or minimal negative impact on Subscribers or

2. Where there existed circumstances reasonably beyond the control of the Grantee and which precipitated a violation of this agreement or which were deemed to have prevented the Grantee from strictly complying with the terms of this agreement. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

7-7-9: MISCELLANEOUS PROVISIONS:

A. Actions of Parties: In any action by the Franchising Authority of the Grantee that is mandated or permitted under the terms hereof, such party shall act in good faith in a reasonable and timely manner. Furthermore, in any instance where approval or consent is required under the term hereof, such approval or consent shall not be unreasonably withheld.

B. Equal Protection: In the event the Franchising Authority grants another Franchise to any person or entity for the purpose of constructing or operating a Cable System within the Service Area, such additional Franchise shall not present materially better terms or lesser obligations for the new Franchisee over the terms of the Franchise. Nevertheless, if such does take place, the Franchising Authority will immediately modify this Franchise so that it is in conformity with

the language of the new Franchise.

C. Notices: Notice required hereunder shall be in writing and shall be deemed to have been duly given to the required party upon actual receipt. Acceptable methods of delivery include hand delivery, certified or registered mail and overnight express mail. Notice required hereunder shall be addressed as follows:

City of Greenleaf
Attn: City Clerk
20523 N. Whittier Dr.
Greenleaf, ID 8362661

Cable One
Attn: Vice President
1314 North Third Street 3rd Floor
Phoenix, AZ 85004

With copy to: Cable One
Attn: General Counsel
1314 North Third Street 3rd Floor
Phoenix, AZ 85004

With copy to: Cable One
Attn: General Manager
2101 E Karcher Rd
Nampa, ID 83687

D. Descriptive Headings: The captions and heading to sections herein contained are intended solely to facilitate the reading of this agreement. Such captions and headings shall not affect the meaning or interpretation of the text herein.

E. Severability: If any section, sentence, term or provision hereof is determined to be illegal, invalid or unconstitutional, by and court of competent jurisdiction or appropriate regulatory agency having jurisdiction, such determination shall have no effect on the validity of any other section, sentence, term or provision hereof, all of which shall remain in full force and effect.

F. Effective Date: The effective date of this Franchise agreement will commence upon approval and publication of this ordinance, and shall expire fifteen years thereafter unless extended by the mutual consent of the parties. The terms of this franchise may be reviewed by the city and grantee on October 01st 2009 and every fifth year thereafter during the effective term of this franchise or any extension thereof. Provided, however, that such review shall occur only if either grantor or grantee gives written notice to the other party within ninety (90) days of the review date. If written notice is not given within ninety (90) days of the review date, the then current provisions shall be deemed in effect for an additional five (5) years. If such review does not result in mutual agreement between grantor and grantee, then the terms of this franchise shall remain in effect. (Ord. 60, Amd, Ord. 104, Amd., Ord. 111, Repl, Ord. 213, 10-07-2008)

Chapter 8
TREES AND LANDSCAPE MAINTENANCE

7-8-1: MINIMUM STANDARDS:
7-8-2: PUBLIC NUISANCES; ABATEMENT:
7-8-3: PENALTY:

7-8-1: MINIMUM STANDARDS:

A. Tree Height: Every property owner shall trim or cause to be trimmed all trees in front or rear of the property so owned, so that the branches thereof overhanging a public street or alley shall be at a distance of not less than fourteen feet (14') vertically measured above ground level; branches thereof overhanging a sidewalk shall be at a distance of not less than eight feet (8').

B. Tree Removal And Trimming Notification Required: Prior to engaging in the removal or replacement of trees or shrubs or landscape maintenance, to include trimming, cutting and pruning in the public rights of way, the property owner must first notify the city. The superintendent of public works will inspect the work area and all costs for removal and trimming shall be at the owner's expense.

C. Tree Trimmers: Owners have the option to perform the trimming and pruning. If the owner employs someone to perform the trimming, the owner shall hire tree trimmers who have a license approved by the city as set forth in title 3, chapter 6 of this code. (Ord. 184, 3-1-2004)

7-8-2: PUBLIC NUISANCES; ABATEMENT:

A. Nuisance: Public nuisance in the maintenance of landscaping is:

1. Any tree, shrub or other plant which by reason of location or condition, constitutes danger to health, safety or welfare of the general public; harbors pathogens or injurious insects, which reasonably may be expected to injure or harm other trees or shrubs; obstructs free passage of pedestrian or vehicular traffic or obstructs traffic control devices.

2. Landscape areas that are not maintained and become inundated with weeds and trash.

B. Nuisance Abatement:

1. Right To Inspect Suspected Nuisances: The city's agents have the authority to enter onto private property where there is reasonable cause to believe that there is a public nuisance.

2. Owner Of Infested Area: Any property owner owning land where infested plants, trees, shrubs or vines are present shall exterminate the associated disease or insect.

3. City Public Works Intervention: The city or their agent shall issue a written notice to be personally served or sent by certified mail to the

person listed by the Canyon County assessor's office as the record owner of the particular property. If any person fails or neglects to abate these nuisances within fourteen (14) days from the delivery of the abatement notice, the city shall then proceed under the supervision of the public works department to abate the nuisance using a licensed tree trimmer.

4. Public Nuisance Considered An Immediate Threat: The city public works department is empowered to cause the immediate abatement of any public nuisance determined to be a threat to any person or property.

5. Costs To Be Charged To Owner: The city shall cause the removal and disposal of nuisances as often as necessary on lots, lands, or premises not in compliance with the nuisance abatement provisions. The work performed by the city or its contractor shall be billed and paid according to subsection 4-1-6B of this code.

6. Appeal To The Council: If owner is unable to abate the nuisance within fourteen (14) days due to a financial hardship, the controller may ask the city council at the next regular council meeting for an extension not to exceed fifteen (15) additional days from approval date. (Ord. 184, 3-1-2004)

7-8-3: PENALTY:

A. Penalty Imposed: Noncompliance with the provisions of this chapter may be cited as an infraction as provided in Greenleaf Code §1-4-1.

B. Separate Offense: It shall be considered a separate offense to maintain, keep, and or allow any nuisance for every day after the fourteen (14) days that said nuisance remains. (Ord. 184, 3-1-2004; Amd Ord #300, 03-14-2023)

Title 8
BUILDING REGULATIONS

Chapter 1
BUILDING CODES

8-1-1: CODES ADOPTED:
8-1-2: BUILDING PERMIT REQUIRED; APPEALS:
8-1-3: AIRCRAFT HANGAR REGULATION

8-1-1: CODES ADOPTED: The approved editions of the following nationally recognized codes are adopted as the official building codes of the city of Greenleaf:

A. International Building Code: The international building code, 2018 edition, prepared by the International Code Council, Inc., as adopted by the state of Idaho or the Idaho building code board, together with any amendments or revisions to the International Building Code made by the Idaho Building Code Board through the negotiated rulemaking process, is adopted.

B. International Residential Code: The international residential code, 2018 edition, prepared by the International Code Council, Inc., as adopted by the state of Idaho or the Idaho building code board, together with any amendments or revisions to the international building code made by the Idaho building code board through the negotiated rulemaking process, is adopted.

C. International Energy Conservation Code: The international energy conservation code, 2009 edition, prepared by the International Code Council, Inc., together with any amendments or revisions to the international building code made by the Idaho building code board through the negotiated rulemaking process, is adopted.

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes in their entirety, including appendices, excepting codes for which only parts are specified above, effective in the city of Greenleaf on January 1 of the year following adoption by the state of Idaho. Amendments to the official building codes may be made by ordinance and reflected in subsection 8-1-2A of this chapter or, for regulations relating to aircraft hangars, in subsection 8-1-3 of this chapter. Subsections 8-1-2A and 8-1-3 of this chapter are deemed fully applicable to equivalent portions of superseding successive versions of building code. (Amd. Ord 272, 12/06/2016, Amd. Ord 290, 07-06-2021)

8-1-2: BUILDING PERMIT REQUIRED; APPEALS:

A. Building Permit Required: It is unlawful for any person to erect, construct, enlarge, alter, repair, improve, remove, convert or demolish any building or structure without first obtaining from the building official a building permit, with said permit is the authority to commence construction. The building inspector

and official shall be strictly bound by the provisions of this chapter and state laws regulating buildings.

B. Board Of Appeals: There is a board of appeals to be appointed by the mayor and confirmed by the city council to determine and hear all appeals of the building official decisions under the uniform building code, the uniform code of abatement of dangerous buildings and the uniform housing code and amendments thereto as provided in this chapter. The board consists of three (3) members and one alternate member who are qualified by experience and training to pass upon matters pertaining to building construction. The building official is an ex officio member and may serve as secretary. An appeal of a decision issued by the board of appeals shall be made pursuant to the city of Greenleaf contested hearing procedures ordinance and may be heard by the city council if such appeal is made in writing to the city clerk within seven (7) days of notification of the board of appeals' action. (Ord. 195, 9-13-2005, Amd. Ord. 241, 12-07-2010)

8-1-3: AIRCRAFT HANGAR REGULATION

A: All aircraft hangars are subject to review and approval by the Building Official on a case-by-case basis. All aircraft hangars exceeding 2000 sq. ft. are also subject to review and approval by the Fire Marshall on a case-by-case basis.

B. The following International Building Code (IBC) sections are amended and shall be administered as follows for aircraft hangars built in the Greenleaf City Limits:

1. IBC 311.2 and Table 503 – Aircraft hangars exceeding 2000 sq. ft. must be built to Group S-1 (moderate hazard storage) standards, with the following exceptions:

a. The city's maximum height limit is 35 feet to peak, not the IBC 40 foot maximum. This does not apply to hangars built in the Airpark Overlay Zone.

b. The city's maximum height limit for hangars in the Airpark Overlay Zone is 50 feet to peak.

2. IBC 412.4.1 - Exterior walls of aircraft hangars shall have a fire resistance rating as shown in the following Table, based on distance closer than 30 feet from lot lines or a public way. For purposes of measuring the fire separation distance as defined in the IBC and as required by this section, aircraft taxiways shall be considered equivalent to a public way.

TABLE 8-1-3:B:2

Distance from lot line or public way /	0 to 15	15.01 to	Over 30 feet

aircraft taxiway:	feet	30 feet	
Required exterior wall fire resistance rating for hangars exceeding 2000 sq. ft.:	2 hours	1 hour	Not applicable
Required exterior wall fire resistance rating for hangers to 2000 sq. ft.	1 hour	1 hour	Not applicable

3. Section 412.4.2 – Where hangars have basements, floors over basements shall be sealed tight against seepage of water, oil or vapors. Plans for hangars with basements are subject to review and approval by the Building Official and Fire Marshall on a case-by-case basis prior to issuance of a building permit.

4. Section 412.4.3

a. If floor surfaces are graded then grading shall be for drainage to door.

b. Servicing, oil changes and repairs of aircraft and aircraft kit construction are allowed activities outside and inside hangars.

c. If installed, floor drainage systems shall comply with the following:

1. Floor drainage systems shall not be connected to the municipal waste-water system and discharge shall not enter stormwater drainage or otherwise leave the property as runoff.

2. Floor drainage systems shall include an oil separator.

e. Oil separators included in aircraft hangar floor drainage systems shall be located outside the aircraft hangar, and shall be of a type, located, maintained and cleaned in such a fashion as to mitigate fire hazard. Location and type of oil separator proposed, along with ongoing maintenance and cleaning schedule, shall be included in the building permit application and subject to review and approval by the Building Official and Fire Marshall.

5. Aircraft hangars shall be regulated as follows:

a) Residential aircraft Hangars of not greater than 2,000 sq. ft. are assigned a Group "U" occupancy and use classification, and shall be subject to regulation under International Building Code (IBC) 412.4 and as may be applicable elsewhere in this section.

b) Residential aircraft hangars of greater than 2,000 sq. ft. but less than 5,000 sq. ft. are assigned a group "S-1" occupancy and use classification, and shall be subject to regulation under IBC 412.4 with exception of square footage and as may be applicable elsewhere in this section.

c) Aircraft hangars of 5,000 sq. ft. and greater are assigned a group "S-1" occupancy and use classification, and shall be subject to regulation under IBC 412.3 and as may be applicable elsewhere in this section.

d) Two-hour fire barriers are required between residential and hangar areas for attached residential hangars, and in the wall closest to the residence for detached hangars.

e) Fire suppression systems are required for all detached aircraft hangars of 5,000 sq. ft. or greater.

f) Fire suppression systems are required through the entire structure with attached aircraft hangars over 2,000 sq. ft.

g) Fire mitigation measures may be adjusted at the sole discretion of the Fire Marshal on a case-by-case basis, with criteria for such adjustment to include, in part, consideration of current and anticipated future response times and service levels in light of property tax growth cap constraints imposed by HB389 (2021 Legislature).

C. Costs associated with plan reviews for aircraft hangars shall be borne by the applicant in accordance with the building permit fee schedule adopted by resolution of the City Council. (Ord 272, 12/06/2016, Amd. Ord 290, 07-06-2021, Amd. Ord #305, 10-03-2023)

ARTICLE A. FIRE CODE

8-1A-1: ADOPTION OF INTERNATIONAL FIRE CODE:
8-1A-2: AMENDMENTS TO INTERNATIONAL FIRE CODE:
8-1A-3: SAVING CLAUSE:
8-1A-4: PENALTIES:
8-1A-5: VALIDITY:

8-1A-1: ADOPTION OF INTERNATIONAL FIRE CODE: There is hereby adopted by the mayor and the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the international fire code, published by the International Code Council, and that the whole thereof, save and except such portions as hereinafter

deleted, modified or amended by section 8-1A-2 of this article. The city shall keep one copy of the fire code on file with the city clerk.

Adopted versions of the international fire code shall be deemed superseded by successive versions of the code in their entirety, including appendices effective in the city of Greenleaf on January 1 of the year following adoption by the state of Idaho. (Ord. 217, 6-19-2007, Amd. Ord 290, 07-06-2021)

8-1A-2: AMENDMENTS TO INTERNATIONAL FIRE CODE: The following general sections are hereby revised:

Section 0101.1. Insert "city of Greenleaf" for [name of jurisdiction]

Section 0105.1.1 Add "The city clerk is authorized to act as an agent of the fire official for issuance of open burning permits in accordance with section 105.6.31, with forms and process to be defined by resolution of the city of Greenleaf. The city clerk is also authorized to provide general operational and construction permit applications to the public, and accept such permit applications for conveyance to the fire official for review and action"

Section 0109.3. Change by deleting everything after the phrase "shall be guilty of" and replace with "an infraction for first-time and minor offenses. Repeat, intentional, serious, flagrant or multiple violations may result in misdemeanor charges being filed"

Section 0111.4. Change by deleting everything after the phrase "shall be liable to" and replace with "misdemeanor charges being filed"
The geographic limits referred to in certain sections of the 2003 international fire code are hereby established as follows:
Section 3204.2 Insert "Geographical limits are hereby deferred to determination by the reviewing and permitting process for operational fire permits. For hazardous materials above the maximum allowable quantity per control area, as determined by the fire marshal, a special use permit is required" for [geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas]

Section 3204.2.9.5.1 Insert "Geographical limits are hereby deferred to determination by the reviewing and permitting process for operational fire permits. For hazardous materials above the maximum allowable quantity per control area, as determined by the fire marshal, a special use permit is required" for [geographic limits in which the storage of class I and class II liquids in above-ground tanks outside of buildings is prohibited]

Section 3204.3.1.1 Insert "Geographical limits are hereby deferred to determination by the reviewing and permitting process for operational fire permits. For hazardous materials above the maximum allowable quantity per control area, as determined by the fire marshal, a special use permit is required" for [geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited]

Section 3206.2.4.4 Insert "Geographical limits are hereby deferred to determination by

the reviewing and permitting process for operational fire permits. For hazardous materials above the maximum allowable quantity per control area, as determined by the fire marshal, a special use permit is required" for [geographic limits in which the storage of class I and class II liquids in above-ground tanks is prohibited]
(Ord. 195, 9-13-2005)

8-1A-3: SAVING CLAUSE: Nothing in this article or in the fire code as adopted and amended herein shall be construed to affect any suit, action, or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this article. (Ord. 145, 7-12-1999)

8-1A-4: PENALTIES:

A. A violation of this article is hereby declared to be a misdemeanor and any person who violates any of the provisions of this article or of the fire code as adopted and amended herein or fails to comply herewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or fails to comply with such an order as affirmed or modified by the board of appeals as provided for under section 103.1.4 of the uniform fire code or by a court of competent jurisdiction, within the required time, shows severally for each and every such violation a noncompliance, respectively, be guilty of a misdemeanor punishable as provided in section 1-4-1 of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibitive conditions are maintained shall constitute a separate offense.

B. The application of the above penalties shall not be held to prevent the enforced removal of prohibitive conditions.

C. Whenever it appears to the city council that any person has engaged or is about to engage in any act or practice violating any provision of this article, the city council may institute a civil action in the district court to enforce compliance with this article. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this article, a permit or temporary injunction, restraining order or other such relief as the court deems appropriate may be granted. The city council shall not be required to furnish any bond in said civil proceeding. (Ord. 145, 7-12-1999; amd. 2003 Code)

8-1A-5: VALIDITY:

The city council hereby declares that any section, paragraph, sentence or word of this article or of the fire code as adopted and amended herein be declared for any reason to

be invalid, it is the intent of the city council that it would have passed all other portions of this article independent of the elimination herefrom of any portion as may be declared invalid. (Ord. 145, 7-12-1999)

Chapter 2
MOVING BUILDINGS

8-2-1: PERMIT REQUIRED; CONDITIONS:
8-2-2: APPLICATION FOR PERMIT:
8-2-3: BOND:
8-2-4: NOTICE OF TIME OF MOVING:
8-2-5: DUTY OF PUBLIC SERVICE CORPORATIONS:
8-2-6: POLICE NOTIFIED BEFORE MOVING:

8-2-1: PERMIT REQUIRED; CONDITIONS:

It shall be unlawful for any person to move any building along, over or through any public place within the corporate limits without first having applied to and obtained from the building official a permit so to do and without thereafter complying with all of the provisions of said permit and this chapter. And further, before any building or structure for which a moving permit is required is moved into or within the city, the owner or his agent shall:

A. Provide the building department with present location and future destination of the building or structure to be moved.

B. Upon written notification prior to moving, the building department shall cause the building or structure to be inspected and examined for compliance with all codes applicable and to see that it will be consistent with the type of buildings or structures in the area to which it will be moved as not to depreciate the value of surrounding property.

C. The owner shall file with the building department a good and sufficient surety bond or cash, in an amount to be set by the building official based upon the cost estimate that will bring the building into compliance with the building code and in such a condition as to comply with subsection B of this section, and that will guarantee faithful and prompt construction of the building in compliance with subsection B of this section and the applicable codes and zoning regulations. (1973 Code § 5-1-3; amd. 2003 Code)

8-2-2: APPLICATION FOR PERMIT:

In order to obtain a permit, the applicant therefor shall file with the city clerk an application in writing. Said application shall contain accurate statements of the kind and character of building it is proposed to move, its dimensions, the materials out of which it is constructed, the legal description of the premises upon which it is to be moved, a description of the route over which it is proposed to move the same, and a description of

the means to be employed in moving such building. (1973 Code § 5-1-4; amd. 2003 Code)

8-2-3: BOND: Before a moving permit is granted, the applicant shall deliver to the city a two thousand five hundred dollar ($2,500.00) cash or surety bond, to save and protect the city against any loss or damage it may sustain arising out of or incident to the moving of any building by the applicant. (1973 Code § 5-1-5; amd. 2003 Code)

8-2-4: NOTICE OF TIME OF MOVING: Whenever any person has secured a permit for moving under the provisions of this chapter, he shall give to all public service corporations owning or operating public utilities along or across any of the streets included in the permit, written notice of the time when the work of moving is to be commenced. Said notice shall be in writing and shall be served at least twenty four (24) hours before the proposed time of commencing the moving. (1973 Code § 5-1-6)

8-2-5: DUTY OF PUBLIC SERVICE CORPORATIONS: Upon receipt of such notice, it shall be the duty of such public service corporation to move, raise or otherwise dispose of its wires or other instrumentalities in such time and manner as will not cause delay to the holder of the permit, all of which shall be done at the expense of the applicant. (1973 Code § 5-1-7)

8-2-6: POLICE NOTIFIED BEFORE MOVING: Before any building is moved over or on any public street, the police department shall be notified and they shall direct the moving at a time and route designated by them. (1973 Code § 5-1-8; amd. 2003 Code)

Chapter 3
MANUFACTURED HOUSING COMMUNITIES

8-3-1: TITLE:
8-3-2: DEFINITIONS:
8-3-3: PLANNED UNIT DEVELOPMENT, CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT REQUIREMENT

8-3-1: TITLE: This chapter shall be referred to and known as the CITY OF GREENLEAF MANUFACTURED HOUSING COMMUNITY ORDINANCE. (Ord. 138, 6-14-1999, Amd. Ord 291, 08-03-2021)

8-3-2: DEFINITIONS:

MANUFACTURED HOME: A structure built after June 15, 1976, that bears the department of housing and urban development certification that it has been constructed in conformance with the manufactured home construction and safety standards in effect at the time of its construction, and is to be used as a permanent dwelling.

MANUFACTURED HOUSING COMMUNITY: Any site, lot or tract of land of 2 acres or more in size under common ownership upon which two (2) or more manufactured homes are to be sited. Development projects that include manufactured housing which are not under common ownership and wherein lots are intended to be divided for the

purpose of sale or building development, shall be processed under the subdivision or planned unit development provisions in Greenleaf Code Title 9, Chapters 6 and 9. (Ord. 138, 6-14-1999; amd. 2003 Code, Amd. Ord 291, 08-03-2021)

8-3-3: Planned Unit Development, CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT REQUIREMENT:

Manufactured home communities may be permitted in the R5 residential zoning districts utilizing the planned unit development process as a conditional use with a development agreement, if the provisions for planned unit development, conditional use permit, and development agreement procedures of Greenleaf Code Title 9 are met and a planned unit development, conditional use permit, and development agreement have been approved. (Ord. 138, 6-14-1999, Amd. Ord 291, 08-03-2021)

8-3-4 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-5 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-6 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-7 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-8 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-9 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-10 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-11 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-12 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-13 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-14 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-15 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-16 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-17 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-18 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-19 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-20 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-21 (Ord. 138, 6-14-1999; amd. 2003 Code, Repl'd Ord 291, 08-03-2021)
8-3-22 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-23 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)
8-3-24 (Ord. 138, 6-14-1999, Repl'd Ord 291, 08-03-2021)

Chapter 4
MANUFACTURED HOME REGULATIONS

8-4-1: PURPOSE:
8-4-2: DEFINITIONS:
8-4-3: ADMINISTRATION AND ENFORCEMENT:
8-4-4: DEVELOPMENT STANDARDS:
8-4-5: ACCESSORY STRUCTURES:
8-4-6: NONCONFORMING MANUFACTURED HOMES:
8-4-7: PLACEMENT OF INDIVIDUAL MANUFACTURED HOMES:

8-4-1: PURPOSE: This chapter establishes the minimum standards for the location and approval of manufactured housing within the city. (Ord. 81, 4-9-1992, Amd. Ord 291, 08-03-2021)

8-4-2: DEFINITIONS:

ACCESSORY STRUCTURE: A structure attached to or located adjacent to a manufactured home such as awnings, carports, garages, porches or steps.

FOUNDATION FASCIA: A weather resistant material surrounding the entire perimeter of a manufactured home which completely encloses the space between the exterior wall of the manufactured home and the ground.

MANUFACTURED HOME: A structure built after June 15, 1976, that bears the department of housing and urban development certification that it has been constructed in conformance with the manufactured home construction and safety standards in effect at the time of its construction, and is to be used as a permanent dwelling.

PERMANENTLY AFFIXED: A manufactured home which has the running gear and towing hitch or similar devices removed and is set up per manufacturer's instructions on permanent footings, with supports having an anchoring system that is totally concealed under the structure and complies with department of housing and urban development standards. (Ord. 81, 4-9-1992; amd. 2003 Code, Amd. Ord 291, 08-03-2021)

8-4-3: ADMINISTRATION AND ENFORCEMENT:

A. Application: Application shall be made to the building official on a prescribed form. The completed application shall include all information necessary to determine conformity with required development standards of this chapter including: exterior dimensions, siding material, foundation fascia material, roofing material, eave overhang and any other applicable information. The applicant shall also attach to the application a copy of the manufacturer's instructions for installation of the home on permanent footings; and a plot plan showing existing conditions and the proposed location of the home and other improvements at a scale of at least one inch equaling twenty feet (1" = 20').

B. Certificate and Inspection: The applicant shall sign the completed application certifying the manufactured home meets the development standards of this chapter, and that site development will be in accordance with said standards and the plot plan submitted, stating that once the manufactured home is permanently affixed the applicant will comply with the requirement for the home to be declared as real property for taxation purposes. These certifications shall be made prior to the moving of the home to the building site.

C. Footings And Foundation: Following application and plot plan approval, the building official may issue a building permit for the footings and foundation. Upon satisfactory inspection of the footings and foundation for the attachment of the manufactured home, the building official shall verify, in writing, that all development

standards have been met as certified by the applicant. The home may then be attached to the foundation in accordance with the manufacturer's instructions, city ordinances for permanent utility connections and other building requirements.

D. Final Inspection: Prior to occupancy a final inspection shall be made to assure proper attachment of the home to the foundation and placement of a proper foundation fascia.

E. Fees: The applicant shall pay building permit fees and installation fees as established by (i) resolution of the City Council; and/or (ii) by rules of the Idaho Division of Building Safety, as well as any other applicable fees as established by resolution of the City Council. (Ord. 81, 4-9-1992; amd. 2003 Code, Amd. Ord 291, 08-03-2021)

8-4-4: DEVELOPMENT STANDARDS:

The use of a manufactured home as a permanent residential dwelling on an individual lot shall be permitted in any zoning district as established in Greenleaf Code §9-1-6 which permits installation of a single-family sitebuilt dwelling, provided the following standards are met:

A. Construction: The home is multi-sectional with a minimum floor area of eight hundred (800) square feet.

B. Roofing: The home has roofing materials which are generally acceptable for site-built housing, and which are nonmetallic shingle, shake or tile roof. Roofs shall also have a minimum slope of twenty five percent (25%) (3:12) and overhanging eaves with a minimum eaves width of six inches (6"), exclusive of gutters and said eaves shall be provided around the entire perimeter of the structure.

C. Siding: The home has siding materials which are generally acceptable for site-built housing, and which have the appearance of wood, masonry or horizontal metal siding. Reflection from horizontal metal siding shall be no greater than that from siding coated with white, gloss enamel.

D. Permanently Affixed; Compliance With Building Code: The home shall be permanently affixed in accordance with manufacturer's recommendations. Footings shall be of poured masonry extending twenty-four inches (24") below grade. The home shall meet the provisions of the building codes adopted by the city.

E. Crawl Space: The home has a crawl space with the following minimum measurements: (1) eighteen inches (18") clearance; (2) twelve inches (12") of clearance under beams; and (3) an eighteen inch by twentyfour inch (18" x 24") access door with adequate venting and six (6) mil visqueen vapor barrier either on the outside of the manufactured home or upon the surface of the ground underneath it.

F. Compliance With Zoning Regulations: The home will comply with all

applicable lot size, setback and other requirements of the zoning district in which it is to be located.

G. Off Street Parking: The home will be provided with two (2) off street parking spaces. The home shall have a garage or carport constructed of like materials if zoning ordinances would require a newly constructed non-manufactured home to have a garage or carport. Adequate on-lot drainage shall be provided.

H. Restrictive Covenants: Manufactured homes shall not be allowed in subdivisions where they are prohibited by restrictive covenants.

I. Own Or Purchase Land: Manufactured homeowners or purchasers shall own or be purchasing the land upon which their home is to be placed. Said owner or purchaser shall record with the county recorder a nonrevocable option declaring the manufactured home as real property.

J. Smoke Detectors: Manufactured homes shall be provided with smoke detectors as required in the International Building Code, section 1210, "smoke detectors and sprinkler systems," before final inspection and occupancy. Smoke detectors required in addition to those provided for in the department of housing and urban development, 24 CFR Part 3280, "manufactured home construction and safety standards," may be of the battery-operated type.

K. Park Models Allowed as Accessory Dwelling Units (ADUs): Nothing in this chapter shall prevent the use of a park model as an ADU implemented in accordance with Title 9 of Greenleaf Code.

L. Prohibition: Manufactured homes not meeting standards in subsections A, D, E, or K of this section shall not be allowed unless approved in accordance with the conditional use provisions of Greenleaf Code §9-13-3. (Ord. 81, 4-9-1992, Amd. Ord 291, 08-03-2021)

8-4-5: ACCESSORY STRUCTURES: Accessory structures to manufactured housing shall be constructed in compliance with the standards specified in Greenleaf Code Title 9. (Ord. 81, 4-9-1992, Amd. Ord 291, 08-03-2021)

8-4-6: NONCONFORMING MANUFACTURED HOMES: A manufactured home which has been placed and maintained upon an individual lot prior to April 9, 1992 shall be a legal nonconforming use. Such manufactured homes shall not be relocated within the city, nor relocated within the existing present site, without conforming to all applicable provisions contained herein. (Ord. 81, 4-9-1992, Amd. Ord 291, 08-03-2021)

8-4-7: PLACEMENT OF INDIVIDUAL MANUFACTURED HOMES: No more than one manufactured home may be placed upon an individual tract, lot or parcel with the exception of a development request in compliance with chapter 3 of this title. (Ord. 141, 6-14-1999, Amd. Ord 291, 08-03-2021)

Chapter 5
FLOOD DAMAGE PREVENTION ORDINANCE

8-5-1: TITLE:
8-5-2: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES:
8-5-3: DEFINITIONS:
8-5-4: GENERAL PROVISIONS:
8-5-5: ADMINISTRATION:
8-5-6: PROVISIONS FOR FLOOD HAZARD REDUCTION:
8-5-7: VARIANCE AND APPEAL PROCEDURES:
8-5-8: PENALTIES FOR VIOLATION:

8-5-1: TITLE: This title shall be known as the Flood Damage Prevention Ordinance. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

8-5-2: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES:

A. Statutory Authority: The Legislature of the State of Idaho in I.C. 46-1020 through I.C. 46-1024, authorized local government units to adopt a floodplain map and floodplain management ordinance that identifies floodplains and that sets forth minimum development requirements in floodplains that are designed to promote the public health, safety, and general welfare of its citizenry.

B. Findings of Fact: The flood hazard areas of the City of Greenleaf are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

2. Local government units have the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management.

C. Statement of Purpose: It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Require that development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;

2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

3. Control filling, grading, dredging and other development which may increase flood damage or erosion;

4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

D. Objectives: The objectives of this ordinance are to:

1. Protect human life, health and property;

2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

4. Minimize expenditure of public money for costly flood control projects;

5. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;

6. Minimize prolonged business interruptions. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

8-5-3: DEFINITIONS: unless specifically defined in §8-5-3, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage.

"Accessory structure" means a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure. An insurable building should not be classified as an accessory or appurtenant structure.

"Appeal" means a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or

where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A, AE, and V. Also known as the Special Flood Hazard Area (SFHA).

"Base Flood" means the flood having a one percent chance of being equaled or exceeded each year. Also known as the "Regulatory Flood".

"Base Flood Elevation (BFE)" means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest .1 foot.

"Basement" means the portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

"Building" see "Structure."

Conditional Letter of Map Revision (CLOMR)
A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies

"Critical Facility" means a facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material facilities.

"Datum" The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, construction or improvements to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

"Digital FIRM (DFIRM)," means Digital Flood Information Rate Map. It depicts flood risk and zones and flood risk information The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

"Existing Construction" means a structure for which the "start of construction" commenced before 24 May 2011

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before 24 May 2011.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Federal Emergency Management Agency (FEMA)" is the agency with the overall responsibility for administering the National Flood Insurance Program.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
(a) the overflow of inland or tidal waters; or
(b) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Fringe" means the portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration or U.S. Department of Housing and Urban Development, where the boundaries of areas of special flood hazard have been designated as Zone A. The FHBM usually is the initial flood hazard map.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the base flood.

"Floodplain" means the land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe. (I.C. 46-1021)

"Flood Proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood Protection Elevation (FPE)" means an elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, plus 1 foot of freeboard. Therefore the Flood

Protection Elevation for the City of Greenleaf is equal to BFE plus floodway elevation (if present) plus *(X)* freeboard.

"Floodway (Regulatory Floodway)" means the channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed.

"Functionally Dependent Facility" means a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG related to building elevation information.

"Historic Structure" means a structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.
(c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or
(d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    i. By an approved state program as determined by the Secretary of the Interior, or
    ii. Directly by the Secretary of the Interior in states without approved programs.

"Letter of Map Change (LOMC)" means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are issued in the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)
A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Adjacent Grade (LAG)" means the lowest point of the ground level next to the structure. Refer to the Elevation Certificate, FEMA Form 81-31, for LAG related to building elevation information.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The lowest floor is a determinate for the flood insurance premium for a building, home or business.

"Manufactured Home" means a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

"Mean Sea Level" means for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD88) or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced.

"New construction" means a structure for which the "start of construction" commenced after 24 May 2011, and includes subsequent improvements to the structure.

"New Manufactured Home Park or Subdivision" means a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after 24 May 2011.

"Recreational Vehicle" means a vehicle that is:
(a) Built on a single chassis,
(b) 400 square feet or less when measured at the largest horizontal projection,
(c) Designed to be self-propelled or permanently towed by a light duty truck, and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost where the construction of facilities for servicing the lots on which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Start of construction" includes substantial improvement and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.

"Substantial improvement" means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This

term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed. The term does not include either:
(a) A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
(b) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

"Variance" is a grant of relief by the governing body from a requirement of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the provisions of this ordinance. A structure or other development without the required elevation certificate or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other specified datum) of floods of various magnitudes and frequencies in the flood plains of costal or riverine areas. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

8-5-4: GENERAL PROVISIONS:

A. Lands to Which This Ordinance Applies: This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Greenleaf. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

B. Basis for Area of Special Flood Hazard: The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Canyon County, Idaho and Incorporated Areas, dated 24 May 2011, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the office of the City Cerk at 20523 N. Whittier Dr., Greenleaf, Idaho, 83626, ph. 208/454-0552, fax 208/454-7994.

C. Establishment of Floodplain Development Permit: A Floodplain Development Permit shall be required prior to development activities in Special Flood Hazard Areas established in § 8-5-4(B).

D. Interpretation: In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body, and;

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

E. Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Greenleaf or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

8-5-5: ADMINISTRATION:

A. Designation of Floodplain Ordinance Administrator: The Zoning Official is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of this ordinance.

B. Permit Procedures: Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the administrator or the administrator's designee prior to starting development activities within the Special Flood Hazard Area. Specifically, the following information is required:

1. Application Stage

a. Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities.

b. Elevation in relation to the Flood Protection Elevation, or highest adjacent grade, of the lowest floor level, including crawlspaces or basement, of all proposed structures;

c. Elevation to which any non-residential structure will be flood-proofed;

d. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in Article V(G)(2);

e. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

2. Construction Stage

a. For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level, using appropriate FEMA elevation or flood-proofing certificate, immediately after the lowest floor or flood-proofing is completed. When flood-proofing is utilized for non-residential structures, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

b. Certificate deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

3. Technical Review

a. If the community does not have the expertise to evaluate the technical data that is part of the application, the community may contract for an independent engineering review or require a review by FEMA through the Letter of Map Revision process. The applicant will pay the costs of an independent technical review.

4. Expiration of Floodplain Development Permit

a. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.

C. Duties and Responsibilities of the Administrator: Duties of the Floodplain Administrator shall include, but shall not be limited to:

1. Review all floodplain development permit applications to assure that the permit requirements of this ordinance have been satisfied.

2. Review proposed development to assure that necessary permits have been received

3. When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.

4. When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.

5. Obtain, and record the actual elevation in relation to the vertical datum on the effective FIRM, or highest adjacent grade, of the lowest floor level, including basement, of all new construction or substantially improved structures.

6. Obtain, and record the actual elevation, in relation to the vertical datum on the effective FIRM to which any new or substantially improved structures have been flood-proofed.

7. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect.

8. Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

9. All records pertaining to the provisions of this ordinance shall be permanently maintained in the office of the city/county clerk or his/her designee and shall be open for public inspection. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

8-5-6: PROVISIONS FOR FLOOD HAZARD REDUCTION:

A. Subdivision Standards:

1. All subdivision and manufactured home park proposals shall be consistent with the need to minimize flood damage.

2. All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.

3. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.

4. All subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.

5. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

B. Construction Standards: In all Areas of Special Flood Hazard the following provisions are required:

1. New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. New construction and substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be constructed with materials and utility equipment resistant to flood damage.

3. New construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, shall be constructed by methods and practices that minimize flood damage.

4. All new construction or substantial improvements of an existing structure, including a structure that has been substantially damaged, that includes a fully enclosed area located below the lowest floor formed by the foundation and other exterior walls shall be designed to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the following minimum criteria:

a. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening; openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

b. To comply with the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

d. For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:

i. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;

ii. Interior grade of the crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG);

iii. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;

iv. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace.

5. All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other facilities shall be designed and/or elevated to prevent water from entering or accumulating within the components during flooding.

6. New and replacement water supply systems shall be designed to minimize or to eliminate infiltration of flood waters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

8. On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

9. Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this ordinance, shall be undertaken only if the nonconformity is minimal in order to meet health and safety standards.

C. Manufactured Home Standards: In all Areas of Special Flood Hazard where the Flood Protection Elevation is established, these standards for manufactured homes and recreational vehicles that are an allowed use under the zoning ordinance shall apply:

1. Manufactured homes placed or substantially improved,

a. On individual lots or parcels

b. In new or substantially improved manufactured home parks or subdivisions

c. In expansions to existing manufactured home parks or subdivisions, or on a site in an existing manufactured home park, or

d. In a subdivision where a manufactured home has incurred "substantial damage" as the result of a flood; must have the lowest floor, including basement, elevated to the Flood Protection Elevation.

2. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

a. The lowest floor of the manufactured home is elevated to the Flood Protection Elevation or one foot above the level of the base flood elevation, whichever is higher.

b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less that 36 inches above the highest adjacent grade.

3. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements.

4. Manufactured homes placed on solid perimeter walls shall meet the flood vent requirements in § 8-5-6(B)(4).

D. Accessory Structures: Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than 120 square feet. Such a structure must meet the following standards:

1. It shall not be used for human habitation;

2. It shall be constructed of flood resistant materials;

3. It shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

4. It shall be firmly anchored to prevent flotation;

5. Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the Flood Protection Elevation;

6. It shall meet the opening requirements of § 8-5-6(B)(4).

E. Recreational Vehicle Standards: In all Areas of Special Flood Hazard, Recreational Vehicles, must either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or

3. The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements.

F. Floodway Standards: The following provisions shall apply in a floodway:

1. A project in the regulatory floodway must undergo an encroachment review to determine its effect on flood flows. An encroachment analysis must include:

a. Determination and documentation that the filling, grading or construction of a structure will not obstruct flood flows and will not cause an increase in flood heights upstream or adjacent to the project site;

b. Determination and documentation that grading, excavation, channel improvements, bridge and culvert replacements that remove an obstruction, do not cause increases in downstream flood flows;

c. Certification and documentation by a licensed professional engineer that the project will not result in a rise in flood heights;

d. The Administrator may make the encroachment determination for minor projects, such as projects that do not increase the natural grade (e.g., paving a driveway or parking lot at existing grade, open fences and small isolated obstructions such as a mailbox or telephone pole.

2. Upon demonstrating that there are no alternatives, the applicant may propose an encroachment in the floodway that will cause an increase in the base flood elevation in excess of the allowable level provided that the applicant obtain a Conditional Letter of Map Revision from FEMA before the development can be approved and permitted.

G. Standards for Zones with Base Flood Elevations: In Special Flood Hazard Areas designated AE, AH, A (with estimated BFE), the following provisions are required.

1. New residential construction and substantial improvements

a. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, constructed at or above the community's Flood Protection Elevation. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in § 8-5-6(B)(4).

2. Non-Residential Construction

a. New construction or the substantial improvement of any non-residential structure located in zones, AE, or AH shall have the lowest floor, including basement, constructed at or above the community's Flood Protection Elevation or be flood-proofed. If not elevated, the structure and attendant utility and sanitary facilities, must be designed to be water tight to the Flood Protection Elevation or to one (1) foot above the base flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Administrator.

3. Where the floodway has not been determined, no new construction, substantial improvements, or other development (including fill) shall be permitted in Zones and AE on the effective FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Applicants of proposed projects that increase the base flood elevation more than one foot are required to obtain and submit to the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) preconstruction.

4. Post construction, the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

5. In AH Zones, drainage paths shall be provided to guide flood water around and away from proposed and existing structures.

H. Standards for Zones Without Base Flood Elevations and/or Floodway (A Zones): These standards apply in Special Flood Hazard Areas where streams exist but no base flood elevation data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated.

1. When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, then the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this ordinance. If data are not available from any source, only then provisions 2 and 3 shall apply.

a. Where the floodplain administrator has obtained base flood elevation data, applicants of proposed projects that increase the base flood elevation more than one foot shall obtain a Conditional Letter of Map Revision preconstruction and a Letter of Map Revision post construction.

2. No encroachments, including structures or fill, shall be located within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless certification by a licensed professional engineer documents that the encroachment will not result in any increase in flood levels during the base flood.

3. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement or crawlspace) elevated no less than two feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with the construction standards in Articles V (B) and (C).

I. Standards for Areas of Shallow Flooding (AO Zones): Shallow flooding areas designated AO Zones, are Areas of Special Flood Hazard that have base flood depths of one to three feet, with no clearly defined channel. The following provisions apply.

1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the adjacent grade at least as high as the flood depth number specified in feet on the Flood Insurance Rate Map (FIRM). If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (2) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movement of flood waters

shall be provided in accordance with the construction standards in § 8-5-6(B)(4).

2. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure and attendant utility and sanitary facilities must be designed to be water tight to the specified base flood level or at least two (2) feet above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these provisions, and shall provide certification to the Floodplain Administrator.

3. Drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

J. Alteration of a Watercourse: A water course is considered altered when any change occurs within its banks.

1. The bankfull flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bankfull flood carrying capacity of the water course will not be diminished.

2. Adjacent communities, the U.S. Army Corps of Engineers and the Idaho Department of Water Resources Stream Channel Alteration program must be notified prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished.

3. The applicant shall meet the requirements to submit technical data in Sections K (1) and K(2) when an alteration of a water course results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

K. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting

such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area in accordance with § 8-5-6(A)(3);

c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts;

d. Subdivision or large-scale development proposals requiring establishment of base flood elevations according to § 8-5-6(A)(3).

2. It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

8-5-7: VARIANCE AND APPEAL PROCEDURES:

A. Variance:

1. An application for a variance must be submitted to the City Clerk on the form provided by the City of Greenleaf and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.

2. Upon receipt of a completed application for a variance, the variance request will be set for public hearing at the next City Council meeting in which time is available for the matter to be heard.

3. Prior to the public hearing, Notice of the hearing will be published in the official newspaper of the City of Greenleaf at least 15 days prior to the hearing. In addition to newspaper publication, written notice shall be provided to all adjoining property owners.

4. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant

B. Criteria for Variances:

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial

improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances may be issued upon;

a. A showing by the applicant of good and sufficient cause;

b. A determination that failure to grant the variance would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances.

5. Variances pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods.

C. Variance Decision: The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Flood Protection Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

D. Appeals: The City Council shall hear and decide appeals from the interpretations of the Administrator.

1. An appeal must be filed with the City Clerk within fourteen (14) days of the date of any permit denial or interpretation of the Administrator. Failure to timely file an appeal shall be considered a failure to exhaust the administrative remedies. The appeal must set out the interpretation of the Administrator and a narrative setting forth the facts relied upon by the appellant and the appellants claim regarding the error in the interpretation.

2. Upon receipt of a completed appeal, the appeal will be scheduled for the next available City Council meeting to be heard. The City Council shall consider the following in ruling on an appeal:

a. All technical evaluations, all relevant factors, standards specified in other sections of this ordinance, including:

i. The danger that materials may be swept onto other lands to the injury of others;

ii. The danger to life and property due to flooding or erosion damage;

iii. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual landowner;

iv. The importance of the services provided by the proposed facility to the community;

v. The necessity of the facility to a waterfront location, where applicable;

vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

vii. The compatibility of the proposed use with existing and anticipated development;

viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

xi. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

xi. The cost of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Decision: The City Council decision on appeal shall be in writing and set out the facts, technical information and the legal basis for the decision. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

8-5-8: PENALTIES FOR VIOLATION: No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance or failure

to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Greenleaf from taking such other lawful actions as is necessary to prevent or remedy any violation. (Ord. 239, 07-09-2010, Repl. Ord. 243, 05-03-2011)

Title 9
ZONING REGULATIONS

Chapter 1
AUTHORITY AND PURPOSE

9-1-1: AUTHORITY:
9-1-2: PURPOSE:
9-1-3: AFFECTED LANDS:
9-1-4: AREA OF CITY IMPACT:
9-1-5: APPLICATION OF REGULATIONS:
9-1-6: ESTABLISHMENT OF ZONING DISTRICTS:
9-1-7: ADMINISTRATION:
9-1-8: SCHEDULE OF FEES, CHARGES AND EXPENSES:

9-1-1: AUTHORITY: This title is enacted pursuant to article 12, section 2 of the constitution of Idaho, title 67, chapter 65, title 50 and other applicable statutes within the Idaho Code, which empower the city to exercise the police power and to enact land use regulations and to provide for its administration, enforcement and amendment. This title may be cited and referred to as the LAND USE DEVELOPMENT ORDINANCE for the city of Greenleaf. (Ord. 205, 10-25-2006)

9-1-2: PURPOSE: The purpose of this title shall be:

A. To maintain and promote the small town character and attraction of Greenleaf, and the natural beauty of the surrounding lands, farms, and open space, present and future, for Greenleaf's residents and visitors.

B. To ensure that all physical growth is carried out in an orderly fashion and complements the landscape, ecology, economy, and existing rural character of Greenleaf.

C. To regulate the use of land, and the use, height, location, size and impact of buildings and structures.

D. To implement the comprehensive plan for the city of Greenleaf.

E. To facilitate the provision of public services and to promote and protect the health, safety and welfare of all residents and visitors.

F. To enhance and encourage the harmonious development of existing and future residential, commercial, active agricultural, educational, religious oriented, and civic uses. (Ord. 205, 10-25-2006)

9-1-3: AFFECTED LANDS: This title applies to all land within the boundaries of the city of Greenleaf, and to all land within the boundaries of the city of Greenleaf area of city impact to the extent allowed by applicable law. (Ord. 205, 10-25-2006)

9-1-4: AREA OF CITY IMPACT: The land area included within the boundaries set out in the most recent city and county ordinances fixing the boundary of the city of Greenleaf area of city impact, is the area of city impact referred to in this title and to which, along with lands in the city proper, this title applies. Copies of the maps of the impact area, the Greenleaf comprehensive plan map and Greenleaf zoning map shall be on file for use and examination by the public in the office of the city clerk. (Ord. 205, 10-25-2006)

9-1-5: APPLICATION OF REGULATIONS: Except as herein specified, no land, building, structure or premises, and no part thereof, shall hereafter be used, and no building or part thereof, or other structures, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the requirements herein specified for the zone in which it is located; nor shall any yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

A. Conflicting Provisions: In case of a conflict between the provisions of various sections of this title, the more restrictive provisions shall prevail. (Ord. 205, 10-25-2006)

9-1-6: ESTABLISHMENT OF ZONING DISTRICTS: In order to carry out the provisions of this title, the following zones are created for the city of Greenleaf, and the lands within the city are placed into one or more of these zones as depicted on the zoning map. The regulations of this title specified for an overlay district are cumulative with, not in lieu of, the regulations specified for the underlying zoning district. In the event of a difference between the regulations of this title specified for an overlay district and the regulations of this title specified for the underlying zoning district, the regulations of the overlay district shall apply. All other regulations of the underlying zoning district with which the overlay district is combined shall remain in full force and effect.

A. Residential estate (RE) zone: See chapter 3, "Residential Zones", of this title.

B. Residential one dwelling unit per acre (R1) zone: See chapter 3, "Residential Zones", of this title.

C. Residential two (2) dwelling units per acre (R2) zone: See chapter 3, "Residential Zones", of this title.

D. Residential three (3) dwelling units per acre (R3) zone: See chapter 3, "Residential Zones", of this title.

E. Residential five (5) dwelling units per acre (R5) zone: See chapter 3, "Residential Zones", of this title.

F. Residential eight (8) dwelling units per acre (R8) zone: See chapter 3, "Residential Zones", of this title.

G. Neighborhood commercial (NC) zone: See chapter 4, "Commercial And Overlay Zones", of this title.

H. Community commercial (CC) zone: See chapter 4, "Commercial And Overlay Zones", of this title.

I. Central business district (CBD) zone: See chapter 4, "Commercial And Overlay Zones", of this title.

J. Industrial (I) zone: See chapter 5, "Industrial Zone", of this title.

K. Agriculture (AG) zone: See chapter 4, "Commercial And Overlay Zones", of this title.

L. Civic Overlay (CV) zone: See chapter 4, "Commercial And Overlay Zones", of this title.

M. Residential airpark overlay (AP) zone: See chapter 4, article A, "Residential Airpark Overlay Zone", of this title.

N. Mixed Use (M) zone: See Chapter 3, “Residential Zones”, of this title. (Ord. 205, 10-25-2006; Amd. Ord. 279, 04-03-2018; Amd. Ord #299, 02-07-2023)

9-1-7: ADMINISTRATION: The city council shall appoint a zoning official to carry out the provisions as herein specified and to serve at the pleasure of the council. The zoning official shall receive and process all land use development and related applications. (Ord. 205, 10-25-2006)

9-1-8: SCHEDULE OF FEES, CHARGES AND EXPENSES:

A. The city council shall establish a schedule of fees, charges and expenses and a collection procedure for all applications required or authorized by this title and for all other matters pertaining to the administration and enforcement of this title. The schedule of fees shall be posted in the office of the city hall, and shall be established, altered or amended by resolution of the city council.

B. Any direct costs incurred by the city in obtaining a review of the application by architects, attorneys, engineers or other professionals necessary to enable the city to approve or disapprove of the application, the application fee, and all notice and copying costs shall be paid for by the applicant prior to permit approval as set forth in this section.

1. At the time of application submittal, the applicant shall pay, in addition to the application fee, a retainer to cover the reasonably estimated professional service costs incurred by the city in processing the application, and the estimated costs of legally required publication and notices.

2. The city has no obligation to continue processing, including scheduling or holding public hearings, for any applications until all applicable fees, charges, and expenses have been paid in full, including, but

not limited to, reimbursement for actual cost of publication of notices and postage, and professional service fees of the City Engineer, City Attorney, or other consultant.

3. Engineering, legal, planning, other professional fees, and expenses applicable to an application in process shall be invoiced through the city to the applicant and paid by deduction from the applicant's retainer with the city for such application. The City shall send a monthly itemized statement to the applicant showing the balance in the retainer.

4. If the applicant's retainer is depleted to fifteen percent (15%) or less remaining in the retainer, the applicant may be required to provide an additional retainer based on a revised estimate of the remaining expected professional service fees. Until such revised retainer is paid, the city has no obligation to continue processing the application, including scheduling or holding public hearings.

5. Following a decision, expiration or other closure of the application, and after all professional service fees and publication and notice expenses have been paid, any remaining balance shall be returned to the applicant. An expired application will require a new application

(Ord. 259, 01-06-2015)

Chapter 2
DEFINITIONS

9-2-1: INTERPRETATION:
9-2-2: DEFINITIONS OF WORDS AND TERMS:

9-2-1: INTERPRETATION: For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

A. The word "person" includes an association, partnership, trust, joint venture, syndicate, or corporation, as well as an individual, and any other legal person capable of owning land.

B. The present tense includes the future and past tense; the singular number includes the plural, and the plural number includes the singular; and the masculine, feminine, and neuter genders include each other.

C. The word "shall" and the word "must" indicate a mandatory requirement, the word "may" indicates a permissive requirement, and the word "should" indicates a preference.

D. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied". (Ord. 205, 10-25-2006)

9-2-2: DEFINITIONS OF WORDS AND TERMS:

ABANDONED SIGN: A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ACCESSORY USE, BUILDING, OR STRUCTURE: A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure. An accessory building shall have the same exterior finishing colors and textures as the principal building to which it is accessory, unless some other design or materials are approved by the city council under the procedures for a special use; provided, that if the building roof does not comply with fire mitigation standards, materials which do meet those standards may be substituted.

ACCOMMODATE: The ability of the community to adapt to change in the effort to meet the needs of future populations while considering the long term goals of the city and following its ordinances.

AGRICULTURAL USES: A use to produce field crops, including, but not limited to, grains, feed crops, fruits and vegetables.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, silviculture, animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the product.

AGRICULTURE LAND: Land that has significance for agricultural production including, but not limited to, dairy, horticultural, vegetable or animal products, berries, grain, hay, straw, turf, seed, cash crops, livestock, or poultry.

AIRPARK: Any runway, land area or other facility designed or used, other than for an emergency, either publicly or privately by any person for the landing and the taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings.

AIRPARK ELEVATION: The highest point of an airpark's usable landing area measured in feet from sea level, i.e., five thousand twenty one feet (5,021').

AIRPARK RUNWAY: Any runway located in an airpark. Runways must be a minimum of thirty five feet (35') in width.

ALLEY: A minor way which is used primarily for vehicular service access to the back or side of properties also abutting on a street.

ANIMATED SIGN: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

A. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical or electromechanical input and/or illumination

capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing: Animated signs or animated portions of signs where illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this chapter, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

2. Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

B. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes or other natural environmental input. These would include spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

C. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ANNEXATION: Incorporation of a geographical area into the Greenleaf territorial limits.

APPLICANT: An owner who has or should have filed an application under this title (see definition of Owner).

APPLICATION: A document submitted to the zoning official conforming to the requirements of this code applying for a permit or approval under this code; a document which calls itself an application, but which materially fails to meet submission requirements under this code may in the discretion of the zoning official be considered not an application that will be processed until deemed complete.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in chapter 4, article A of this title. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in chapter 4, article A of this title.

ARCHITECTURAL PROJECTION: Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not

include signs as defined herein (see definitions of Awning, Backlit Awning, Canopy (Attached), and Canopy (Freestanding)).

AREA LIGHT: A luminaire equipped with a lamp that produces over one thousand eight hundred (1,800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights (see table 1 of section 9-14-4-5 of this title for light output of various lamps).

AREA OF CITY IMPACT: State law1 requires cities to specify an area outside of city limits which is part of its trade area which expects to annex. Designation of this area is negotiated between the city and the county as set forth in title 67, chapter 65, Idaho Code.

ARTERIAL STREET: A street designated for the purpose of carrying fast and/or heavy traffic.

ATTACHED: Made part of, joined; in the case of signs on vehicles, painted on, riveted on, bolted on, or similarly permanently joined together with the vehicle and entirely flat against an original surface of the vehicle and not extending beyond or above that original surface (except as inherently above the surface to the extent of the thickness of the sign).

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOTIVE WRECKING: The dismantling or wrecking of two (2) or more used vehicles, manufactured homes, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AVERAGE HORIZONTAL FOOT-CANDLE: The average level of luminance for a given situation (with snow cover if that is to be expected in the given situation) measured at ground level with the light meter placed parallel to the ground.

AWNING: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN: A sign displayed on or attached flat against the surface or surfaces of an awning (see definition of Wall Or Fascia Sign).

BACKLIT AWNING: An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER: A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN: A sign utilizing a banner as its display surface.

BASEMENT: That level of a dwelling unit all or partly underground and having the plate on top of at least one-half (1/2) of its perimeter wall within two feet (2') of the average level of the adjoining ground.

BILLBOARD: Outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity on the property on which the sign is located, but not including directional signs, traffic control devices, or jurisdictional limit signs.

BLOCK: A group of lots within defined and fixed boundaries, usually within a parcel of land, bounded by physical barriers, one or more streets, or a boundary line of a subdivision that has been legally surveyed and recorded.

BOARD: The board of county commissioners of Canyon County.

BOARD OF ADJUSTMENT: The Greenleaf city council shall be the board of adjustment.

BOND: A security device of the types described in this code; generally a security contract between the applicant and the city which guarantees that the applicant will perform certain requirements of an approval or permit under this title, by surety, cash, or letter of credit sufficient in amount and terms to assure either reclamation, or performance of any act or acts authorized by the approval or permit.

BUFFER: An area designed to provide attractive space to obstruct undesirable views or generally reduce the impact of an adjacent development usually as a transition from one zoning designation to another. May be in conjunction with cluster development and in a planned unit development (PUD).

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING ELEMENT: An exterior wall, or roof, or bay window, or deck, or patio, or balcony, or any other part of the exterior of a building which has an exterior surface that is in a different plane from the other parts of the building to which the element is attached.

BUILDING HEIGHT: The vertical distance measured from the elevation of the existing grade prior to construction at the lowest point of the building, to the highest point of the roof.

Building height of the building element or structure element shall be determined as follows: In all instances the height shall be measured from the existing grade prior to construction; and, if that existing grade and the top of the element are not parallel, determined as an average of three (3) distances, one computed at each of the two (2) ends of the element (if the greatest vertical distance is at an end of the element, the midpoint of the element shall be substituted for that end of the element), and the third being the greatest vertical distance of the element. Where there is more than one building element, the computation shall be made for each element, and each element

shall be set back from the lot line at least the distance computed with respect to that element. The measurement shall be made to the farthest protrusion of the element towards the lot line in question.

BUILDING OFFICIAL: An official, having knowledge in the principles and practices of subdividing, who may be the city engineer and which building official shall be appointed by the council to administer this title.

BUILDING PERMIT: A permit pursuant to this code, including, without limitation, the international building code adopted by the city and state of Idaho. Such permits shall be issued only if the activity to be permitted conforms to this code and any approvals made hereunder. Building permits are issued by the city building official.

BUILDING, PRINCIPAL OR PRIMARY: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS: Any retail or wholesale store, professional office, or similar kind of commercial establishment.

CANOPY (ATTACHED): A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light (see definition of Marquee).

CANOPY (FREESTANDING): A multisided overhead structure supported by columns, but not enclosed by walls. The surface and/or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN: A sign affixed to the visible surface(s) of an attached or freestanding canopy.

CARE CENTER: A place, home or facility providing care for which compensation is paid, for more than five (5) children of preschool age, or for more than eight (8) adults with diminished capacity to manage their own affairs.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery, for which perpetual care and maintenance is provided. However, a law for the protection of cemeteries shall apply only to that portion of land actually platted and improved for such use with respect to humans.

CENTRAL BUSINESS DISTRICT: The major business area of a city, usually containing retail shops, governmental offices, service uses, hotels, motels, appropriate industrial activities, and major transportation corridors.

CHANGEABLE SIGN: A sign with the capability of content change by means of manual or remote input, including signs which are:
A. Electrically Activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display (see definition of Electronic Message Sign Or Center).
B. Manually Activated: Changeable sign whose message copy or content can be changed manually.
CHURCH: A structure or portion of a structure used for the purpose of worship by any religious organization exempt as such from federal income tax.

CHURCH BUILDING: A building or portion of a building used for the purpose of worship by any religious organization exempt as such from federal income tax.

CITY: The area within the corporate city limits of the city of Greenleaf.

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention; but which building does not provide board, room or regular hospital care and services.

CLUB, LODGE, OR SOCIAL HALL: A building, or a portion thereof, primarily for the exclusive use of members and their guests, owned or operated by an association of persons organized for a social, literary, political, educational or recreational purpose; but not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

CLUSTER DEVELOPMENT: A subdivision or other development planned and constructed so as to group structures or lots into relatively concentrated and contiguous areas while providing a unified network of open space, wooded area, recreational, or agricultural land. Also refers to a method of zoning wherein the focus for the control of land use density is upon the overall area designated for development within a zoning district by using cluster techniques; smaller lot sizes may be permitted than elsewhere in the same zoning district under applicable zoning regulations. The per acre density remains the same unless otherwise provided in a planned unit development (PUD).

CODE: The Greenleaf land use development ordinance, this code or the Idaho state code.

COLLECTOR STREET: A street designed for the purpose of carrying traffic from minor to other collector streets and/or arterial streets.

COMBINATION SIGN: A sign that is supported partly by a pole and partly by a building structure.

COMMERCIAL: Distribution, sale, or rental of goods and other services.

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field.

COMMISSION: The city of Greenleaf planning and zoning commission.

COMMON OWNERSHIP: The joint and simultaneous ownership of a piece of property by the owners of separate parcels or units within a condominium or PUD development.

COMPATIBLE: The ability of different uses to exist in harmony with each other.

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the board and/or council affecting land within the Greenleaf planning jurisdiction, and including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools and other community facilities.

CONDITIONAL USE: A use which requires review and approval with conditions by the commission and council in a public hearing format in accordance with sections 9-13-3 and 9-15 of this title. Approval must be obtained and conditions of approval must be completed before such a use can be implemented.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property or in any combination thereof.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

CONSTRUCTION: The erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building, or the installation of equipment therein normally a part of the structure.

CONTRACTOR STORAGE YARD: Area used for the storage of equipment and material used in contractor's business.

CONVENIENCE STORE (NEIGHBORHOOD CONVENIENCE STORE): Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

COPY: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

COUNCIL: The city council of the city of Greenleaf.

COUNTY SURVEYOR: The professional land surveyor appointed by Canyon County

pursuant to Idaho Code 50-1305 to check plats and computations thereon.

COVENANT: A written promise or pledge.

CUL-DE-SAC: A street connected to another street at one end only and provided with a turnaround space at its terminus.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

DAYCARE: See definition of Care Center.

DECK: An unenclosed flat floored area, whether roofless or covered, whether on one level or multiple levels, adjoining or used in conjunction with a dwelling; the term includes porches, and patios; a fully enclosed porch is considered a room of the dwelling.

DEDICATION, DEDICATE: The setting apart of land or interests in land for use by the public, and unless otherwise stated in the document making the dedication, the legal equivalent of a deed in fee simple determinable for the purposes evident, for example, streets, and the purposes reasonably implied, for example, utilities. Land becomes dedicated for purposes of title immediately upon the recording of an approved final plat showing the dedication. For purposes of street maintenance, or for purposes of a deed dedicating the land, dedication is effective only when accepted by the council as a public dedication, either by the passage of a city ordinance or by entry of a resolution of approval in the official minutes book of the official meetings of the council. The offer of dedication heretofore made in a final plat may be accepted at any time after the plat becomes final.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

Gross Density: The number of dwelling units per acre of total land to be developed, including street rights of way within the land and one-half (1/2) of the abutting rights of way.

Net Density: The number of dwelling units per acre of land when the acreage involved is computed excluding street rights of way.

DESIGN REVIEW COMMITTEE: A committee consisting of the chair of the planning and zoning commission, the city director of public works, and the city community development director. In cases of an absence of a member, a substitute shall be selected by the administrator.

DEVELOPMENT: Any construction or activity that changes the existing character or use of land upon which such construction or activity occurs.

DEVELOPMENT AGREEMENT: A commitment reduced to writing as a means of evidence, and as a means of giving formal expression to some act or contract, by which an

owner or developer makes a written commitment concerning the use or development of property.

DEVELOPMENT COMPLEX SIGN: A freestanding sign identifying a multiple occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with chapter 9 of this title.

DIRECTIONAL SIGN: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DIVERSITY: Implies the mixture of land uses and/or densities within a given area.

DOCK: Any structure extending from dry land into, upon, or over a body of water.

DOUBLE FACED SIGN: A sign with two (2) faces, back to back.

DWELLING, ACCESSORY: A dwelling unit that is secondary and incidental to the primary single-family residential structure on the parcel.

DWELLING, MULTI-FAMILY: A dwelling consisting of two (2) or more dwelling units including townhouses and condominiums with varying arrangements of entrances, and party walls.

DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, DORMITORY, BED AND BREAKFAST): A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space; when considered in the context of enforcement of restrictions, any space so used.

DWELLING, TWO-FAMILY: A multi-family dwelling consisting of two (2) dwelling units which may be either attached side by side, or one above the other; a duplex; when considered in the context of enforcement of restrictions, any space so used.

DWELLING UNIT: Living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, of a size and configuration suitable for use by only one family and its household employees; when considered in the context of enforcement of restrictions, any space so used.

EASEMENT: A property interest (less than a fee simple estate) which one person has in land owned by another, entitling the holder of the interest to limited use or enjoyment of the other's land, such as for a driveway, installation of utility lines, or the like.

ECONOMIC BASE: Production, distribution and consumption of goods and services

within a planning area.

ECONOMIC DEVELOPMENT: Addition of and improvements to a new economic activity.

EFFECTIVE DATE OF THE APPLICABLE REGULATIONS: The effective date of the first pertinent ordinance ever adopted by the city. "Pertinent ordinance" means, for example, with respect to a nonconforming use, the first ordinance which prohibited that use on that land, which ordinance (and its successors) have continued in effect to the time as of which the legality of the use needs to be determined.

EIGHTY FIVE DEGREE CUTOFF TYPE OF LUMINARIES: Luminaries that do not allow light to escape above an eighty five degree (85°) angle measured from a vertical line from the center of the lamp extended to the ground.

ELECTRIC SIGN: Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER: An electrically activated changeable sign whose variable message capability can be electronically programmed.

ENGINEER: A professional engineer registered in Idaho.

ESTABLISHED AREAS: Areas where the pattern of development has been and is anticipated to be valid over the planning period.

EXTERIOR LIGHTING: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaries that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this title.

EXTERIOR SIGN: Any sign placed outside a building.

FAMILY: One or more persons occupying a single dwelling unit, provided that all members are related by blood, adoption, marriage or as provided by law2.

FASCIA SIGN: See definition of Wall Or Fascia Sign.

FENCE: A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two (2) contiguous estates.

FILLING STATION: Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater then normally found in filling stations. A filling station is neither a repair garage nor a body shop.

FLASHING SIGN: See subsection A, "Electrically Activated", of the definition of

Animated Sign.

FLOODLIGHT: A lamp that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well defined area with light.

FLOODWAY: A watercourse and adjacent land areas which must be preserved in order to discharge a base flood without increasing the water surface elevation more than one foot (1').

FOOT-CANDLE (fc): The unit used to measure the total amount of light cast on a surface (luminance). One foot-candle is equivalent to the luminance produced by a source of one candle at a distance of one foot (1'). One foot-candle is approximately equal to ten (10) lux, the British unit used to measure luminance.

FREESTANDING SIGN: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

FREEWAY: A highway designed for the unimpeded flow of large traffic volumes. Access to a freeway is strictly controlled by the Idaho transportation department.

FRONTAGE (BUILDING): The length of an exterior building wall or structure of a single premises orientated to the public way (street) or other properties that it faces.

FRONTAGE (PROPERTY): The length of the property line(s) of any single premises along either a public way or other properties on which it borders.

FRONTAGE (STREET): A minor street, parallel and adjacent to an arterial street to provide access to abutting properties.

FUEL CELL: A device that continuously changes the chemical energy of a fuel (as hydrogen) and an oxidant directly into electrical energy.

FULL CUTOFF LUMINARIES: A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire.

FULLY SHIELDED: The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier.

GARAGE, SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made:

A. Sales and service of spark plugs, batteries and distributors parts;

B. Tire servicing and repair, but not recapping or regrooving;

C. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;

D. Radiator cleaning and flushing;

E. Washing, polishing and sale of washing and polishing materials;

F. Greasing and lubrication;

G. Providing and repairing fuel pumps, oil pumps and lines;

H. Minor servicing and repair of carburetors;
I. Adjusting and repairing brakes;

J. Minor motor adjustment not involving removal of the head or crankcase or raising the motor;

K. Sales of cold drinks, packaged food, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations;

L. Provisions of road maps and other information material to customers, provision of restroom facilities;

M. Warranty maintenance and safety inspections; and

N. Activities conducted at a filling station shall not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is neither a repair garage nor a body shop.

GLARE: Stray, unshielded light striking the eye that may result in: a) nuisance or annoyance glare such as light shining into a window; b) discomfort glare such as bright light causing squinting of the eyes; c) disabling glare such as bright light reducing the ability of the eyes to see into shadows; or d) reduction of visual performance.

GOAL: Goals are stated in broad terms. The ultimate purpose of a goal is usually general in nature and immeasurable. A goal provides the community with direction to consider and pursue.

GRAVEL EXTRACTION: The process or business of removing gravel from the ground.

GREENBELT: An open area maintained in a natural state used as a buffer or to mark the edge of a developed area.

GROUND SIGN: See definition of Freestanding Sign.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEALTH AUTHORITY OR HEALTH DEPARTMENT: That office of the Southwest District health department having approval jurisdiction over land development in Greenleaf.

HEIGHT: For the purpose of determining the height limits in all zones set forth in chapter 4 of this title and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT, FENCE OR SCREEN: The vertical distance measured from the existing grade prior to construction to the top of the fence. For the purpose of applying height regulations, the average height of the fence along any unbroken run may be used provided the height at any point is not more than ten percent (10%) greater than that permitted by this code.

HELIPORT PRIMARY SURFACE: The areas of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

HIGH WATER MARK, STREAM: That line which the water of a river, creek or stream of any kind impresses on the soil by covering or flowing across it with sufficient force and frequency to deprive it of nonaquatic vegetation and destroy its value for agriculture. The term has the same meaning as high water mark for purposes of title to land.

HOLIDAY LIGHTING: Strings of individual lamps, where the lamps are at least three inches (3") apart and the output per lamp is not greater than fifteen (15) lumens.

HOME OCCUPATION: An occupation conducted within a dwelling unit which activity is clearly incidental to the use of the residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, and does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended. An occupation which does not comply with the following criteria shall not be deemed a home occupation:

A. The use, including all storage space, shall not occupy more than fifty percent (50%) of the residence's floor area which is finished for living purposes.

B. There shall be no commercial advertising, except one nonluminous sign bearing the name and occupation of the resident, not exceeding two (2) square feet in area, and placed flat against the building.

C. No materials or mechanical equipment shall be used which will be detrimental to the residential use of said residence or surrounding residences because of

vibration, noise, dust, smoke, odor, light, interference with radio or television reception, or other factors.

D. Materials or commodities delivered to or from the residence which are of such bulk and quantity as to require delivery by a commercial motor vehicle or a trailer, or the parking of customers' automobiles in a manner or frequency causing disturbance or inconvenience to nearby residents or so as to necessitate a parking lot, shall be prima facie evidence that the occupation is a primary business, and not a home occupation. "Commercial motor vehicle", for these purposes, shall not be said to include a United Parcel Service or Federal Express delivery or other like courier services and parcel post services, making deliveries to the subject property with a frequency not uncommon in residential neighborhoods.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty feet (150') above the established airpark elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOTEL OR MOTEL, AND APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. The term does not include a dwelling or rooming house. Hotel also includes any dwelling rented for periods of two (2) weeks or less at a time.

IESNA: Illuminating Engineering Society of North America (IES or IESNA), the Professional Society of Lighting Engineers.

IESNA RECOMMENDED PRACTICES: The current publications of the IESNA setting forth luminance levels.

IDENTIFICATION SIGN: Owner or proprietor, business name, address, phone number, hours of operation, etc. Maximum letter size is four inches (4") in height.

ILLUMINATED SIGN: A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

IMPACT FEES: A payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. The term does not include the following:

A. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

B. Connection or hookup charges;

C. Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development; or

D. Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made for credit or reimbursement.

IMPLEMENTATION STRATEGIES: Specific statements that guide actions, imply a clear comment, and express a manner in which future actions can be taken. Strategies are, however, flexible rules that can adapt to different situations and circumstances.

INDUSTRY, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource. "Mineral" for these purposes also includes the so called "common varieties" of earth materials (e.g., gravel and sand).

INFRASTRUCTURE: Facilities and services needed to sustain commercial and residential activities.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling, correctional, or like services.

INTERIOR SIGN: Any sign placed within a building, but not including window signs as defined herein. Interior signs, with the exception of window signs as defined herein, are not regulated by this chapter.

JUNK: Any kind of liquid or solid waste when kept under objectively bona fide claim that the same may be of future use as is, as repaired, for parts, or as recycled; including, without limitation, trash or refuse of any kind, litter, commercial waste, industrial or construction or demolition debris of any kind, such as rubble, broken asphalt and concrete, crates, cartons, metal, glass; appliances or appliance shells, vehicle bodies and parts, and inoperable or damaged vehicles, and any cast off tangible personal property or fixtures; where kept without any such claim of future use, such material constitutes waste material prohibited under this code.

JUNK BUILDINGS, JUNK SHOPS, JUNKYARDS: Any land, property, structure, building or combination of the same, on which junk is stored or processed, including, but not limited to, recycling facilities.

KENNEL: Any lot or premises on which three (3) or more domesticated animals more than six (6) months of age are housed, groomed, bred, boarded, trained or sold.

LED: A type of lamp which uses one, or more, light emitting diodes, which can be of any of several colors.

LAMP: The generic term for an artificial light source, to be distinguished from the whole assembly (see definition of Luminaire), or commonly referred to as "bulb".

LAND USE: Description of how land is occupied or utilized.

LAND USE MAP: Map showing existing and proposed location extent and intensity of land development to be used for varying purposes in the future.

LAUNDROMAT: A self-service laundry facility not offering dry cleaning, and open to the public; the term does not include a laundry facility which is an accessory use for a planned unit development, for a multi-family housing development, or for a mobile home or travel trailer park or campground, or the like.

LIGHT: The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHT POLLUTION: Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

LIGHT TRESPASS: Light falling on the property of another or the public right of way when it is not required to do so.

LIGHTING: Any or all parts of a luminaire that function to produce light.

LIGHTING ADMINISTRATOR: A city official designated by the city council to administer, interpret, and enforce the provisions of chapter 14 of this title and make recommendations thereunder.

LIVABILITY: Aspects of the community, perceived by the community residents, which make Greenleaf a nice place to live.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles expected to be used and to be accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space. All off street loading spaces shall be located totally outside of any right of way of a street or alley.

LONG RANGE: Refers to a span normally exceeding five (5) years.

LOOP: A minor street with both terminal points on the same street of origin.

LOT: A quantity of land shown as an individual unit on the most recent relevant approved plat of record or approved record of survey. The word "lot" includes the words "parcel" and "tract" where such parcel or tract is the smallest quantity of land that includes the site of a proposed use or building with respect to which a permit is sought, which quantity of land is the subject of a deed of record. "Lot" does not include a strip or remnant parcel of land which was apparently conveyed for the purpose of adjusting the boundary between ownerships of record. "Parcel" and "tract" can also mean a larger quantity of land out of which a subdivision is being created, or a tract of land set aside

for future development, as the context makes most suitable. "Approved" as used in this paragraph means formally approved under these or predecessor subdivision regulations.

LOT, AREA OF: The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

LOT COVERAGE: The ratio of the combined ground floor area of all structures on a lot, to the horizontally projected plane area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

LOT OF RECORD: A lot in a subdivision the plat of which is on record in the office of the county recorder; or a lot or parcel described in a record of survey or deed so recorded.

LOT TYPES: Terminology used in this title with reference to corner lots, interior lots and through lots means as follows:

Corner Lot: A lot located at the intersection of two (2) or more streets (a building lot contiguous to a common lot or landscape strip is considered a corner lot for purposes of this code).

Interior Lot: A lot with only one frontage on a street.

Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may also be referred to as "double frontage" lots.

LUMEN: The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging. For example, a sixty (60) watt incandescent lamp produces nine hundred fifty (950) lumens while a fifty five (55) watt low pressure sodium lamp produces eight thousand (8,000) lumens.

LUMINAIRE: A complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Also commonly referred to as "fixture".

LUMINANCE: The amount of light falling on any point of a surface measured in foot-candles or lux.

MAINTAIN: Support or continue an existing condition without decline.

MAINTAINED LUMINANCE: The condition that occurs after two hundred (200) hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal luminance and measured at five feet (5') aboveground with sensor perpendicular to the ground for vertical luminance.

MANSARD: An inclined decorative rooflike projection that is attached to an exterior building facade.

MANUFACTURED HOME: A structure for residential use only, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and further defined by Idaho Code §36-4105 (i.e. length, size, chassis or foundation and utility requirements).

MANUFACTURED HOME COMMUNITY: Any site, lot or tract of land under common ownership upon which two (2) or more manufactured homes are to be sited qualifies as a manufactured housing community which shall be governed under the provisions of and meet the minimal development requirements of Greenleaf Code Chapter 3, Title 8. This definition does not preclude a homeowner who owns his or her parcel with a manufactured home as the primary residence from subsequently applying for an accessory dwelling unit that is also a manufactured home under the accessory dwelling unit provisions in Greenleaf Code Title 9.

MANUFACTURED HOME SUBDIVISION: A subdivision designed and intended for exclusive manufactured home residential use.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, which require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and which normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution.

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures, and generating little industrial traffic and no nuisances.

MARQUEE: See definition of Canopy (Attached).

MARQUEE SIGN: See definition of Canopy Sign.

MENU BOARD: A freestanding sign for a restaurant that advertises the menu items available and which has no more than twenty percent (20%) of the total area for such a sign utilized for business identification.

MINERAL EXTRACTION: The process or business of removing minerals from the ground.

MINOR STREET: A street which has the primary purpose of providing access to abutting properties.

MOBILE HOME: A factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. Mobile homes do not meet the criteria for manufactured homes and are not recreational vehicles or trailers as defined in Greenleaf Code Section 9-12-1. Mobile homes must meet the requirements of the Idaho manufactured housing standards established by title 44, chapter 25, Idaho Code, and receive a certificate of compliance from the administrator of the Idaho Division of Building Safety prior to installation.

MODULAR HOME: Any building or building component, other than a manufactured home, mobile home or house trailer, which is used primarily as a dwelling unit and is constructed according to the standards contained in the international building code as adopted by the city, or any amendments thereto and local building standards, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site and is designed to be placed upon a permanent foundation. Closed construction shall mean any manufactured building or building component which may enclose factory installed structural, mechanical, electrical, or plumbing systems and is not open for visual inspection at the building site.

MULTIPLE FACED SIGN: A sign containing three (3) or more faces.

NEIGHBORHOOD: Generally, a residential area organized on the principle that schools, parks, playgrounds, churches, and shopping are within walking distance. Heavy traffic is routed around the neighborhood, not through it.

NONCONFORMING USE: Any legal preexisting structure, object of natural growth, or use of land which is now inconsistent with the provisions of this title or an amendment thereto.

NONESSENTIAL LIGHTING: Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in, nonprecision instrument approach procedure has been approved or planned.

NURSERY, PLANT MATERIALS: Land, building, structure or combination thereof for the storage, cultivation, and transplanting of live trees, shrubs or plants offered for retail sale on the premises; such use may include sale of products used for gardening or landscaping.

NURSING HOME, HOME FOR THE ELDERLY: A home or facility for the care and

treatment of more than five (5) pensioners or elderly people.

OBJECTIVES: Objectives are dual purpose statements which both describe how to accomplish the goal, and also suggest a method for accomplishing the goal. It can describe the goal itself, the goal's purpose, or a course of action to achieve the goal.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in chapter 4, article Aof this title.

OFF PREMISES SIGN: See definition of Outdoor Advertising Sign.

OFF STREET PARKING: Motor vehicle parking not located on a dedicated street right of way or sidewalks.

ON PREMISES SIGN: A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

ON STREET PARKING: Motor vehicle parking located on a dedicated street right of way where parking has been planned for and authorized.

100-YEAR FLOOD: A flood with a one percent (1%) chance of occurring in any given year. This flood is most commonly used for regulatory purposes.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities deemed similar by the zoning official and approved by the council. Streets, parking areas, structures for habitation, and the like, shall not be included.

ORIGINAL PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the office of the county recorder, or any unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof.

OUTDOOR ADVERTISING SIGN: A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OWNER:

A. The person or persons holding the fee simple estate; and

B. For purposes of eligibility to be an applicant:

1. A purchaser under a term real estate contract; also

2. A purchaser under an executory purchase, closing of which is conditioned on approval of such an application, and who has written permission to apply from the owner defined in subsection A of this definition; also

3. A lessee proposing the use which necessitates the application, and who has written permission to apply from the owner defined in subsection A of this definition; also

4. A proposed lessee under an unexecuted lease, proposing the use which necessitates the application, and execution of which lease is conditioned on approval of such an application, and who has written permission to apply from the owner defined in subsection A of this definition; and

C. For purposes of enforcement, the owner defined in subsection A of this definition and also the person or persons in possession.

PARAPET: The extension of a building facade above the line of the structural roof.

PARK MODEL RECREATIONAL VEHICLE ("PARK MODEL"): A recreational vehicle that is designed to provide temporary accommodations but is not self-contained (does not have potable water or waste-water holding tanks), is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers.

PARKING SPACE: A space designed and designated for the parking of automobiles. A parking space is nine feet by twenty feet (9' x 20') for a standard size automobile. A parking space is seven and one-half feet by fifteen feet (71/2' x 15') for a compact size automobile.

PARKING SPACE, OFF STREET: A "parking space" as defined herein, together with properly related access to a public street or alley, and maneuvering room; and located totally outside of the right of way of any street or alley.

PARTIAL: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

PARTIALLY SHIELDED: The luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier while concealing the lamp from the viewer.

PATIO: A recreation or living area that adjoins or is used in conjunction with a dwelling, is on grade, and is usually paved or surfaced, e.g., wood, stone, brick, etc., often used for outdoor dining.

PEDESTRIAN WALKWAY (SIDEWALK): A designated path or established trail for the

primary purpose of walking.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the city which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PERSONAL SERVICES: Services rendered to the general public, such as, but not limited to, those rendered by shoe repair shops, barbershops, beauty parlors and similar activities, for gain.

PIER: That construction erected upon the shore for the purpose of providing access to docks.

PLANNED UNIT DEVELOPMENT (PUD): An area of land described in a final plan and a final plat approved pursuant to this code, and the improvements and land features to be constructed on it pursuant to the approval given.

PLANNING AREA: The land encompassed by the Greenleaf territorial limits, area of impact and adjacent lands that either likely will be annexed into the city in the future or may impact the city's desired future conditions.

PLANNING JURISDICTION: The geographic area consisting of the city of Greenleaf together with the city of Greenleaf area of city impact.

PLAT: The drawing of a subdivision, cemetery, town site, or other tract of land, or a replatting of such, including certifications, descriptions and approvals.

PLAT, FINAL: The plat of a subdivision or dedication, or any portion thereof, completely approved and executed for filing and recording in the office of the Canyon County recorder, pursuant to this code. After the plat is in fact filed or recorded in the office of the recorder for Canyon County, it is "final", and is "recorded" or "of record".

PLAT, PRELIMINARY: A preliminary plan of the plat, subdivision or dedication containing the elements and requirements set forth in this code.

PLOT PLAN: A plan showing the layout of improvements on a lot. The plot plan usually includes location, dimensions, parking areas, landscaping and the like.

POLE SIGN: See definition of Freestanding Sign.

POLITICAL SIGN: A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or to a building or building surface.

PRIMARY SURFACE: A hard surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface is set forth in chapter 4, article A of this title. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRIVATE COMMUNITY USES: Private schools, colleges, camps, hospitals, and other facilities of an educational, charitable, philanthropic or nonprofit nature.

PRIVATE STREET: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

PROFESSIONAL OFFICES: The use of a building or part thereof and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

PROJECTING SIGN: A sign other than a wall sign that is attached to or projects more than eighteen inches (18") from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

PUBLIC LAND: Land owned by local, state, or federal government used for purposes which benefit public health, safety, general welfare and other needs of society.

PUBLIC PARTICIPATION: Active and meaningful involvement of the public in the development of the comprehensive plan.

PUBLIC SERVICE FACILITY: Buildings, power plants or substations, water treatment plants, pumping stations, sewage disposal or pumping plants, and other similar public service structures; operated by a public utility, or by a municipal or other governmental agency; for purposes of furnishing of electrical, gas, communication, water, sewer, and similar services.

PUBLIC USES: Public parks, schools, libraries, public open space, administrative and cultural buildings and structures; not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, and not including public service facilities.

REAL ESTATE SIGN: A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REPLAT: A plat of a subdivision, altering an existing plat or portion thereof. A replat does not automatically change the dedication of rights of way and easements on previous plats; the dedicated parts of the plat can only be vacated by specific action of

the council, on an application for a vacation.

RESEARCH ACTIVITIES: Research, development and testing related to such fields as chemistry, pharmacology, medicine, electronics, transportation, and engineering.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

REVIEW: Inspection or examination for the purpose of evaluation and rendering of an opinion or decision. Review by the city, as provided for in city ordinances, may involve public hearings, formal approval, or denial of proposals.

REVOLVING SIGN: A sign that revolves three hundred sixty degrees (360°) about an axis. See also subsection C, "Mechanically Activated", of the definition of Animated Sign.

RIGHT OF WAY (PUBLIC): A strip of land taken, dedicated, or otherwise acquired for use as a public way. In addition to the roadway, it normally incorporates space for curbs, planting strips, sidewalks, lighting, drainage facilities, and snow storage; and may include special features (required by the topography or treatment) such as backslopes, fill slopes, grade separation, landscaped areas, viaducts and bridges (see definition of Street).

ROADWAY: A portion or portions of a street right of way or of a street without platted right of way developed and opened for vehicular traffic, commonly used by the public, measured to the curb, in the absence of a curb to the top of the backslope of the borrow ditch, and in the absence of curb or borrow ditch, to the bottom of the fill slope; where there is no curb, no borrow ditch, and no fill slope, then to the edge of the traveled way.

ROOF SIGN: A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see figure 9-2-2 of this section.

ROOFLINE: The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

RUNWAY: A defined area on an airpark prepared for landing and takeoff of aircraft along its length.

RURAL LANDS: Lands that are not within an urban growth area.

SCHOOL: An institution providing full time day instruction which is accredited by and meets the requirements of the Idaho state board of education, including nursery schools or kindergartens whose annual session does not exceed the school sessions for full time day schools.

SEAT: For purposes of determining the number of off street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) linear inches of benches, pews or space for loose chairs.

SERVICE STATION: See definition of Garage, Service Station.

SETBACK LINE: A line established by this code, generally parallel with and measured from the lot line, defining the limits of a yard in which an element of a building or structure shall not be located aboveground except as may be provided in this code. The setback line for any particular building element shall be determined by measuring from the appropriate lot line to the outermost protrusion of the building element or structure such as the roof drip line of a roof, eaves of a roof, or rail of a deck. The setback line from the water pool shore contour or high water mark shall be measured from the nearest point of such water pool shore contour or high water mark. Setbacks shall be measured on the horizontally projected plane.

SHORELINE: See definitions of Water Pool Shore Contour and High Water Mark, Stream.

SIDEWALK: That portion of the road right of way outside the roadway which is improved for the use of pedestrian traffic.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

Sign, Lighting Device: Any light, string of lights or group of lights located or arranged so as to illuminate a sign.

Sign, Off Premises: Any other sign than on premises.

Sign, On Premises: Any sign calling attention to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

Sign, Projecting: Any sign which projects from the exterior of a building.

SIGN AREA: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple sided signs shall be computed as fifty percent (50%) of the sum of the area of all faces of the sign.

SIGN COPY: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

A. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

B. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

C. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

D. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE: Any structure supporting a sign.

SKY GLOW: The overhead glow from light emitted sideways and upwards. Sky glow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Sky glow reduces one's ability to view the night sky.

SPECIAL USE: A special or conditional use, as defined in title 67, chapter 65, Idaho Code, permitted within a zone under a permit approved by the council. Special uses authorized to be permitted in each zone are listed in this code.

STORAGE YARD: Any area used for storage of vehicles, equipment, materials and/or similar items, either commercial or private.

STORY: That part of a building between the surface of a floor and the ceiling immediately above it, including the ceiling structure.

STREET: A right of way which provides vehicular and pedestrian access to adjacent properties. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and other such terms. Streets are classified as follows (where an existing street has less than the below indicated width of right of way, such fact shall not deprive it of the status of "street", but shall instead evidence city policy for lawful acquisition of right of way in the fullness of time):

Arterial: A street designated on the comprehensive plan for the purpose of carrying fast and/or heavy traffic, of which the right of way shall be not less than eighty feet (80') in width.

Collector: A street designated on the comprehensive plan for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets, of which the right of way shall be not less than seventy feet (70') in width.

Cul-De-Sac: A short street terminated by a vehicular turnaround.

Dead End: An adjective describing a street terminating at a property line, having no outlet.

Frontage: A minor street parallel to and adjacent to an arterial street providing access to abutting properties and protection from through traffic.

Half: A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided by dedication in connection with approval of an adjoining subdivision.

Highway: A street designated as a state or federal highway by the state or federal agency responsible therefor.

Minor: A street which has the primary purpose of providing access to abutting properties, of which the right of way shall be not less than sixty feet (60') in width.

Private: A street that is not accepted by the city (or, in the impact area, by the county) for public maintenance which provides vehicular and pedestrian access, of which the roadway shall be adequate in width to provide access for emergency vehicles when snow is being stored, and in any event with a traveled surface not less than twenty feet (25') wide. Minimum right of way for a private street shall conform to the functional classification in the terms "minor", "collector" and "arterial" of this definition.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafter, roof diaphragms, foundation, pilings, retaining walls, or similar elements, or changes in roof or exterior lines.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, mobile homes, walls, fences, decks, patios, satellite dishes, billboards, and piers or any other construction erected to connect docks to the shore; "structure" does not for purposes of setbacks from the lot lines include:

A. Paths, steps, and sidewalks of less than forty nine inches (49") width; and driveways from access street to automotive vehicle storage areas;

B. Inground patios;

C. Detached planter boxes, or other landscaping features which landscaping features are not more than thirty inches (30") above the natural terrain, or lot line fences; and

D. Docks and retaining walls otherwise permitted by this code.

SUBDIVIDER: An applicant for approval of the platting of a subdivision of land pursuant to this code. The subdivider shall be an "owner" as defined herein. For purposes of enforcement, subdivider also includes a person who creates an unapproved subdivision.

SUBDIVISION: The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any resubdivision, and when appropriate to the context, the process of subdividing the land subdivided. "Subdivision" is so defined for purposes of subject matter jurisdiction; that certain action constitutes a "subdivision" for purposes of this code does not imply the necessity of a plat under state law, as opposed to a "record of survey" under state law approved as to zoning by the city.

SUPPLY YARD: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

SURVEYOR: A professional land surveyor registered in the state of Idaho.

TEMPORARY LIGHTING: Lighting that is intended to be used for a special event for seven (7) days or less.

TEMPORARY SIGN: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

TRANSFER DEVELOPMENT OF RIGHTS PROGRAM: The removal of the right to develop or build expressed in dwelling units per acre, from land in one zoning district to land in another district where such transfer is permitted.

TRANSITIONAL SURFACES: These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway centerline.

TREE: A tall perennial woody plant having a main trunk and branches forming a distinct elevated crown; includes both gymnosperms and angiosperms.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN: A sign attached to the underside of a canopy or marquee.

UPLIGHTING: Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

URBAN GROWTH AREA: A regional boundary set in an attempt to control urbanization by designating the area inside the boundary for higher density urban development and the area outside the boundary for lower density rural development.

USE: The specific purposes for which land or a building, or a portion of either or both, is designated, arranged, or intended, or for which it is or may be occupied or maintained.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, and storm water, and similar facilities providing service to and used by the public.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds and less maximum gross weight.

V SIGN: Signs containing two (2) faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than ninety degrees (90°) with the distance between the sign faces not exceeding five feet (5') at their closest point.

VARIANCE: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship.

VEHICLE: A vehicle as defined in the Idaho Code; however, for purposes of the sign regulations' authorization of signs on vehicles, a vehicle which is currently, regularly, commonly, and principally used for a significant transportation purpose other than display of such sign and which motor vehicle is not under any circumstances to be used principally as a sign for a business, either in the scenic route overlay district, or elsewhere, no matter how conforming to this title the sign may otherwise be.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observations and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing which sets forth by dimensions or other means the relationship of the proposed development to other nearby developments or landmarks

and community facilities and services within the general area, in order to better locate and orient the area affected by an application.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

WALKWAY: A public way, four feet (4') or more in width, for pedestrian use only, whether or not along the side of a road.

WALL OR FASCIA SIGN: A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen inches (18") from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see figure 9-2-2 of this section.

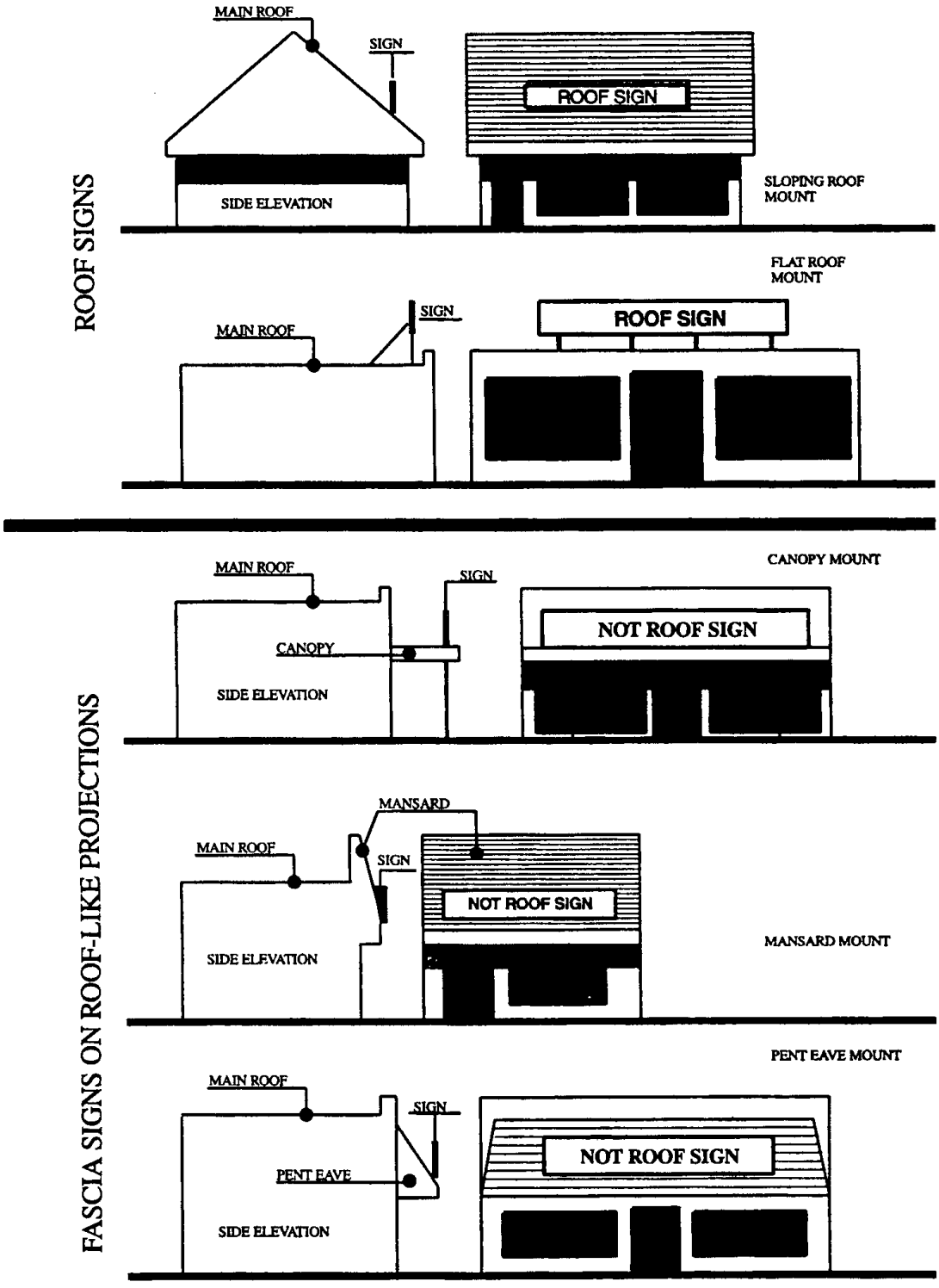


Figure 9-2-2
Roof And Fascia Signs

WATER POOL SHORE CONTOUR: The points and the resulting contour line at which a

horizontal plane intersects the shoreline at the regulatory maximum water pool elevation of a pond or water body. In the case of a pond where water pool elevation of which is not artificially controlled, the term water pool shore contour shall mean the high water mark as the same is defined herein for purposes of title to land. It is irrelevant for purposes of this title that such contour is or is not covered by water at any particular time or times. It is the intent of this definition that the setback line from a lake be ascertainable from a surveyable fixed contour; the location of which need not necessarily be the location of the high water mark for purposes of this code.

WINDOW SIGN: A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

WRECKING YARD: A place where the dismantling or wrecking of two (2) or more used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts, occurs.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting "obstruction of visibility", defined as the area between the lot line and the setback line. Usable yard means one or more well drained open areas covered with lawn grass or other suitable cover material, located on the same lot as the principal use, for use by the residents for outdoor activities. Usable yard may be computed in part using sandboxes, horseshoe pits, and like outdoor recreational facilities. No dimension of the usable yard shall be less than ten feet (10'). Usable yard does not include driveways, common walks, refuse storage or collection areas, or off street parking or loading areas. Decks and accessible flat roof areas having at least one dimension of ten feet (10'), and no dimension less than three feet (3'), may be used to meet a usable yard requirement.

ZONING OFFICIAL: An official appointed by the council to administer this title. (Ord. 205, 10-25-2006; Amd. Ord. 278, 04/03/2018, amd Ord 291, 08-03-2021)

Footnote 1: IC § 67-6526.
Footnote 2: IC § 67-6531.

Chapter 3
RESIDENTIAL ZONES

9-3-1: PURPOSE AND INTENT:
9-3-2: USE REGULATIONS:
9-3-3: GENERAL DEVELOPMENT STANDARDS:

9-3-1: PURPOSE AND INTENT: The Greenleaf area comprehensive plan details the goals, objectives and policies for the city's residential areas, including the preservation of the area's natural resources and enhancement of existing residential neighborhoods. It is the purpose of this chapter to implement the plan's vision through development regulations that allow for a range of residential opportunities for all socioeconomic

groups and ensure that new residential development maintains existing and achieves new quality neighborhoods.

A. Residential Estate (RE) Zone: The RE land use designation permits the development of large lot, single-family residential areas, and is intended to provide for a transition from agricultural to residential use, preservation of open space or to combine small scale agricultural uses with residential use and recreation areas. This zone allows a maximum density of one dwelling unit per 1.8 acres and a minimum lot size of 1.0 acre.

B. Residential One (R1) Zone: Residential one (R1) zone, allows one dwelling unit per acre. The R1 land use designation permits the development of large lot single-family residential areas and is intended to allow larger lot residential areas. The zone allows a maximum density of one dwelling unit per acre and a minimum lot size of thirty five thousand (35,000) square feet.

C. Residential Two (R2) Zone: Residential two (R2) zone, allows up to two (2) dwelling units per acre. The R2 land use designation permits the development of larger lot single-family residential areas. The zone allows a maximum density of up to two (2) dwelling units per acre, and a minimum lot size of seventeen thousand (17,000) square feet.

D. Residential Three (R3) Zone: Residential three (R3) zone, allows three (3) dwelling units per acre. The R3 land use designation permits the development of medium density single-family residential areas. These neighborhoods would consist of larger home sites or smaller lots. The zone allows a maximum density of three (3) dwelling units per acre and a minimum lot size of ten thousand (10,000) square feet.

E. Residential Five (R5) Zone: Residential five (R5) zone, allows five (5) dwelling units per acre. The R5 land use designation permits the development of high density single-family and multi-family housing and is intended to maintain traditional residential neighborhoods. The zone allows a maximum density of five (5) dwelling units per acre and a minimum lot size of eight thousand (8,000) square feet.

F. Residential eight (8) Zone: Residential eight (R8) zone, allows eight (8) dwelling units per acre. The R8 land use designation permits the development of neighborhoods with multi-family dwelling units and is intended to encourage a variety of housing opportunities. Development without land use designation shall be required to proceed through a PUD and/or development agreement application and proceedings. The zone allows a maximum density of eight (8) dwelling units per acre and a minimum lot size of seven thousand (7,000) square feet for two (2) dwelling units and an additional three thousand five hundred (3,500) square feet minimum lot size for each additional dwelling unit.

G. Mixed Use Zone: Mixed Use (M) is suitable for a variety of uses such as limited office, limited commercial and residential developments. Uses should be

complimentary. Development within this land use designation are required to proceed through the planned unit development (PUD) process with development agreement. Residential density of up to eight (8) dwelling units per gross acre may be considered by the city for this area. Transit Oriented Development (TOD) features may be required to support Mixed Use development. (Ord. 205, 10-25-2006; Amd. Ord #299, 02-07-2023)

9-3-2: USE REGULATIONS:

A. Permitted And Conditionally Permitted Uses: The uses identified in table 9-3-2, "Permitted And Conditionally Permitted Uses Within Residential Zones", of this subsection shall be the primary uses allowed to occur on a property. All uses, unless otherwise provided for in this title, shall be conducted within enclosed structures. All uses not listed in table 9-3-2 of this subsection shall require a conditional use permit. The primary uses identified in table 9-3-2 of this subsection, shall be permitted or conditionally permitted as indicated:

P	Where the symbol P appears, the use shall be permitted.
A	Where the symbol A appears, the use shall be permitted subject to the issuance of an administrative permit in accordance with chapter 13 of this title.
C	Where the symbol C appears, the use shall be permitted subject to the issuance of a conditional use permit in accordance with chapter 13 of this title.
X	Where the symbol X appears, the use shall not be permitted.

TABLE 9-3-2
PERMITTED AND CONDITIONALLY PERMITTED USES
WITHIN RESIDENTIAL ZONES

Allowed Use	RE	R1	R2	R3	R5	R8
Accessory structure, >1,500 square feet	C	C	C	C	C	C
Accessory structure, ≤1,500 square feet	A	A	A	A	A	A
Accessory use, residential	P	P	P	P	P	P
Agricultural structure	A	A	A	A	A	A
Agricultural use	P	P	P	P	P	P
Airpark, private	C	C	C	C	C	C
Amusement or recreation facility, indoor (only)	X	X	X	X	C	C
Animal boarding with outside runs	C	C	X	X	X	X
Animal clinic, animal hospital, or veterinary office	C	C	X	X	X	X
Automotive, hobby	A	A	A	A	A	A
Bed and breakfast establishment	C	C	C	C	C	P
Boarding house	X	X	X	X	C	C
Campgrounds	C	C	C	C	C	C

Cemetery	C	C	C	C	C	C
Children's treatment facility	C	C	C	C	C	C
Church	C	C	C	C	C	C
Club or lodge or social hall	C	C	C	C	C	C
Daycare facility	C	C	C	C	C	C
Daycare home, group	A	A	A	A	A	A
Drug and alcohol treatment facility	C	C	C	C	C	C
Duplex or single-family attached dwelling	X	X	C	C	P	P
Dwelling, caretaker	C	C	C	C	C	C
Dwelling, guest	C	C	C	C	C	C
Dwelling, primary single-family detached	P	P	P	P	P	P
Foster home, group	C	C	C	C	C	C
Golf course and country club	C	C	C	C	C	C
Home occupation	P	A	A	A	A	A
Mortuary	X	X	X	X	C	C
Multi-family development	X	X	X	X	C	P
Manufactured Home	P	P	P	P	P	P
Manufactured Home Community	X	X	X	X	C[1]	X
Mobile home	C[2]	C[2]	C[2]	C[2]	X	X
Nursery, wholesale (only)	C	C	C	C	X	X
Nursing facility, skilled	C	C	C	C	C	C
Office, relating to an approved use	C	C	C	C	C	C
Outdoor storage	A	A	A	A	A	A
Portable classroom	A	A	A	A	A	A
Public or quasi-public use	P	P	P	P	P	P
Public parks, recreation areas, easements, trails	A	A	A	A	A	A
Residential care facility	C	C	C	C	C	C
Roadside produce stand	A	A	A	A	X	X
School, public or private	C	C	C	C	C	C
Stable or riding arena, commercial	C	C	C	C	C	C
Temporary living quarters	A	A	C	C	C	C
Tower or antenna structure	C	C	C	C	C	C

Notes:

1. The conditional use permit requires approval of a development agreement in accordance with Title 9, Chapter 10, Greenleaf Code.

2. Mobile homes may be permitted in any zone that permits residential uses, unless otherwise restricted by covenants or plat dedications, if a conditional use permit is applied for and has been granted. Mobile homes shall be subject to the same requirements as a single-family dwelling located in the underlying zone, unless a

variance has been applied for and approved, or as otherwise approved in the conditional use permit.

(Ord. 205, 10-25-2006, Amd. Ord 291, 08-03-2021; Amd. Ord #299, 02-07-2023)

9-3-3: GENERAL DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective residential zones. Table 9-3-3 of this section lists the site development standards required for residential development properties. Chapter 9 of this title provides special provisions for planned unit developments.

TABLE 9-3-3
DIMENSIONAL STANDARDS BY RESIDENTIAL ZONE

Dimensional Standard	RE3	R13	R23	R33	R53	R83
Minimum property size4 (sq. ft.)	1.0 acre	35,0002	17,0002	10,0002	8,0002	7,0002
Street frontage1	50'	50'	35'	35'	35'	35'
Setback2 from:						
1. Any property line on an arterial or collector street	50'	30'	30'	30'	30'	25'
2. Front property line:						
a. On a local street or private road	50'	30'	30'	30'	20'	20'
b. Where alley provides access to garage or where the garage is side loaded or located behind the front plane of the house	n/a	30'	30'	20'	20'	20'
3. Interior side property line7	20'	15'	10'	7.5'	7.5'	7.5'
4. Side property line on local street or private road	35'	30'6	20'6	20'6	20'	20'
Maximum coverage	20%	35%	40%	40%	40%	65%
Maximum height	35'	35'	35'	35'	35'	35'
Minimum distance between buildings	See note 8	See note 8	See note 8	See note 8	See note 8	See note 8
Residential subdivisions after the effective date hereof. Minimum open space/parks/pathways (minimum coverage)5	20%	20%	20%	20%	20%	20%

Notes:
1. Measured at the setback line. This is not lot width.
2. Additional setback may be required based on surrounding zones. The 7,000 square foot minimum lot size is required for the first 2 dwelling units; additional dwelling units must have 3,500 square foot minimum lots.

3. Assume approximately 20 percent of the gross area is roadway/public improvements.
4. All lots with streetside frontage, excluding RE, R1 and R2, shall have a minimum lot area 10 percent larger than shown in the table.
5. The 20 percent requirements may be reduced if it meets PUD standards set forth in sections 9-9-6 and 9-9-7 of this title.
6. 25 feet if street is arterial or collector.
7. Add 5 feet for each additional story. Maximum height 3 stories.
8. Minimum distance between buildings will be determined by compatibility with surrounding land and compliance with the international fire code.
(Ord. 205, 10-25-2006; Amd. Ord #299, 02-07-2023)

Chapter 4
COMMERCIAL AND OVERLAY ZONES

9-4-1: PURPOSE AND INTENT:
9-4-2: COMMERCIAL USE REGULATIONS:
9-4-3: COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS:
9-4-4: COMMERCIAL ZONE SPECIAL DEVELOPMENT STANDARDS:
9-4-5: STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE CBD:
9-4-6: CIVIC AND RESIDENTIAL AIRPARK OVERLAY ZONES USE REGULATIONS:
9-4-7: CIVIC AND AIRPARK OVERLAY ZONES GENERAL DEVELOPMENT STANDARDS:
9-4-7.1: APPROVALS:
9-4-08 RESIDENTIAL AIRPARK OVERLAY ZONING
9-4-08.1 SHORT TITLE:
9-4-08.2 PURPOSE:
9-4-08.3 RESIDENTIAL AIRPARK ZONES:
9-4-08.4 AIRPARK ZONE HEIGHT LIMITATIONS:
9-4-08.5 USE RESTRICTIONS:
9-4-08.6 AIRPARK NON-CONFORMING USES
9-4-08.7 PERMITS:
9-4-08.8 ENFORCEMENT:
9-4-08.9 CONFLICTING REGULATIONS:
9-4-08.10 APPEALS:
9-4-08.11 JUDICIAL REVIEW:

9-4-1: PURPOSE AND INTENT: The Greenleaf area comprehensive plan details the goals, objectives and policies for the city's commercial areas, including the preservation of community character and enhancement of existing commercial districts. It is the purpose of this chapter to implement the plan's vision through development regulations that allow for a variety of retail and service opportunities for residents and visitors to Greenleaf.

A. Neighborhood Commercial (NC) Zone: The NC land use designation is intended to provide retail and service establishments that are within easy walking distance from residential neighborhoods. These convenient commercial uses should integrate within a quiet, smaller scale pedestrian environment. The lot size shall be a minimum of five thousand (5,000) square feet.

B. Community Commercial (CC) Zone: The CC land use designation supports general commercial uses that serve the greater community of Greenleaf. These retail and service establishments may be auto oriented and require a larger lot area. The lot size shall be a minimum of twelve thousand (12,000) square feet.

C. Central Business District (CBD) Zone: The CBD land use designation is the least intense commercial designation in the city and is intended to preserve and enhance the Greenleaf downtown area. A variety of retail and service establishments associated with the traditional main street environment are permitted. The design of each structure must further the quality of the historic area. The lot size shall be a minimum of three thousand (3,000) square feet.

D. Airpark Commercial (AC) Zone. The AC land use designation is intended to support flexibility for all commercial uses of land that are reasonably required for, or which would enhance the operation of, a private airpark. Certain uses are excluded while uses allowed in other commercial zones are permitted or allowed with an administrative permit. Simultaneous single-family residential use is permitted as controlled by CC&R's. The lot size shall be a minimum of 5,000 square feet.

E. Agriculture (AG) Zone: The AG land use designation is intended to provide a designation for agricultural areas within the city limits that are left to be redeveloped to more traditionally urban uses in the future.

F. Civic Overlay (CV) Zone: The CV land use designation is intended to provide for governmental offices and other civic facilities which can be designated as an overlay zone in any zoning district in the city. This includes governmental, cultural and recreational facilities.

G. Residential Airpark Overlay (AP) Zone: The AP land use designation is intended for use by an airpark and the surrounding related facilities and properties. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-2: COMMERCIAL USE REGULATIONS:

A. Permitted And Conditionally Permitted Uses: The uses identified in table 9-4-2, "Permitted And Conditionally Permitted Uses Within Commercial Zones", of this subsection shall be the primary uses allowed to occur on a property. All uses unless otherwise provided for in this title shall be conducted within enclosed structures. All uses not listed in table 9-4-2 of this subsection shall require a conditional use permit. The primary uses identified in table 9-4-2 of this subsection, shall be permitted or conditionally permitted as indicated.

P	Where the symbol P appears, the use shall be permitted.
A	Where the symbol A appears, the use shall be permitted subject to the

	issuance of an administrative permit in accordance with chapter 13 of this title.
C	Where the symbol C appears, the use shall be permitted subject to the issuance of a conditional use permit in accordance with chapter 13 of this title.
X	Where the symbol X appears, the use shall not be permitted.

TABLE 9-4-2
PERMITTED AND CONDITIONALLY PERMITTED
USES WITHIN COMMERCIAL ZONES

Allowed Use	NC	CC	CBD	AG	AC
Airplane manufacturing	X	X	X	X	A
Airplane modification, rental, repair, sales	X	X	X	X	A
Adult entertainment establishment	X	X	X	X	X
Amusement or recreation facility, indoor	P	P	C	X	P
Amusement or recreation facility, outdoor	C	C	C	C	A
Animal boarding with outside runs	C	P	C	C	C
Animal clinic, animal hospital, or veterinary office	P	P	P	C	C
Auction establishment, outdoor	C	C	C	C	A
Automobile, major repair	X	P	X	X	C
Automobile or recreational vehicle sales or service	C	P	X	X	P
Automobile storage, rental	C	P	X	X	P
Bakery or bakery goods store	C	C	P	X	A
Bank	P	P	P	X	A
Bar, brewpub, or nightclub	X	X	X	X	X
Barber, beauty shop	P	P	X	X	P
Bed and breakfast establishment	C	C	P	C	P
Boarding house	C	C	C	X	C
Bowling alley	P	C	X	X	X
Campground	X	C	X	C	A
Car wash	C	C	P	C	A
Cemetery	X	P	X	X	X
Church	P	P	P	C	A
Clinic, medical (excluding animal or veterinary)	P	P	P	X	P
Club, or lodge or social hall	C	C	C	C	A
Contractor's yard or shop	X	P	X	X	A
Crematory	X	C	X	X	X
Daycare facility	P	P	C	C	A
Drive-in theater	C	C	C	X	X
Drive-up window service	C	C	C	X	C
Drugstore	X	P	P	X	P

Dry cleaning facility	C	C	C	X	C
Dwelling, caretaker for an approved use	A	A	A	A	P
Equipment rental and sales yard	P	C	P	X	A
Farm, garden, lumber, or building supply store	X	C	P	X	A
Fence, barbed wire or electric wire	C	C	C	X	A
Fire station/emergency services facility	C	C	C	C	P
Food stand	P	P	P	X	A
Frozen food locker	C	C	P	X	C
Fuel cell	A	A	A	A	A
Furniture refinishing	C	C	P	X	A
Gasoline or diesel fuel sales facility	C	C	C	C	A
Grain storage	X	X	X	C	X
Heavy equipment sales or service	X	C	X	C	X
Hospital	C	C	C	X	X
Hotel or motel	C	C	X	X	A
Ice manufacture, cold storage plant	P	P	C	X	C
Indoor shooting range	C	C	C	C	A
Kennel, commercial	C	C	X	P	C
Laboratory; medical, dental, optical	P	P	C	X	A
Laundromat	C	C	C	X	C
Library	P	P	P	X	A
Lumberyard, retail	C	P	X	X	X
Machine shop	C	P	P	P	P
Manufactured home storage	X	C	X	X	X
Monument works/decorative stone	C	C	C	C	C
Mortuary	C	C	C	X	X
Multi-family development	C	C	C	X	C
Nursery, retail (only)	P	P	P	C	P
Off street parking facility	C	P	C	C	X
Office building	P	P	P	A	P
Office, temporary construction	A	A	A	A	P
Outdoor shooting range	X	X	X	C	A
Outdoor storage	C	A	X	A	A
Package and letter delivery service	C	P	C	X	P
Parking lot, garage or facility	C	P	C	X	A
Photography studio	P	P	P	C	P
Portable classroom	C	A	A	A	A
Professional service	P	P	P	C	P
Public or quasi-public use	C	C	C	P	A
Public parks, recreation areas, easements, trails	P	P	P	P	P
Radio and television broadcasting station	C	C	C	C	C

Recreational vehicle park	C	C	C	C	A
Recycling center	X	C	X	X	C
Research and development facility	X	P	C	C	A
Residential care facility	C	C	C	C	A
Restaurant or eating place	C	C	P	C	P
Retail sales relating to a permitted or approved use	A	A	A	C	P
Retail store	P	P	P	C	A
School, public or private	C	P	P	C	A
School, vocational or trade	C	C	C	C	A
Service station	C	C	P	C	C
Spa/health club	P	P	P	C	P
Storage facility, self-service	C	P	X	C	A
Studio (music, art, dance)	P	P	P	C	P
Tire shop	C	C	X	X	A
Tower or antenna structure, commercial	C	C	C	C	C
Tower or antenna structure, private	C	C	C	C	A
Trailer, mobile home, farm implement sales yard	C	C	C	C	X
Transit facility	C	C	C	C	C
Truck stop	X	C	X	C	C
Video sales and rental	P	P	P	X	P
Warehousing	X	C	C	C	A

(Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-3: COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective commercial zones. Table 9-4-3 of this section presents minimum setbacks for commercial zones and table 9-4-4 of this section presents dimensional standards. Chapter 9 of this title provides special provisions for planned unit developments.

TABLE 9-4-3
MINIMUM SETBACKS BY COMMERCIAL ZONE

	NC		CC		CBD		AC	
Minimum Setbacks[1]	Standard	Abutting Residential	Standard	Abutting Residential	Standard	Abutting Residential	Standard	Abutting Residential
Front yard setback	20'	20'	20'	20'	5'	15'	5'	15'
Side street setback	20'	20'	20'	20'	5'	15'	5'	15'
Interior side yard setback	5'	10'	0'	20'	0'	10'	0'	10'
Rear yard	0'	20'	0'	20'	0'	10'	0'	10'

setback								

Note: 1 The front and side street setbacks shall be as set forth in the abutting residential district with the most restrictive standards. The interior side setback and rear yard setback in abutting residential may be "0" for townhouses, tracts, or above store apartments.(Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

TABLE 9-4-4
DIMENSIONAL STANDARDS BY COMMERCIAL ZONE

Dimensional Standards	NC	CC	CBD	AC
Minimum property size	5,000 sq. ft.	12,000 sq. ft.	3,000 sq. ft.	5,000 sq. ft.
Maximum coverage for building, required sidewalk, and parking	80 percent	80 percent	90 percent	90 percent
Maximum structure height (from existing grade)	35 feet	35 feet	35 feet	35 feet
Minimum street frontage1	30 feet	30 feet	30 feet	30 feet
Minimum property depth	75 feet	100 feet	50 feet	75 feet

Note:
1. This requirement may be modified if requested as part of an approved final plat.
(Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-4: COMMERCIAL ZONE SPECIAL DEVELOPMENT STANDARDS:

A. Screening: Mechanical equipment, waste collection containers, and other unsightly appurtenances shall be fenced or screened from public view.

B. Buffers: When abutting a residential zone, a commercial use shall be responsible for buffering the residential area from noise, vehicle headlight glare, dust or other impacts with walls, fences or vegetative barriers sufficient to mitigate those impacts. Prior to the issuance of a building permit for construction on such abutting commercial zone, a site plan for buffering shall be submitted to the zoning official for approval; an approved buffering plan shall be a condition of the building permit; its approval may be combined with the approval of a subdivision or of a zoning map amendment.

C. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters are required as provided for in this title.

D. Maximum Height: All structures including, but not limited to, buildings, antennas, poles or other permanent assembly, cannot exceed a total of thirty five feet (35') in height from the adjacent road grade exclusive of imported fill or movement of material from the site, or the sidewalk, whichever is lower.

E. For an Airpark Commercial zone:

1. All applications to amend the zoning map to designate the applicant's

property Airpark Commercial on said map shall be accompanied by a development agreement application as provided in chapter 11, title 9, Greenleaf City Code. Where the property subject to the application is subject to a then-existing development agreement, the application shall so note and include a copy of such development agreement and the development agreement application filed pursuant to this section will result in an amended development agreement pursuant to chapter 11, title 9, Greenleaf City Code. All decisions granting an application to designate property Airpark Commercial shall be contingent upon the execution and recordation of a development agreement or amended development agreement.

2. In addition to those requirements of a development agreement identified in GCC § 9-10-03, any application to amend the zoning map to designate the applicant's property Airpark Commercial on said map shall also be accompanied by a development plan consisting of drawings and supplementary written material as provided in CGG § 9-9-11.

3. Upon the designation of the applicant's property as Airpark Commercial on the zoning map, and before any permits authorizing development shall be approved on said property, the Developer shall ensure that an Architectural Review Committee is established and has the authority to provide written support for a use requiring an Administrative Permit pursuant to this Section.

4. Application for an Administrative Permit for an allowed use on land designated as Airpark Commercial on the city zoning map shall be made according to the provisions of chapter 13, title 9, Greenleaf City Code. In addition to the provisions of chapter 13, title 9, Greenleaf City Code, applications for an Administrative Permit shall (a) identify, with reference to supporting materials, the manner in which the applied-for use will enhance a community air park; (b) be accompanied by a design review approval pursuant to chapter 16, title 9, Greenleaf City Code; and (c) include a written statement of support by the Architectural Review Committee. The applicant bears the burden to demonstrate to the satisfaction of the Zoning Official or his or her designee that the applied-for use will conform to the provisions of GCC § 9-4-01.D. If the Zoning Official finds all requirements are met he or she (or his or her designee) shall grant the permit. Appeal shall be as provided in GCC § 9-4-01.10. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-5: STANDARDS FOR RESIDENTIAL DEVELOPMENT IN THE CBD:

A. Density: No more than twelve (12) dwelling units per acre shall be permitted, unless through a PUD.

B. Maximum lot size: Two (2) acres. If development size exceeds two (2) acres, a PUD may be required.

C. Uses: Commercial development shall be incorporated into any residential development within the CBD pursuant to the provisions for planned unit developments in chapter 9 of this title. (Ord. 205, 10-25-2006)

9-4-6: CIVIC AND RESIDENTIAL AIRPARK OVERLAY ZONES USE REGULATIONS:

A. Permitted And Conditionally Permitted Uses: The uses identified in table 9-4-6, "Permitted And Conditionally Permitted Uses Within Public Zones", of this subsection shall be the primary uses allowed to occur on a property. All uses except for those provided for in subsection 9-7-1E, "Outdoor Display Areas", of this title, and section 9-7-3, "Temporary Storage And Merchandising Facilities", of this title shall be conducted within enclosed structures. All uses, unless otherwise provided for in this title, shall be conducted within enclosed structures. All uses not listed in table 9-4-6 of this subsection require review by the commission and a conditional use permit. The primary uses identified in table 9-4-6 of this subsection, shall be permitted or conditionally permitted as indicated:

P	Where the symbol P appears, the use shall be permitted.
A	Where the symbol A appears, the use shall be permitted subject to the issuance of an administrative permit in accordance with chapter 13 of this title.
C	Where the symbol C appears, the use shall be permitted subject to the issuance of a conditional use permit in accordance with chapter 13 of this title.
X	Where the symbol X appears, the use shall not be permitted.

TABLE 9-4-6
PERMITTED AND CONDITIONALLY PERMITTED USES
WITHIN PUBLIC ZONES

Allowed Use	CV	AP (R-3)	AP (AC)
Accessory structure	A	A	A
Agricultural service establishment	C	C	C
Agricultural structure	C	C	C
Agricultural use	C	C	C
Airpark (private residential ownership)	C	P	P
Assembly plant (light manufacturing)	X	C	A
Camp	X	C	A
Cemetery	C	C	X
Church	C	C	A
Club or lodge or social hall	C	C	A

College or university	C	C	A
Conference or convention center	C	C	A
Dwelling, caretaker for an approved use	A	C	P
Dwelling, single-family, attached	P	P	P
Dwelling, single-family, detached	P	P	P
Golf course and country club	C	P	P
Hospital or clinic	A	C	X
Hotel, motel, lodge	C	C	A
Kennel	C	C	C
Livestock confinement facility, ≤300 AU	X	X	X
Manufacturing facility (light)	C	C	A
Mortuary	A	X	X
Museum	C	C	A
Nursery, wholesale (only)	X	X	A
Nursing facility, skilled	A	C	A
Office building or use, relating to an approved development	A	C	P
Office, temporary construction	A	A	P
Park, public	P	C	P
Pit, mine, or quarry	X	X	X
Portable classroom	A	C	A
Post office or mail delivery service	A	A	P
Power plant	C	C	C
Professional offices or buildings	A	C	P
Public or quasi-public use	P	P	A
Research and development facility	C	C	A
Roadside produce stand	A	C	A
Sanitary landfill	A	X	X
School, public or private, including vocational	C	C	A
Soil or water remediation	C	C	C
Stable or riding school, commercial	C	C	A
Storage building and yard	C	C	A
Swimming pool, private or public	A	A	A
Temporary living quarters	A	C	A
Tower or antenna structure, commercial	C	C	C
Tower or antenna structure, private	A	C	A
Warehousing facility	X	C	A
Winery	X	C	A

(Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-7: CIVIC AND AIRPARK OVERLAY ZONES GENERAL DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective zones. Table 9-4-7 of this section lists the site development standards required for development in the civic and airpark overlay zones.

TABLE 9-4-7
DIMENSIONAL STANDARDS FOR CIVIC OVERLAY (CV)
AND RESIDENTIAL AIRPARK OVERLAY (AP) ZONES

Dimensional Standards	AP	CV
Property size	10,000 square feet	3,000 square feet
Minimum street frontage	35 feet	50 feet
Minimum setback from:		Standard
Arterial, collector, or section line street	30 feet	5 feet
Other roadway	14 feet	5 feet
Property line not fronting a roadway	7.5 feet	5 feet
Maximum coverage	75 percent	80 percent
Maximum height	50 feet	50 feet
Minimum property width	70 feet	50 feet

(Amd, Ord. 258, 11-04-2014)

A. Screening: Mechanical equipment, waste collection containers, fuel tanks, and other similar appurtenances shall be fenced or screened from public view. Fencing shall be in accordance with permitted forms for the applicable zone.

B. Buffers: In order to enhance the rural and natural environment, buffers will be incorporated in the landscaping plan for all developments in the CV and AP zones. These buffers will use natural features, including vegetation and terrain elements, which are common in the area. The buffers can also be designed to provide for area for rain runoff. The aesthetic purpose however, is to provide some natural screening of the developed properties so as to soften the sightlines of residents and visitors when viewing the natural surroundings.

C. Sidewalks, Curbs And Gutters: Sidewalks, curbs and gutters may be required if specified in a development agreement as provided for inchapter 10 of this title. (Ord. 205, 10-25-2006)

9-4-7.1: APPROVALS: (Ord. 205, 10-25-2006; Amd, Ord. 237, 03/02/2010; Repl'd, Ord. 275, 08/08/2017 – Clerk's Note: Number changed from 9-4-8 to 9-4-7.1 by Ord. 237 which was contingent upon amendment of the development agreement with the Greenleaf Air Ranch, which amendment occurred after the repealing Ord. 275 effective date. LCB)

9–4–08 RESIDENTIAL AIRPARK OVERLAY ZONING

9-4-08.1 SHORT TITLE: This Chapter may be known and may be cited as the

"Greenleaf Residential Airpark Overlay Zone Ordinance". (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.2 PURPOSE:

A. An obstruction has the potential for endangering the lives and property of users of an airpark and property or occupants of land in its vicinity; an obstruction may affect existing and future instrument approach minimums of an airpark; and an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airpark and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by an airpark;

2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

B. The prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; or the marking and lighting of obstructions, are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.(Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.3 RESIDENTIAL AIRPARK ZONES:
In order to carry out the provisions of this Chapter, there are hereby created and established certain overlay zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to an residential airpark. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Utility Runway Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. Utility Runway Non–precision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its

centerline is the continuation of the centerline of the runway.

C. Horizontal Zone – The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

D. Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.4 AIRPARK ZONE HEIGHT LIMITATIONS:
Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Utility Runway Visual Approach Zone – Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

B. Utility Runway Non–precision Instrument Approach Zone – Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

C. Transitional Zones – Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airpark elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 10,000 feet measured at 90 degree angles to the extended runway centerline.

D. Horizontal Zone – Established at 150 feet above the airpark elevation.

E. Conical Zone – Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airpark elevation and extending to a height of 350 feet above the airpark elevation. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.5 USE RESTRICTIONS:
Notwithstanding any other provision of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airpark and aircraft, make it difficult for pilots to distinguish between airpark lights and other objects, result in glare in the eyes of pilots using the airpark, impair visibility in the vicinity of the airpark, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airpark. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.6 AIRPARK NON-CONFORMING USES

A. Regulations Not Retroactive – The regulations prescribed by this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of the applicable regulations, or otherwise interfere with the continuance of valid non–conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to 02 March 2010.

B. Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing non–conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City or FAA Manager to indicate to the operators of aircraft in the vicinity of the airpark the presence of such airpark obstruction. Markers and lights shall be installed, operated and maintained at the expense of the City. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.7 PERMITS:

A. Future Uses – Except as specifically provided in 1, 2, and 3 below, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with paragraph D below.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or

structure would extend above the height limits prescribed for such zones.

2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the forgoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in Section 9-04-08.6.

B. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non–conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the applicable regulations or than it is when the application for a permit is made. Except as indicated and except for abandoned or destroyed existing uses, as hereafter defined, all applications for such a permit shall be granted.

C. Non–Conforming Uses Abandoned or Destroyed - Whenever the City Clerk determines that a non–conforming tree or structure has been abandoned or more than eighty (80) percent destroyed, physically deteriorated, or dead or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

D. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, may apply to the City Clerk Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, and will not create a hazard to air navigation.

E. Obstruction Marking and Lighting - Any permit or variance granted may if such action is deemed advisable to effectuate the purpose of this Chapter and be

reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.8 ENFORCEMENT:
It shall be the duty of the City to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City Clerk. Applications required by this Chapter to be submitted to the Commission shall be considered in accordance to the provisions of this Code. Application for action by the Board of Adjustment shall be filed with the City Clerk. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.9 CONFLICTING REGULATIONS:
Where there exists a conflict between any of the regulation or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. At a minimum, all airpark facilities must conform to the Idaho VFR Airport Design standard. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.10 APPEALS:
Any person aggrieved, or any taxpayer affected, by any decision of the City Clerk made in the administration of this Chapter, may appeal to the Council pursuant to Chapter 13 of this Title. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

9-4-08.11 JUDICIAL REVIEW:
Any person aggrieved, by any decision of the Council pursuant to this Chapter may seek judicial review under the procedures provided by Idaho Code (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

Chapter 5
INDUSTRIAL ZONE

9-5-1: PURPOSE AND INTENT:
9-5-2: USE REGULATIONS:
9-5-3: GENERAL DEVELOPMENT STANDARDS:

9-5-1: PURPOSE AND INTENT: The Greenleaf area comprehensive plan identifies the importance of a variety of land uses including industrial areas. It is the purpose of this chapter to implement the plan's vision through development regulations that permit industrial uses that will support a growing economy and yet are not detrimental to any bordering uses. Furthermore, industrial activities shall not interfere with the operation of the airpark or any transportation facility.

A. Industrial (I) Zone: The I land use designation is intended to allow for industrial business to support a growing economy. (Ord. 205, 10-25-2006)

9-5-2: USE REGULATIONS:

A. Permitted And Conditionally Permitted Uses: The uses identified in table 9-5-2, "Permitted And Conditionally Permitted Uses Within The Industrial Zone", of this subsection shall be the primary uses allowed to occur on a property. The primary uses identified in table 9-5-2 of this subsection, shall be permitted or conditionally permitted as indicated:

P	Where the symbol P appears, the use shall be permitted.
A	Where the symbol A appears, the use shall be permitted subject to the issuance of an administrative permit in accordance with chapter 13 of this title.
C	Where the symbol C appears, the use shall be permitted subject to the issuance of a conditional use permit in accordance with chapter 13 of this title.
X	Where the symbol X appears, the use shall not be permitted.

TABLE 9-5-2
PERMITTED AND CONDITIONALLY PERMITTED USES
WITHIN THE INDUSTRIAL ZONE

Allowed Uses	Status
Asphalt batch plant	X
Assembly plants	P
Bulk petroleum storage	C
Concrete plant	C
Contractor storage yards	P
Dwelling, rooming house	P
Eating and drinking places	P
Indoor recreation	P
Industry, extractive	C
Manufacturing, heavy	C
Manufacturing, light	P
Planned unit development	C
Professional offices and buildings	P
Public parks and private parks	P
Public service facilities	P
Radio, TV and telephone relay stations	C
Recycling center	P
Research and development facilities	P
Retail stores1	C

Service stations	P
Storage buildings and yards	P
Terminal yards trucking facilities	P
Truck and tractor repair facilities	P
Warehouse and wholesaling facilities	P
Wrecking yards	C

Note:
1. Retail stores where a logical extension of retail uses onto land proximate to commercially zoned lands, but only if without threatening impairment of the existence of an adequate, industrially zoned, vacant land inventory.

B. Prohibited Uses:

1. Any use which causes or may reasonably be expected to cause traffic congestion, excessive noise, light, vibration, smoke, dust, or other particulate matter, humidity, heat or glare, noxious fumes, toxic or hazardous waste, or visible refuse, at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, injurious to the immediate neighborhood, or to a degree injurious to the public health, safety, welfare or convenience;

2. Outdoor storage of junk, including, without limitation, inoperable or unlicensed motor vehicles, used appliances, building and construction debris, and auto parts, except in wrecking yards operated under and in conformity with a conditional use permit.

3. No use shall be permitted or authorized to be established or maintained which is or may become:

a. Hazardous from fire, or cause excessive traffic generation.

b. Noxious, or cause offensive conditions due to emission of odor, dust, smoke, light, cinders, gas, fumes, vibration, refuse matter or water carried waste or toxic chemicals.

c. The cause of unhealthy conditions resulting from improper storage of materials, or impoundment of wastewater, attracting and aiding the propagation of insects or rodents.

4. No uses in the general vicinity of the airpark are permitted which may impede, confuse, distract or otherwise encumber the safe and efficient use of the airpark landing field, approach zones or other facilities.

5. No uses shall be located in the general vicinity of the airpark which may prevent expansion. (Ord. 205, 10-25-2006)

9-5-3: GENERAL DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective zones. Table 9-5-3 of this section lists the site development standards required for industrial zone properties. Chapter 9 of this title provides special provisions for planned developments.

TABLE 9-5-3
DIMENSIONAL STANDARDS FOR INDUSTRIAL ZONE PROPERTY

Dimensional Standards	
Property size, minimum	25,000 square feet
Minimum street frontage	75 feet
Minimum setback from:	
Street Property line not fronting a roadway	35 feet 10 feet
Maximum coverage	70 percent
Maximum height	35 feet
Maximum lot width and depth	See note 1
Minimum property width and depth	75 feet
Minimum distance between buildings	10 feet
Abutting lower zone for buffering	30 feet

Note:
1. Lot width and depth shall be harmonious and compatible with surrounding property.
(Ord. 205, 10-25-2006)

Chapter 6
SUBDIVISIONS

9-6-1: JURISDICTION:
9-6-2: PROCEDURES:
9-6-3: SUBDIVISION APPROVAL REQUIRED:
9-6-4: PREAPPLICATION:
9-6-5: PRELIMINARY PLAT:
9-6-6: FINAL PLAT:
9-6-7: PROTECTIVE COVENANTS:

9-6-1: JURISDICTION:

A. General: These regulations shall apply to the subdividing of all land within the corporate limits of the city, including the following:

1. The dividing of land into lots or parcels for transfer of ownership or building development.

2. The dedicating of any street or alley through or along any tract of land.

3. The resubdivision of a lot or parcel.

4. The construction of any private street or private alley through or along any tract of land.

5. The platting of a lot or lots that are either a remnant or the result of a land division that exceeded the onetime division provision.

B. Special Exceptions For Condominiums:

1. The provisions of the condominiums property act as provided in chapter 15, title 55, Idaho Code, as amended, revised and complies, shall be the same as hereby are adopted and incorporated by reference herein.

2. Condominium and subdivision of land(s) may occur within the same plat. This may also include dedication of public right of way.

3. Each condominium unit shall be provided ingress and egress either over common area or by an easement which shall be delineated on the plat as defined in the recorded condominium declarations with a note on the plat stating that the condominium declarations provided ingress and egress easements for the units. The condominium declarations shall be reviewed and approved by the city attorney solely to ensure ingress and egress provisions and other city conditions of approval cannot be removed or modified without the prior written consent of the Greenleaf city council.

C. Landlocked Tracts: All tracts which do not meet either the zone required frontage onto a public or private street of adequate vehicular access over an established easement shall be labeled on the plat or recorded of survey as "nonbuildable". Each such nonbuildable tract shall be required to have a pedestrian ingress and egress easement provided to it unless street frontage exists which is less than the required frontage but adequate for a pedestrian pathway.

D. Exceptions: The regulations of this chapter, except as otherwise provided in this code, shall not apply to the onetime divisions of any original tract of land into two (2) separate parcels that comply with all city zoning requirements; a property line adjustment that establishes buildable parcels with boundaries which differ from existing buildable parcel and/or buildable lot boundaries.

1. A record of survey, application and the appropriate fee are required for a onetime division of an original buildable parcel or lot. The record of survey must create buildable parcels that meet the following conditions:

a. Both resultant parcels must meet the minimum requirements for area, frontage and width for the existing zone. An original tract with an existing duplex may be divided if approved for conversion of a

duplex to a townhouse. Resultant parcels from such land division may be exempt from area, frontage and width requirements with a conditional use permit.

b. All existing buildings to remain shall meet applicable zoning requirements regarding allowed uses and parking and shall comply with the setback requirements of the existing zone as measured from any parcel boundary being created by this process.

(1) Any setback that was legally nonconforming prior to the onetime division may remain as a legal nonconforming setback, provided that legal nonconforming setback is not altered by the onetime division.

(2) Any building not meeting the required setback that is to be partially or completely demolished shall be demolished prior to the approval of the onetime division.

(3) The common interior property line of a duplex to a townhouse conversion may have a zero setback for the existing structure, subject to a common party wall agreement approved by the city attorney.

c. If existing residential building(s) are to remain, the parcel containing such building(s) must comply with applicable parking requirements. The parking shall be located on site. If existing commercial, office or industrial buildings are to remain, the parcel containing such building(s) must comply with applicable parking requirements, either within the parcel or by means of a permanent recorded shared parking agreement, as evidenced by a note on the record of survey stating both the number of spaces provided and the code required number of spaces. If required parking is provided by means of a permanent shared parking agreement, the record of survey must list the total required and provided parking for all parcels to which the shared parking provisions of the shared parking agreement applies.

d. When utilities cross land being divided, a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent construction area, the easement shall be vacated prior to the zoning official's acceptance of the record of survey.

e. If the street(s) adjacent to the lot(s) has not been improved with sidewalk, the applicant shall landscape the right of way area between the edge of the street pavement and the property line with lawn or other vegetative ground cover that will prevent the area from being used as an off street parking area. Depending on the

paved street width, some separation between the landscaping and the edge of the street pavement. If the lot is not alley loaded and has driveways off the street, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license for paving in the right of way. Sidewalks shall be installed if sidewalk exists on adjoining property.

2. Every property line adjustment shall be buildable parcels that meet the following conditions:

a. Conforming Lots Of Record:

(1) The total number of buildable parcels must not be greater than the number of buildable parcels and/or lots existing prior to the record of survey. When property line adjustments occur between section land and subdivided lots no lot shall increase in area by more than twenty percent (20%).

(2) The resultant parcels must meet the minimum requirements for area, frontage and width for existing zone.

(3) All existing buildings, driveways and parking areas must meet the setback requirements of the existing zone as measured from any parcel boundary being created by this process. Any setback that is legally nonconforming may remain as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the property line adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition must be completed prior to the zoning official's acceptance of the record of survey.

(4) If existing residential buildings are to remain, the parcel containing such building(s) must comply with applicable parking requirements. The parking shall be located on site. If existing commercial, office or industrial buildings are to remain, the parcel containing such building(s) must comply with current parking requirements, either within the parcel or by means of a permanent recorded shared parking agreement, as evidenced by a note on the record of survey stating both the number of spaces provided and the code required number of spaces. If required parking is provided by means of a permanent shared parking agreement, the record of survey must list the total requirement and provided parking for all parcels to which the parking provisions of the shared parking agreement applies.

(5) When utilities cross land being divided, a utility easement shall be provided and indicated on the record of survey. If an easement is located on a proposed permanent construction area, the easement shall be vacated prior to the zoning official's acceptance of the record of survey.

(6) The boundaries of a parcel with a residential zone or use may be adjusted through the record of survey process twice. Any additional boundary adjustments shall require a subdivision plat.

b. Substandard Original Lots Of Record:

(1) A property line adjustment shall not result in more buildable parcels than the total number of original substandard lots of record involved in the property line adjustment.

(2) A property line adjustment that includes a partial lot requires documentation that the split of the lot was recorded prior to June 8, 1973. If the partial lot does not qualify as a buildable parcel, it must be combined with an original lot to count as one buildable parcel if the partial lot was created by recorded deed prior to June 8, 1973.

(3) Adjusted side property lines shall be perpendicular to the public street. Exceptions can be made for lots where the original side lot lines were not perpendicular to the street, such as pie shaped lots.

(4) A property line adjustment shall not result in buildable parcels that decrease the area frontage or width below that of substandard original lots of record.

(5) All existing buildings, driveways and parking area must meet the setback requirements of the existing zone as measured from any parcel boundary being created by the process. Any setback that is legally nonconforming may remain as a legal nonconforming setback, provided the legally nonconforming setback is not altered by the property line adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition must be completed prior to the zoning official's acceptance of the record of survey.

(6) All parcels that abut an improved alley shall be required to take parking access from the alley.

(7) The boundaries of a parcel within a residential zone or use may be adjusted through the record of survey process twice. Any additional boundary adjustments shall require a subdivision plat.

(8) A property line adjustment shall only occur between an original corner lot and an original interior lot if the original corner lot is a minimum of thirty five feet (35') or more in width, unless three (3) or more lots are combined resulting in a reduction in density.

(A) The adjusted corner lot shall be of the same square footage as the original corner lot.

(B) If an existing home is located on a corner lot, a fifteen foot (15') rear setback shall be provided from the existing home to the new property line, regardless of the orientation or street address of the existing home.

(C) A minimum of one hundred fifty (150) square feet of open space, located outside of the setbacks, is required for existing homes. Open space that complies with chapter 9 of this title shall be designated as such on the record of survey.

3. A record of survey is not necessary to allow construction over platted lot lines of multiple whole lots.

a. Prior to issuance of a building permit, a copy of a recorded notice of buildable parcel and a copy of a recorded deed describing by metes and bounds the entirety of the platted lots shall be submitted to the zoning official.

b. If platted or recorded easements exist within any lot, the easements must be vacated prior to any construction within the easement.

4. The record of survey shall be in conformance with Idaho Code title 55, chapter 19, and shall contain the following additional information:

a. Correct street names and street address on each parcel.

b. All existing platted or recorded easements.

c. All existing platted lot line(s), or existing parcel lines, as applicable.

d. Adjusted or new parcel boundary lines.

e. The area in square feet of each parcel established by the record of survey.

f. A depiction of all existing building(s) with either: 1) the distances from the buildings or any parcel boundary line established by the record of survey, or 2) a note that building(s) is to be demolished at the time of any remodeling or new construction.

g. A note stating the existing zone.

h. Certification by the surveyor that the record of survey establishes parcels that meet the applicable requirements of this code.

i. Any other information required by the record of survey application. (Ord. 205, 10-25-2006)

9-6-2: PROCEDURES: The following procedures shall be followed for subdividing within the scope of these regulations:

A. Procedures, General:

1. Plat Approval Required: A plat shall be drawn for each subdivision of land located within the corporate city limits or for proposed subdivision containing land that is concurrently requesting annexation into the city limits and shall be submitted to the commission and council as provided below. The city can accept a plat application when there is a concurrent annexation request submitted.

2. Planned Unit Developments: All subdivisions of land that create five (5) or more lots shall require an approved planned unit development plan. Preliminary and final plats shall conform to such approved planned unit development plan.

3. Official Recording: No plat or division of land shall be filed in the office of the county recorder until such time as compliance with the provisions of this code and certifications of the agencies, as provided by Idaho Code, have been completed. Plats shall be recorded in the office of the county recorder.

4. Agenda:

Each Greenleaf city plat submitted for preliminary approval shall be placed on the commission's or hearing examiner's agenda only after fulfilling the requirements provided herein.

A plat not meeting all the requirements may be submitted; provided,

however, the applicant shall request in writing, the specific exceptions required and enumerate in detail the reason the plat qualifies for such exceptions.

5. Application Forms: Any application for a preliminary plat, subdivision approval, time extension, total or partial vacation of an existing subdivision, or easement for the benefit of the public shall be made on forms obtainable from the zoning official and the accuracy of the data provided certified by applicant.

B. Procedure, Preapplication Submission Of Plans:

1. Filing Procedure: Prior to the filing of an application the applicant is encouraged to submit to the zoning official general plans and data for any proposed subdivision. Such presubmittal shall not require the official filing of a subdivision application, and shall not bind the applicant or the city in any way. Said submittal shall be required for all proposed subdivisions of two (2) or more lots or dwelling units.

2. Review By Zoning Official: The zoning official shall review the plans and data and, within forty five (45) working days, advise the applicant as to the general conformance or nonconformance with these regulations of the plans submitted and what additional information is needed, if any, for the application to be deemed complete. The zoning official may extend the forty five (45) day period for an additional forty five (45) working days upon sending a letter to the applicant indicating the need for additional time. (Ord. 205, 10-25-2006)

9-6-3: SUBDIVISION APPROVAL REQUIRED: Any person desiring to create a "subdivision", as defined in this title, shall submit all necessary applications to the zoning official. No final plat, lot split and/or lot line adjustment shall be filed with the county recorder or improvements made on the property until the plat and/or lot split is subsequently recorded in the office of the county recorder. (Ord. 205, 10-25-2006)

9-6-4: PREAPPLICATION:

A. Application: The subdivider wishing to divide an original lot, tract or parcel of land and/or make a lot line adjustment may submit a preapplication subdivision package to enable the zoning official to review and comment on the proposed subdivision. The preapplication shall include the entire developmental scheme of the proposed subdivision in schematic form and include the following:

1. The general layout and approximate dimensions of streets, blocks and lots in sketch form;

2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site;

3. The areas set aside for schools, parks and other public facilities;

4. Any on site and/or off site sewer, water or drainage improvements proposed; and

5. Two (2) electronic copies of the submitted information.

B. Fees: Fees shall be established by resolution of the city council and shall include all pertinent planning, engineering, legal fees and any other fees and/or costs incurred by the city in its review.

C. Preapplication Review: The zoning official and city staff shall review said plans and data as submitted and advise the subdivider/developer as to the general conformance or nonconformance of the plans with this title. Such review may include official or unofficial comments on policies and guidelines followed by the city in the implementation of various regulations as set forth in the comprehensive plan, this code, and similar plans or programs. (Ord. 205, 10-25-2006)

9-6-5: PRELIMINARY PLAT:

A. Application: The subdivider shall file with the zoning official a complete subdivision application form and preliminary plat data as required in this title.

B. Combining Preliminary And Final Plats (Also Called A Minor Subdivision): The applicant may request that the subdivision application be processed as both a preliminary plat and final plat if all of the following exist:

1. The proposed subdivision does not exceed four (4) lots; and

2. No new street dedication or street widening is involved; and

3. No major special development considerations are involved (floodplain, hillside, etc.); and

4. Information for both preliminary and final plat is complete and in an acceptable form; and

5. Such subdivision does not result in a series of smaller subdivisions of the same larger parcel or several subdivision(s) organized to avoid the requirements of this chapter relating to subdivisions exceeding four (4) lots or otherwise avoiding a PUD application.

C. Content Of Preliminary Plat: The subdivider shall submit to the city clerk at least the following:

1. Thirty (30) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. The plat

shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), and shall show the drafting date and north arrow.

2. Thirty (30) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements.

3. A written application requesting approval of the preliminary plat supplied by the city.

4. Information detailing the proposed development within particular zoning designations.

5. Proof of legal interest in the subject property and consent by the owners to submission and process of the application.

6. Any other permits as required by this code.

7. Two (2) electronic copies of the preliminary plat and preliminary engineering plans.

D. Requirements Of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately:

1. The name of the proposed subdivision;

2. The names, addresses and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the preliminary plat;

3. The name, address, and location including bisecting boundary lines of all adjoining and contiguous property, whether or not bisected by a public right of way, as shown on record in the county assessor's office;

4. The legal description of the subdivision. The subdivision boundary shall be based on an actual field survey, including registered professional land surveyor stamp;

5. A statement of the intended use of the proposed subdivision;

6. A map of the entire area scheduled for development;

7. A vicinity map showing the relationship of the proposed plat to the surrounding area;

8. The land use and existing zoning of the proposed subdivision and the adjacent land;

9. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses, and the location of dedicated streets at the point where they adjoin or are immediately adjacent;

10. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right of way width and pavement width of streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions;

11. The existing zoning boundary lines; and the minimum applicable lot size for each lot in each zoning designation;

12. The proposed street names and system of numbering lots and blocks;

13. The approximate location, approximate size and proposed use of all land intended to be dedicated for public use or reserved for the use of all property owners within the proposed subdivision;

14. The approximate location, size, and type of sanitary and storm sewers, water mains, culverts, and other surface and subsurface structures existing within or immediately adjacent to the proposed subdivision a minimum distance of one hundred feet (100'); and the location, layout, type and size of any proposed water mains and storage facilities, sanitary mains and laterals, storm sewers, culverts and drainage structures, street improvements, fire hydrants and any other proposed utilities;

15. The approximate location, size and type of all drainage ditches, channels, pipes, structures and subsurface drainage structures within and immediately adjacent to the proposed subdivision, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside the proposed plat a minimum distance of one hundred feet (100');

16. The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of one hundred feet (100'), to the proposed subdivision;

17. The approximate location and width of any existing and proposed easements, or rights of way;

18. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application;

19. Any other information determined by the city to be necessary for review of the preliminary plat application;

20. Approximate location of all existing external buildings or structures built within one hundred feet (100') of the proposed development, including identification of current use of each;

21. Approximate location and direction of flow of existing sewer and drainage systems when the access point is greater than one hundred feet (100') beyond the proposed development's perimeter boundary;

22. Approximate location of any areas of fill or excavation and estimated volume of material to be moved;

23. For multiphase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns;

24. In areas where street or private roadway grades may not conform to the required minimum or maximum slope requirements of the district, approximate grades of existing and proposed streets and private roads within and immediately adjacent to the proposed development;

25. Approximate location and identification of known (to either the applicant and his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high ground water;

26. The location of current and proposed pathways if located within one hundred feet (100') of the boundaries of the development;

27. A statement as to whether or not a variance will be requested with respect to any provision of this title describing the particular provision, the variance requested and the basis for the variance request.

E. Attachments: In addition to the above, a vicinity map and photo reduction of the preliminary plat shall be submitted which meets the requirements as set forth below:

1. Vicinity Map: An eight and one-half inch by eleven inch (81/2" x 11") vicinity map, suitable for public presentation drawn to a scale of one inch equals three hundred feet (1" = 300') or larger (i.e., 1 inch equals 200 feet, etc.), which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for

someone unfamiliar with the vicinity. All the following elements are to be included:

a. A minimum distance of six hundred feet (600') beyond all boundaries of the proposed development.

b. A north point.

c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.

d. Clear identification of the boundary of the proposed development and its proposed roadway alignments labeled with proposed street names.

F. Fee: At the time of submission of an application for a preliminary plat, the applicant shall pay a processing fee in accordance with the fee schedule established by the city council. The city council shall establish the amount of the preliminary plat fee and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the city in processing the application. Such cost reimbursement may exceed the initial estimate. All outstanding fees and costs must be paid before a preliminary plat application will be considered.

G. Official Review:

1. Staff Review: A complete application, as determined by the zoning official, shall be submitted for review by the zoning official, city planner, city attorney, and city staff, no less than forty five (45) days before the initial meeting at which the preliminary plat may be considered. The zoning official may extend this period for up to forty five (45) additional days for city staff review of requirements of this chapter. The applicant must provide any reply or new information no later then seven (7) working days before any public meeting in which the application is to be considered, unless said public meeting is a public hearing on the application which such submission must be received by the city fifteen (15) days prior to any scheduled public hearing.

2. Review By Other Agencies: The zoning official shall refer the preliminary plat and application to as many agencies deemed necessary.

3. Hearing Examiner: Hearing examiners may be appointed by the city council or the planning and zoning commission for hearing applications for a subdivision pursuant to Idaho Code 67-6520. Whenever a hearing examiner hears an application, he may grant or deny the application or submit a recommendation to the city council or the planning and zoning commission.

4. Planning And Zoning Commission Action: The zoning official shall review and recommend to the commission to approve, approve conditionally, disapprove, or table the preliminary plat for additional information. If tabled, the recommendation shall occur at the next regular meeting. The zoning official's recommendation for approval or disapproval of the plat, together with a complete copy of the zoning official's findings and report of action shall be transmitted to the commission. The reasons for the recommendation to council shall specify at least the following written findings of the commission:

a. The ordinance and standards used in evaluating the application; and

b. The reason for approval or denial; and

c. The actions, if any, that the applicant could take to gain approval of the proposal.

H. Action By The Council: Within forty five (45) working days after the submission of the preliminary plat recommendations and findings by the commission, the council shall, in writing, approve, conditionally approve, or disapprove of the preliminary plat application as presented. The council may delay its decision pending submission of additional information, or approve, conditionally approve, or disapprove the preliminary plat application. All decisions must include the following written findings:

1. The ordinance and standards used in evaluating the application; and

2. The subdivision is in conformance with the principles of the Comprehensive Plan; and

3. The availability of public services to accommodate the proposed development; and

4. The public financial capability of supporting services for the proposed development; and

5. Other health, safety, and environmental problems that may be brought to the Council’s attention; and

6. The reason for approval or denial; and

7. The actions, if any, that the applicant could take to gain approval of the proposal.

I. Governing Legislation: All procedures governing an application herein, unless otherwise specified in this title, shall be governed by the Greenleaf contested hearing procedures1.

J. Notification To Applicant:

1. Within ten (10) working days after a decision has been rendered by the council, the city clerk shall provide the applicant with written notice of the action on the request. The preliminary plat will not be considered fully approved until all conditions have been satisfied and the appeal period has expired.

2. Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and with engineering plans and specifications for public improvements.

K. Action On Combined Preliminary And Final Plat: A recommendation shall be forwarded to the council in the same manner herein specified for a final plat. The council may recommend that the combined application be approved, conditionally approved, or disapproved.

L. Appeal On Decision Of Council: The applicant shall have twenty eight (28) days from the date of signing the written decision of the council within which to appeal said decision to a court of competent jurisdiction, unless said time frame has otherwise been established by Idaho Code.

M. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application from the subdivider within one year after action by the city council on the preliminary plat shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the city council. Extensions shall only be granted for a maximum of a one year time period, although there is no limitation on the number of extensions that may be granted. Extensions shall be granted solely at the discretion of the city council. Failure to file for an extension of time prior to the expiration of the one year time period shall cause all approvals of said preliminary plat to be null and void.

2. In the event that the development of the preliminary plat is made in successive contiguous phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such phases, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary plat approval.

3. Filing of the final plat(s) on phase developments may require modification of the conditions as approved by council. Council reserves the right to modify and/or add conditions to the final plat(s) to conform to

adopted policies and/or ordinance changes for each phase submitted after one year following the preliminary plat approval.

4. All items in each phase shall be completed before council approval will be given for any subsequent phases. (Ord. 205, 10-25-2006, Amd. Ord 293, 08-03-2021)

9-6-6: FINAL PLAT:

A. Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the zoning official the following:

1. Ten (10) copies of the final plat;

2. Ten (10) copies of the final engineering construction drawings for streets, water, sewers, sidewalk, irrigation and other public improvements; and

3. Two (2) copies in an accessible electronic format.

B. Content Of The Final Plat: The final plat shall include and be in compliance with all items required under title 50, chapter 13, Idaho Code and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty four inch (18" x 24") Mylar sheets with no part of the drawing nearer to the edge than one inch (1"). The final plat shall include at least the following:

1. A written application for approval of such final plat as stipulated by the city;

2. Proof of current ownership of the real property included in the proposed final plat;

3. Such other information as the zoning official or city may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;

4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;

5. Conformance with all requirements and provisions of this title; and

6. Conformance with acceptable engineering practices, local, state and federal standards.

C. Fee: At the time of submission of an application for a final plat, a fee shall be paid. The city council shall establish the amount of the final plat fee and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the city in processing the application. Such cost reimbursement may exceed the initial estimate. All outstanding fees and costs must be paid before a final plat application will be considered.

D. Zoning Official Review: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the zoning official shall certify the application as complete and shall affix the date of acceptance thereon.

E. Agency Review: The city clerk may transmit one copy of the final plat, or other documents submitted, for review and recommendation to other departments and agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. If additional copies of the final plat and/or engineering drawings are required for agency review, such additional copies shall be provided by the applicant.

F. Actions By Commission: Within forty five (45) working days after the submission of the final plat recommendations by the commission, or at its next regular meeting following receipt of the recommendations, the council shall, in writing, approve, conditionally approve, or disapprove of the final plat application as presented. The commission may delay its decision pending submission of additional information, or approve, conditionally approve, or disapprove the final plat application as presented. All recommendations must include the following:

1. The ordinance and standards used in evaluating the application; and

2. The reason for approval or denial; and

3. The actions, if any, that the applicant could take to gain approval of the proposal.

At the time of approval and recording of the final plat, the council shall accept the dedications shown thereon and shall, as a condition precedent to the approval of any final plat, require the subdivider either to improve or agree to improve by providing a bond, irrevocable letter of credit, cashier's check or other guaranty acceptable by the city to ensure completion of all the required street improvements and all other required public improvements.

G. Actions By The City Council: Within forty five (45) working days after the submission of the final plat recommendations by the commission, the council shall, in writing, approve, conditionally approve, or disapprove of the final plat application as presented. The commission may delay its decision pending submission of additional information, or approve, conditionally approve, or disapprove the final plat application as presented. All recommendations must include the following:

1. The ordinance and standards used in evaluating the application; and

2. The reason for approval or denial; and

3. The actions, if any, that the applicant could take to gain approval of the proposal.

At the time of approval and recording of the final plat, the council shall accept the dedications shown thereon and shall, as a condition precedent to the approval of any final plat, require the subdivider to have completed road and street, potable water, waste-water, and irrigation improvements and either to improve or agree to improve by providing a bond, irrevocable letter of credit, cashier's check or other guaranty acceptable by the city to ensure completion of all other required public improvements such as, but not limited to, electrical power, natural gas, telephone, internet service, and cable television, as may be applicable. No lots created by the final plat shall be eligible for issuance of a building permit until after completion of all required street improvements and all other required public improvements in or for that final plat.

H. Notification To Applicant: Within fifteen (15) working days after written findings have been approved by the council, the city clerk shall provide the applicant with written notice of the action on the final plat. The final plat will not be considered fully approved until all conditions have been satisfied and the appeal period has expired.

I. Appeal Of Decision Of Council: Appeals of decisions of the city council under this title to a court of competent jurisdiction shall be made in accordance with Idaho law governing a judicial review of decisions of municipalities.

J. Approval Period: Final plat shall be filed with the Canyon County recorder within one year after written approval by the city; otherwise, such approval shall become null and void, unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the city.

K. Method Of Recording: Upon approval of the final plat by the council, the subdivider's payment of fees, posting of surety bond or other guaranty acceptable to the city and the inclusion of the following signatures on the final plat, the subdivider may submit the final plat to the county recorder for recording:

1. Certification and signature of the city council verifying that the subdivision has been approved;

2. Certification and signature of the city clerk, if required, and the city engineer verifying that the subdivision meets the city requirements and has been approved by the council; and

3. Certification of the sanitation restrictions on the face of the plat per Idaho Code section 50-1326.

A conformed copy of the recorded document(s) must be submitted to the city. (Ord. 205, 10-25-2006; Amd, Ord. 273,08/08/2017)

9-6-7: PROTECTIVE COVENANTS: Protective covenants may be prepared and recorded as part of a subdivision. The city may elect to review and approve the subdivision restricting covenants prior to recording. The determination of the city, upon reviewing and approving the protective covenants, is to resolve any conflicts with existing subdivision and zoning regulations. (Ord. 205, 10-25-2006)

Chapter 7
GENERAL DEVELOPMENT STANDARDS

9-7-1: GENERAL REQUIREMENTS:
9-7-2: PROHIBITED USES:
9-7-3: TEMPORARY STORAGE AND MERCHANDISING FACILITIES:
9-7-4: PARKING PROVISIONS, DRIVEWAYS, AND LOADING AREAS:
9-7-4-1: PARKING AREA DEVELOPMENT STANDARDS:
9-7-4-2: OFF STREET PARKING REQUIREMENTS:
9-7-4-3: DRIVEWAYS:
9-7-4-4: LOADING AREAS:
9-7-5: LOCATION OF STREETS:
9-7-6: SPECIFICATIONS:
9-7-7: STREET NAMES:
9-7-8: INTERSECTIONS:
9-7-9: PEDESTRIAN WALKWAYS:
9-7-10: EASEMENTS:
9-7-11: BLOCKS:
9-7-12: LOTS:
9-7-13: PUBLIC SITES, OPEN SPACE, AND PATHWAYS:
9-7-14: ANIMALS:
9-7-15: ANTENNAS:
9-7-16: FENCES:
9-7-17: ACCESSORY USES, BUILDINGS, AND STRUCTURES:
9-7-18: CORNER VISION:
9-7-19: LANDSCAPING, SCREENING, AND BUFFERING:
9-7-20: SLOPES:
9-7-21: MOSQUITO ABATEMENT:

9-7-1: GENERAL REQUIREMENTS: The requirements of this chapter shall apply to all zones.

A. Nuisance: No development shall be permitted or authorized to be established or maintained as a nuisance or otherwise fail to comply with all applicable local, state and federal laws and regulations.

B. Lighting: All lighting shall be utilized in such a manner as to prevent glare and visual distractions on a roadway and to minimize luminescent impact on surrounding properties.

C. Environmental Assessment: The planning and zoning commission may require an applicant to provide an environmental assessment to be submitted prior to the approval of any planned unit development, conditional use, variance, subdivision, or zoning map amendment. The planning and zoning commission shall precisely enumerate the factors or items to be considered in such a requested assessment.

D. Preservation: To protect natural and cultural resources of Greenleaf, the planning and zoning commission may require an applicant to preserve historic and archaeological sites known or discovered on the parcel subject to development.

E. Outdoor Display Areas: Certain outdoor areas, such as parking lots, may temporarily be used to display merchandise, artworks, handicrafts, items for auction, and other such wares provided the applicant obtain a permit from the zoning official.

F. Future Connectivity: All development shall be planned in such a way as to maximize future connectivity for all types of infrastructure.

G. Road Standards: The City hereby adopts the latest and successive editions of the highway standards for the Association of Canyon County Highway Districts (ACCHD Manual). In the event of conflict, the provisions of this code or a development agreement to which the City is a party shall take precedence. (Ord. 205, 10-25-2006; Amd. Ord 314, 08-18-2025)

9-7-2: PROHIBITED USES: Any development use which causes or may reasonably be expected to cause excessive traffic congestion, noise, vibration, light, smoke, dust or other particulate matter, humidity, heat or glare, noxious fumes, toxic or hazardous waste, or visible refuse, or excessive weeds at or beyond the lot line of the lot on which it is located is prohibited. "Excessive" is defined for these purposes as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare, or convenience. Prohibited uses include, but are not limited to:

A. Outdoor storage of junk including, but not limited to, inoperable or unlicensed motor vehicles (including aircraft), used appliances, building and construction debris, and auto parts (except in wrecking yards operated under and in conformity with a conditional use permit). Operable farm machinery, and other operable state licensed vehicles intended for on site use shall not be considered in violation of this subsection, provided the vehicles are not stored outdoors, but in storage buildings or shelters.

B. Any use which is or may become:

1. Hazardous from fire;

2. The cause of excessive traffic generation.

3. Noxious, or cause offensive conditions due to emission, odor, dust, smoke, cinders, gas, fumes, vibration, noise, refuse matter or water, waste or toxic chemicals.

4. The cause of unhealthy conditions resulting from improper storage of materials, or impoundment of wastewater, attracting and aiding the propagation of insects, weeds or rodents.

C. No uses in the general vicinity of an airpark are permitted which may impede, confuse, distract or otherwise encumber the safe and efficient use of the airpark facilities.

D. Farm activities shall be reviewed per standard agricultural practices.

E. Every person owning, managing, occupying, renting, leasing or using property within the city limits shall keep that property continuously free of dust, weeds, refuse or any other condition prohibited in this section. The mayor with the consent of the city council, after five (5) days' notice, may cause the removal, disposal and/or remedy of the violation as often as necessary on lots, lands, or premises not in compliance. The expense of such work shall be billed to the property owner and if not paid within thirty (30) days, assessed against the property involved as general taxes and collectible as other state, county and municipal taxes. (Ord. 205, 10-25-2006)

9-7-3: TEMPORARY STORAGE AND MERCHANDISING FACILITIES:

A. No owner shall maintain a "temporary storage or merchandising facility", as defined in subsection C of this section, upon any property in the planning jurisdiction for a period of time in excess of twenty four (24) days during any sixty (60) day period, unless within such twenty four (24) days such facility is brought into compliance with all standards of the relevant zoning district, including, without limitation, setbacks for structures and parking requirements (whether or not such facility otherwise meets the definition of "structure"). No such facility shall be used in lieu of usable interior working space of a commercial or industrial land use for more than eighteen (18) months during construction of a permanent building.

B. A temporary storage or merchandising facility shall not be installed such to impinge or occupy required parking.

C. "Temporary storage or merchandising facility" includes, but is not limited to, tents, freight trailers, freight containers, railroad boxcars, or other portable or semipermanent storage units, which are being used for storage of equipment or

inventory, or used for the display and sale or rental of equipment or merchandise; but does not include personal utility or boat trailers in a residential district located on the residential owner's property. (Ord. 205, 10-25-2006)

9-7-4: PARKING PROVISIONS, DRIVEWAYS, AND LOADING AREAS:

A. Required Provisions: No building or structure shall be erected, nor any residential use modified to a commercial use unless maintained, off street parking and loading spaces are provided as required by this code. Such additional parking provisions are required even if the commercial modification will not enlarge or add to the residential use of the property.

B. Required Number Of Parking Spaces: No building or structure shall be substantially altered, enlarged, or changed unless the required number of spaces with respect to the square footage is provided to accommodate such alteration, enlargement, or change of use.

C. Parking And Storage Of Licensed Vehicles: Parking and/or storage of licensed vehicles of any kind in any manner except upon properly surfaced and approved driveways or parking aprons is prohibited including the parking of such vehicles on lawns, patios, garden area, fields or pastures unless incidental to an approved building permit.

D. Location Of Parking Spaces: The following regulations shall govern the location of off street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve; and

2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than three hundred feet (300') from the principal use; and

3. Parking spaces for apartments, condominiums or similar residential uses shall be located not more than two hundred feet (200') from the principal use on the same developed property; and

4. In all zoning districts, single-family residential structures must be built with a garage. The garage must have a minimum of twenty feet (20') of width and twenty two feet (22') of depth.

E. Maintenance: The owner of property used for parking and/or loading shall maintain such area in good condition free of potholes, dust, trash, and other debris.

F. Disabled Vehicles: The parking of a disabled vehicle within a residential or commercial district for a period greater than three (3) days is prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

G. Parking Spaces For Uses Not Listed: Parking spaces for other permitted or conditional uses not listed in this chapter shall be determined by the planning and zoning commission and approved by the city council.

H. Fractional Numbers Rounded Up: Fractional numbers shall be increased to the closest higher whole number.

I. Exceptions: The planning and zoning commission may proportionately reduce the parking space provisions of this chapter in situations where an adequate public transit system exists, or where parking demand is unusually low, such as where uses with differing operating hours or needs share parking under a formal, written agreement to which the city is a party. Should an owner of a parking facility under such an agreement fail or refuse to make such parking available to the patrons of the other use(s) in accordance with such an agreement, such failure or refusal is a violation of this chapter requiring full compliance with all parking provisions. (Ord. 205, 10-25-2006)

9-7-4-1: PARKING AREA DEVELOPMENT STANDARDS:

A. Surfacing:

1. Parking and loading spaces for commercial uses shall have an improved surface including asphalt, concrete, paving stones, or bricks.

2. Parking and loading spaces for residential uses may use other materials (such as gravel) that provide a stable driving surface under all weather and moisture conditions and during ordinary use by wheeled vehicles provided such use prevents the raising of road dust or other like particulate matter into the air.

B. Drainage: All parking and loading areas shall provide for proper drainage of surface water so as to prevent the drainage of such water onto adjacent properties or walkways.

C. Lighting: Any parking area which is intended to be used during nondaylight hours shall be properly illuminated. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and must be in accordance with chapter 14, "Outdoor Lighting", of this title.

D. Access: Any parking area (except approved residential driveways) shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.

E. Screening And/Or Landscaping: Use of chainlink fencing in or adjacent to residential areas is discouraged; if proposed, approval by the zoning official is required. Such fence or wall shall not exceed four feet (4') in height and shall be maintained in good condition. Planting screens shall not be less than two feet (2') in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition which shall include weed control. (Ord. 205, 10-25-2006)

9-7-4-2: OFF STREET PARKING REQUIREMENTS:

A. Dimensions:

If parking angle is:	45°	60°	90°	Parallel
Then:				
The width of parking shall be	9'	10'	13'	9'
The length of parking shall be	20'	18'	15'	23'
The width of driveway aisle shall be	13'	17'	25'	12'

Note:
1. Width is measured parallel to the sidewalk or paved street surface.

B. Relationship Of Standard And Compact Parking Spaces In Off Street Parking Facilities: Up to thirty five percent (35%) of any parking lot may be designated for compact car spaces. Such spaces shall be permitted only on hard surfaced lots, where the space is marked both on the pavement and by a sign.

C. Parking Space Requirements: For the purpose of this title, the parking space requirements presented in table 9-7-4-2 of this section shall apply.

TABLE 9-7-4-2

Type Of Use	Parking Spaces Required
Commercial:	
Automobile service garages which also provide repair	1 for each 4 gasoline pumps and 2 for each service bay
Banks, financial institutions and similar uses	1 for each 300 square feet of floor area
Durable goods retail (furniture, appliances)	1 for each 700 square feet of floor area
Funeral parlors, mortuaries and similar types of uses	1 for each 100 square feet of floor area in slumber rooms, parlors or service rooms
Hotels, motels	1 per each sleeping room and 1 space for

	each 2 employees. In addition, 1 oversize space (equivalent of 2 compact spaces situated front to back) per 4 rooms
Offices, public or professional administration or service buildings	1 for each 300 square feet of floor area
Retail stores	1 for each 300 square feet of floor area
All other types of business or commercial uses permitted in any district	1 for each 300 square feet of floor area
Institutional:	
Churches and other places of religious assembly	1 for each 5 seats
Hospitals	1 for each bed
Medical and dental clinics	1 for every 250 square feet of floor area of examination, treatment, office, and waiting rooms
Sanitariums, assisted living facilities, nursing homes, children's homes, asylums and similar uses	1 for each 2 beds
Manufacturing (or any type of industrial use):	
All types of manufacturing, storage and wholesale uses permitted in any manufacturing district	1 for every 2 employees (on the largest shift for which the building is designed) plus 1 for each vehicle used on the premises
Express, parcel delivery and freight terminal	1 for every 2 employees (on the largest shift for which the building is designed) and 1 for each motor vehicle maintained on the premises
Recreational or entertainment:	
Auditoriums, sports arenas, theaters and similar uses	1 for each 4 seats
Bowling alleys	4 for each alley or lane plus 1 additional space for each 100 square feet of the area used for restaurant, cocktail lounge or similar use
City parks:	
Community	Use local street parking
Large play areas	1 per 8,000 square feet, including abutting on street parking
Neighborhood	1 per 5,000 square feet, including abutting on street parking

Open space	None required
Dance floors, skating rinks	1 for each 100 square feet of floor area used for the activity
Dining rooms, restaurants, taverns, nightclubs, clubhouses, etc.	1 for each 100 square feet of floor area
Outdoor swimming pools (public or neighborhood pools)	1 for each 5 persons capacity plus public or community or club; 1 for each 4 seats or 1 for each 30 square feet of floor area used for seating purposes whichever is greater
Residential:	
Apartments or multi-family dwelling	1½ for each unit
Boarding houses, rooming houses, dormitories and permanent occupant	1 for each sleeping room plus 1 for every 3 occupants
Single-family or two-family dwelling	2 for each unit
Schools (public or parochial or private):	
Kindergartens, childcare centers, nursery schools and similar uses	2 for each classroom but not less than 6 for the building
Elementary and junior high schools	2 for each classroom and 1 for every 8 seats in auditoriums or assembly halls
High schools	1 for every 10 students and 1 for each teacher and employee
Colleges, universities	1 for each 4 students
Business, technical and trade schools	1 for each 2 students

(Ord. 205, 10-25-2006)

9-7-4-3: DRIVEWAYS: The minimum driveway or alley width shall be twenty feet (20') for two-way traffic and fourteen feet (14') if there is one-way traffic. Such minimum widths do not eliminate the requirement for minimum access requirements. For residential driveways the width should match the garage opening. (Ord. 205, 10-25-2006)

9-7-4-4: LOADING AREAS:

A. Loading Space Requirements And Dimensions: Off street loading spaces for commercial uses shall be provided in accordance with the following table:

Gross Floor Area (Square Feet)	Quantity And Type
14,000 - 36,000	1 type B2
36,001 - 60,000	2 type B2
60,001 - 100,000	2 type B2 plus 1 type A1

For each additional 75,000 square feet or fraction thereof, an additional type A space will be provided.

Notes:
1. Type A spaces are 65 feet in length.
2. Type B spaces are 35 feet in length.

1. Size: The size of off street loading spaces shall not be less than the following, exclusive of access platform and loading area:

Length	Width
35 feet	12 feet
65 feet	15 feet

2. Access: Convenient access to loading spaces from streets or alleys shall be provided and be not less than twelve feet (12') in width.

3. Location Of Required Loading Facilities: The off street loading facilities required for the uses mentioned shall not project into the public right of way or setback area. In no case shall required off street loading berths be part of the area used to satisfy the off street parking requirements.

4. Entrances And Exits: Design and location of entrances and exits for required off street loading areas shall be subject to review by the planning and zoning commission. (Ord. 205, 10-25-2006)

9-7-5: LOCATION OF STREETS: Street and road location shall conform to the following subsections:

A. Street Location And Arrangements: When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.

B. Minor Streets: Minor streets shall be so arranged as to discourage their use by through traffic.

C. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions of the future extension of said streets into adjacent areas.

D. Relation To Topography: Streets shall be arranged in proper relation to topography.

E. Alleys: Alleys may be required in residential five (R5) and residential twelve (R12), multiple use and commercial subdivisions unless other provisions are

made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases.

F. Frontage Roads: Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to, and on each side of, such arterial street; or such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic.

G. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than seven hundred feet (700') in length and shall terminate with an adequate turnaround having a minimum outside roadway diameter of at least ninety feet (90') curb face to curb face. Nonstandard turnarounds may be approved.

H. Half Streets: Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this title and where satisfactory assurance for dedication of the remaining part of the street is provided.

I. Private Streets: Private streets and roads shall be prohibited except within planned unit developments. (Ord. 205, 10-25-2006)

9-7-6: SPECIFICATIONS:

A. Street Right Of Way Widths: Street and road right of way widths shall conform to the adopted major street plan or comprehensive development plan and the rules and standards of the Golden Gate highway district.

B. Street Grades: Street grades shall conform to geometric design standards as adopted by the Golden Gate highway district.

C. Street Alignment: Street alignment shall conform to geometric design standards as adopted by the Golden Gate highway district. (Ord. 205, 10-25-2006)

9-7-7: STREET NAMES:

The naming of streets shall conform to the following:

A. Street names shall not duplicate any existing street name within the county or city except where a new street is a continuation of an existing street; street names that may be spelled differently but street names sounding the same as existing streets shall not be used; and

B. Street names shall conform to any applicable rules set out in this code and the street naming standards of Canyon County. (Ord. 205, 10-25-2006)

9-7-8: INTERSECTIONS: Intersections shall conform to the following specifications:

A. Angle Of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than eighty degrees (80°).

B. Number Of Streets: No more than two (2) streets shall cross at any one intersection.

C. "T" Intersections: "T" intersections may be used whenever such design will not restrict the free movement of traffic.

D. Centerline Street Offsets: Local street centerlines shall be offset by a distance of at least one hundred twenty five feet (125'). (Ord. 205, 10-25-2006)

9-7-9: PEDESTRIAN WALKWAYS: Right of way for pedestrian walkways may be required where necessary to obtain convenient pedestrian circulation. (Ord. 205, 10-25-2006)

9-7-10: EASEMENTS: Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary; total easement width shall not be less than ten feet (10'). Unobstructed drainageway easements shall be provided as required by the city. (Ord. 205, 10-25-2006)

9-7-11: BLOCKS: Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary; blocks should not be less than five hundred feet (500') long in all cases. (Ord. 205, 10-25-2006)

9-7-12: LOTS: Lots shall conform to the following subsections:

A. Zoning: The lot, width, depth, and total area shall not be less than the requirements of any applicable zoning ordinance.

B. Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tanks), the parcels shall be divided to allow for future resubdivision into smaller parcels.

C. Sufficient Area For Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system. (Ord. 205, 10-25-2006)

9-7-13: PUBLIC SITES, OPEN SPACE, AND PATHWAYS: Public sites, open space and pathways shall address the following requirements:

A. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision.

B. Special Developments: In the case of residential subdivisions and planned unit developments, the city requires park and/or open space facilities that provide active and passive recreational uses.

1. "Active use" shall be defined as neighborhood areas which provide gathering areas for active recreation (e.g., open fields, pathways for pedestrian, equestrian and/or nonmotorized use, swimming pools, tot lots, skateboard parks, tennis and basketball courts).

2. "Passive use" shall be defined as neighborhood areas which provide a combination of linear open space and scenic features (e.g., ponds, berms and view corridors). Where parks and/or open space is required in this title, passive use areas may not exceed fifty percent (50%) of the open space/park area. (Ord. 205, 10-25-2006)

9-7-14: ANIMALS:

A. Domestic household pets such as dogs, cats, small rodents, and birds may be kept in any zoning district provided such are kept in conformance with the animal control ordinance of the city.

B. Horses, cows, goats, chickens, pigs, sheep or other typical farm animals or any large or domesticated wild animals shall not be boarded permanently or temporarily in any residential, industrial, or commercial zone except as allowed under the animal control ordinance of the city.

C. Kennels for the keeping of more than three (3) dogs (canines) shall be permitted in all zones in accordance with the animal control ordinance of the city.

D. These requirements may be waived pursuant to an approved PUD. (Ord. 205, 10-25-2006; Amd. Ord 274, 08/08/2017)

9-7-15: ANTENNAS: Antennas shall only be allowed pursuant to applicable provisions of this code. (Ord. 205, 10-25-2006)

9-7-16: FENCES:

A. Location and height restriction: Fences and portions thereof built on the street setback or from the face of the primary structure to the front property line shall not exceed four feet (4') in height, whichever is least restrictive. For corner lots, lots which extend through with street frontage on parallel streets, and any other lots with multiple street frontage, this height restriction is applicable to any face of a primary or accessory structures to any property line with street frontage.

B. Maximum height: Fences, excluding hedges and other types of vegetative fencing, shall not exceed a height of six feet (6') without a building permit in all zones, measured from elevation of lot inclusive of retaining walls and berms supporting the fence, provided that all types of fences, hedges, and other types of

vegetation shall comply with the corner vision requirements of Greenleaf Code §9-7-18.

C. Material

1. Fences in residential zones may be constructed utilizing materials including masonry blocks, or posts of metal, pressure-treated wood, or vinyl supporting wire metal fabric (such as but not exclusive to chain-link, hexagrid, and 2x4 welded-wire), non-privacy metal panels (such as but not exclusive to wrought iron, picket, and non-privacy slat), wood, or vinyl.

2. Fences in residential zones shall not be constructed of:

    a. decayed wood
    b. pallets
    c. boxes
    d. discarded plastic materials
    e. broken masonry blocks
    f. interior wood paneling
    g. hazardous or dangerous materials as determined by the Zoning Official or designee
    h. Non-standard materials are allowed only after review and approval of the Zoning Official or designee. Non-standard materials as determined by the Zoning Official or designee are prohibited. Applicants denied have waiver process available per 9-7-16(G).

3. Fences in commercial and industrial zones may be constructed utilizing materials allowed in residential zones. Sheet metal privacy panels may be used around city utility infrastructure facilities. Sheet metal privacy panels may be used in commercial or industrial zones with approval of the zoning official or designee.

4. Electrified and/or barbed wire are allowed for corralling and maintaining livestock – No other purpose is deemed appropriate. Electrified wire as a part of parcel perimeter fencing is required to have signage for the electrified fence at corners and every 50 feet.

5. Razor/concertina/barbed wire may be utilized at the top of security fencing around city utility infrastructure facilities. Razor/concertina/barbed wire may be utilized around city and/or non-city-owned public utility infrastructure or in the industrial zone upon review and approval by the zoning official or designee following submittal of written application showing clear and convincing documentation demonstrating the need for such security fencing.

D. A sight obscuring fence or other suitable screening is required where a commercial or industrial use abuts the side or rear yard of any property in a residential district. Such fence shall be at least six feet (6') in height except that the fence or portions thereof built on the street setback or from the face of the primary structure to the front property line shall not exceed four feet (4') in height, whichever is least restrictive.

E. Fences shall be kept in good order and repair and shall not become run down or in such a state of disrepair as to constitute a private or public nuisance.

F. No fence shall obstruct access to publicly owned and publicly regulated utility boxes, meters or other publicly owned or publicly regulated infrastructure.

G. Requests for waivers of the requirements of this chapter shall be processed according to the design review requirements of Title 9, Chapter 16 of the Greenleaf Code.

H. Fences are not authorized for construction until after:

1) A DigLine request has been submitted by the applicant for location of underground utilities for compliance with Idaho Code Title 55, Chapter 22.

2) A permit application including site plan, foundation plan, and statement of intended fencing material, has been submitted to the City. The application packet shall include site plan and sight triangle examples.

3) An on-site meeting has been conducted subsequent to DigLine marking, with such meeting to include the applicant (property owner or the owner's agent) and City personnel for on-site review of applicable fence criteria, and as applicable for City determination of sight triangle for the applicant.

4) Issuance of a fence permit by the City Clerk.

5) Maintenance and repair of existing fences shall not require a permit.

I. The Zoning Official may designate the Building Official, Public Services Department, other City personnel, or a combination thereof to administer this section.

J. Building a fence without a permit is a violation of this title subject to city enforcement under §9-17-6 and penalties as described under §9-17-9. (Ord. 205, 10-25-2006, Amd. Ord. 263, 09-01-2015; Amd. Ord 314, 08-18-2025)

9-7-17: ACCESSORY DWELLING USES, BUILDINGS, AND STRUCTURES:

A. Accessory dwelling units may be used for visitors, guests and family members or employee who works on the same property without a permit for lease or rental purposes. Accessory dwelling units may be utilized as rental units with an accessory dwelling unit rental conditional use permit as provided in Greenleaf City Code §9-13-3-5, and as subject to the requirements of this code. Accessory dwelling units shall be considered for purposes of determining development density when processing applications for annexation, subdivision, and planned unit development.

B. An accessory dwelling unit must meet the requirements of this code, where applicable, for water and sewer connections, or meet all governmental standards for water and sewage systems where municipal systems are not available. Accessory dwelling units shall be connected to municipal utilities if within utility service areas. Alternative water and/or wastewater systems such as composting toilets, rain catchment systems, etc. may also be included in accessory dwelling unit design, but shall not be accepted in lieu of connection to city water and wastewater systems where connection is available.

C. Accessory dwelling units must meet the following general requirements:

1. Be placed on foundation to the satisfaction of the Building Official

2. Meet applicable building codes, zoning, and be built under the building permit process.

3. Minimum size for an accessory dwelling unit is two hundred square feet (200 sq. ft).

4. Maximum size for an accessory dwelling unit is up to fifty percent (50%) of the square footage of the primary residence on the parcel, or the minimum size of two hundred square feet (200 sq. ft), whichever is larger. In no case shall the accessory dwelling unit exceed fifty percent (50%) of the square footage of the primary residence on the parcel.

5. Accessory dwelling units must have driveway, two off street parking spaces and access to a public street to permit emergency access. The access may be shared with other access on the parcel, but off street parking for the accessory dwelling unit must be reserved for the accessory dwelling unit and not shared with other parking on the parcel.

6. An occupancy permit for an accessory dwelling unit shall not be issued until the primary single-family residence has been constructed and received an occupancy permit.

D. Park Models are acceptable accessory dwelling units if implemented through the building permit process to meet all requirements of this code to the satisfaction of the Building Official for issuance of a certificate of occupancy. Park model recreational vehicles are required to have axles and wheels removed

and be secured to a permanent foundation to the satisfaction of the Building Official.

E. At the sole discretion of the Building Official, accessory dwelling units constructed off-site to be moved and attached to a prepared foundation on-site may be pre-approved by the Building Official for placement within the city limits after review to satisfy the building official that the units are built to current building code standards. Building permit process remains applicable to pre-approved accessory dwelling unit placement, including filing of a building permit application, review of site plan and setbacks, review of foundation plan, and foundation inspection.

F. An accessory dwelling unit may only be built in RE (Residential Estate), R-1, R-2, R-3, and R-5 single-family residential zones, after occupancy permit for the primary single-family residence, subject to the requirements of this code. In no case shall a certificate of occupancy be issued for an accessory dwelling unit before construction of the primary single-family residence for the parcel has been completed and a certificate of occupancy issued for the primary single-family residence. Density of accessory dwelling units is limited to one per parcel.

G. Penalty: Violations of this chapter are subject to enforcement per Chapter 17 Title 9 of this code. (Ord. 205, 10-25-2006; Amd. Ord. 278, 04/03/2018)

9-7-18: CORNER VISION: In all zones, the property owner shall prepare and maintain landscaping and/or structures including fences located near a street intersection in such a manner as to provide a clear and unobstructed view by a motorist of oncoming traffic using intersecting streets. The sight triangle for degree of vision required at corners shall meet the road standards adopted by the city per §9-7-1(G). (Ord. 205, 10-25-2006; Amd. Ord 314, 08-18-2025)

9-7-19: LANDSCAPING, SCREENING, AND BUFFERING:

A. Landscaping: The following standards are intended to ensure the preservation and enhancement of Greenleaf's natural resources and amenities:

1. All development shall:

a. Be designed to take advantage of natural settings, preserving natural features such as streamside environments and vegetation.

b. Provide natural trees, shrubs, and grasses, or provide and maintain landscaping, so as to cover all areas not actually used for structures, drives, walks, usable yard, improved off street parking, or lawful open storage. A schedule of native or other suitable plants shall be established by the planning and zoning commission.

c. Follow the standards set out in title 7 chapter 8 of this code.

2. Industrial, commercial and civic use sites shall:

a. Provide landscaping on all areas not actually utilized for required off street parking, minimal roads, and buildings, unless otherwise provided in a site plan approved by the planning and zoning commission under the procedures applicable to a conditional use, but without public hearing.

b. It is the purpose of such a site plan to determine the area reasonably needed for operations, and the landscape treatment of the site in the light of that need.

3. Residential development shall provide an outside area associated with the dwelling unit in the amount of one hundred (100) square feet per bedroom in excess of one bedroom per dwelling unit. In the RE, R1, R2, R3, R5 and R12 zones, at least thirty percent (30%) of the total parcel area shall be:

a. Maintained in a manner that preserves existing natural vegetation; or

b. Landscaped with plant species native to similarly situated lands.

4. Landscaping of parking areas shall be reviewed by the planning and zoning commission and approved by the city council.

5. Nothing in this section shall be read to require the landscaping of exposed rocks and sands in undisturbed pastoral areas.

B. Screening: Mechanical equipment, waste collection containers, fuel tanks and other similar appurtenances shall be fenced or screened from public view. Fencing shall be in accordance with permitted forms for the applicable zone. All existing fencing not in compliance with the applicable requirements shall be modified to be compliant within sixty (60) days of receiving written notice by the city.

C. Buffering: When abutting a residential zone, a commercial, industrial, or civic use shall have buffering from the residential area from noise, vehicle headlight glare, dust or other impacts using walls, fences or vegetative barriers sufficient to mitigate those impacts. Prior to the issuance of a building permit for construction on such abutting commercial or industrial zone, a site plan for buffering shall be submitted to the zoning official for approval; an approved buffering plan shall be a condition of the building permit; its approval may be combined with the approval of a subdivision or of a zoning map amendment.

D. Various Appurtenances Screened From View: Mechanical equipment, waste collection containers, fuel tanks, and other similar appurtenances shall be fenced or screened from public view. (Ord. 205, 10-25-2006)

9-7-20: SLOPES: No development shall be permitted on any slope exceeding thirty percent (30%) or identified as unstable except where a geotechnical engineer certifies that the proposed development will create no significant hazard of slope failure or accelerated soil erosion. (Ord. 205, 10-25-2006)

9-7-21: MOSQUITO ABATEMENT: No person shall create or maintain any condition and/or collection of water in or on which mosquitoes breed or are likely to breed unless approved methods of abatement are employed. (Ord. 205, 10-25-2006)

Chapter 8
SIGNS

9-8-1: PURPOSES:
9-8-2: SIGN STANDARDS:
9-8-3: TEMPORARY SIGNS:
9-8-4: EXEMPT SIGNS:
9-8-5: NONCONFORMING SIGNS:
9-8-6: PROHIBITED SIGNS:
9-8-7: ILLUMINATION:
9-8-7-1: GENERAL REQUIREMENTS:
9-8-8: PERMITS AND FEES:
9-8-9: STRUCTURAL REQUIREMENTS:
9-8-10: INSPECTION; REMOVAL; SAFETY:

9-8-1: PURPOSES: Signage is a significant design element, affecting the visual quality and therefore the viability of commercial activity and quality of life in residential areas, as well as the directional needs of cars and people. Signs not only enhance and define the architecture, but support the intended function of the business being advertised or other important information. Because they are publicly viewed, signs can either add or detract from the community character. Therefore, the purpose of this chapter is:

A. To establish standards to regulate all exterior signs so as to protect the health, safety and general welfare of residents and visitors.

B. To regulate the sizes, location, character and other pertinent features of all exterior signs in the planning jurisdiction.

C. To reduce undue and confusing competition between signs.

D. To prevent conflicts and confusion between advertising signs and traffic control signs or signals.

E. To prevent possible harm from outdoor signs suspended from or placed on top of structures and otherwise erected above the ground; especially where susceptible to high winds and/or icefall.

F. To preserve the character of the community. (Ord. 205, 10-25-2006)

9-8-2: SIGN STANDARDS:

A. General Standards Applicable To All Zones:

1. The following sign standards by zone are intended to include every zone in the planning jurisdiction. The zones are as defined by this title. Only signs as described herein and as may be described under sections 9-8-3, "Temporary Signs" and 9-8-4, "Exempt Signs", of this chapter will be permitted in each particular zone. The area of a sign shall be computed to include the square footage of a rectangle that would enclose designs such as if a sign includes silhouette designs or letters, whether cut out of the interior of a background, or projecting beyond the edges of a background, or freestanding. For example, should a sign that is attached flat against a building that is three feet (3') on each side (9 square feet) have a pine tree silhouette attached to and extending above it, such tree being one foot (1') wide at the widest and two feet (2') tall, then the one foot by two foot (1' x 2') rectangle which could enclose that tree shall be added to the nine (9) square feet of the rest of the sign of which it is a part for a total of eleven (11) square feet, notwithstanding that some of that area in fact includes space around the tree.

2. For traffic operations, emergency response, and land use compatibility, the city may require that a development complex sign be placed at the entrance(s) of a planned unit development or large subdivision, shopping center, or industrial park; each sign shall not exceed an area of fifty (50) square feet and is subject to the other requirements of this chapter.

3. Billboards may be permitted by the zoning official when used to advertise publicly accessible recreational facilities remote from the sign location. Such signs should be designed to include one or more such facilities located in the same area. These signs may be located on public property, with the permission of the jurisdictional authority, or private property, with the permission of the owner, such location to be approved by the zoning official.

B. Residential Zones:

1. General: The regulations and specifications set forth herein shall apply to the agriculture (AG), residential estate (RE), residential one (R1), residential two (R2), residential three (R3), residential five (R5), and residential twelve (R12) zoning districts.

2. Size: One sign not exceeding two (2) square feet in area shall be permitted per dwelling unit. For multiple dwellings per platted lot one or more additional signs totaling twelve (12) square feet in area shall be permitted.

3. Location: Permitted signs may be anywhere on the premises, except that they may not project beyond any property line and except that, if freestanding, the top shall be not over five feet (5') above the ground; and, if building mounted, shall be flush mounted, shall not be mounted on any roof of the building, and shall not project above the eaves line.

4. Content: Signs allowed in residential zones shall be identification and directional signs only. The additional sign area permitted for multiple dwellings shall be only for identification of the building.

5. Illumination: Illumination of signs is permitted but in accordance with the restrictions specified in section 9-8-7 of this chapter.

C. Commercial Zones:

1. General: The regulations and specifications set forth herein shall apply to the residential airpark overlay (AP), civic overlay (CV), neighborhood commercial (NC), community commercial (CC), and central business district (CBD) zoning districts.

2. Size:

a. A total sign area of one and one-half (11/2) square feet for each linear foot of building frontage or one-half (1/2) square foot for each linear foot of property frontage, whichever results in the larger sign area, but the maximum total area of all permitted signs for any establishment shall not exceed two hundred (200) square feet. All window signs shall be included when calculating total permitted square footage. Interior signs are not to be included in area calculations.

b. Building frontage shall be measured along a horizontal plane from one end of the building to the other along the street which the sign faces.

c. Where frontage is on more than one street, the allowable size of signs facing one of those streets shall be based on the frontage of the building facing that street.

3. Location:

a. Signs may be wall or fascia signs and located anywhere on the surface of the building.

b. Signs may be projecting signs only if, under the applicable zoning, there is no building setback, and then may project six feet (6') or less beyond the street property line, but no closer than two feet (2') to a curb line, and must have a minimum clearance of eight

feet (8') above the curb line and public sidewalk, and fifteen feet (15') above driveways or alleys.

c. When a projecting sign is closer than twelve feet (12') to a corner of the property, its projection shall be no more than a distance equal to one-half (1/2) the horizontal distance from the sign to that corner.

d. Where a building does not cover the full area of the property, a sign may be freestanding and may be located anywhere back of the street setback lines. The top of such a sign may extend up to twenty feet (20') above the average ground level at the base of the sign.

e. Signs may be on the vertical faces of marquees and may project below the lower edge of the marquee not more than twelve inches (12"). The bottom of marquee signs shall be no less than eight feet (8') above the sidewalk or grade at any point. No part of the sign shall project above the vertical marquee face.

f. Signs shall not project above the roofline or roof peak (highest elevation).

g. Signs shall not be located on any property which is not the site of the subject of the information on the sign; e.g., a sign advertising a business may only appear on the same lot or parcel of real estate that is the location of the business (except see subsection 9-8-6H of this chapter).

h. Signs may be incorporated into building awnings. In terms of calculating sign size, the procedure shall be to calculate the area of the letters and design according to the "silhouette" sign described in subsection A1 of this section.

4. Multi-Tenant Buildings Or Plazas: The total signage area may not exceed the area for a single tenant. Signs for individual tenants may be wall mounted or hanging, but not projecting beyond eighteen inches (18"). The portion of total signage available to each tenant shall be determined by the building or plaza owner.

5. Illumination: Illumination of signs is permitted in accordance with the provisions specified in section 9-8-7 of this chapter.

D. Industrial Zones:

1. General: The regulations and specifications set forth herein shall apply to the industrial (I) zoning district.

2. Size: There shall be permitted in this zone, for each industrial establishment, one identity sign for each building with a street frontage, each with a maximum area of one square foot for each linear foot of building frontage, or one-half (1/2) square foot for each linear foot of property frontage, whichever is greater, but not exceeding two hundred fifty (250) square feet.

3. Location: Requirements shall be the same as specified for the commercial districts.

4. Content: Signs permitted in this zone shall be identification signs only.

5. Illumination: Illumination of signs is permitted in accordance with the restrictions specified in section 9-8-7 of this chapter.

6. Changeable Signs: Changeable signs are permitted to advertise the pricing of fuels and community events. All other changeable signs are allowed only with an approved conditional use permit. A conditional use permit is required as well as following the design review procedure of chapter 16 of this title. No more than fifty percent (50%) of any given sign face may include a space for changeable letters. Permitted changeable signs shall be of a high quality, and the letters used on such signs shall be of a durable material such as Lexan® or acrylic plastic, with a minimum thickness of 0.08 inch and a height not to exceed nine inches (9").

If special conditions and circumstances unique to the type of business, the land, or structure, make compliance with the above paragraph an undue hardship, then the commission may take into consideration the products or services offered by the establishment; the requirements for a conditional use permit (chapter 13 of this title) will be applied.

E. Public Overlay Zones:

1. Civic overlay (CV) zone: Apply the same standards as the commercial zones.

2. Residential airpark overlay (AP) zone: Signing to be located within the AP (airpark) overlay zone requires an administrative permit, except for the signage required by authorities for safety or security purposes. Otherwise, the same standards apply as the industrial zone. (Ord. 205, 10-25-2006)

9-8-3: TEMPORARY SIGNS: The following signs shall be permitted anywhere within the planning jurisdiction and shall not require a permit:

A. Site Development Signs:

1. One site development sign is permitted for each project.

2. A sign which identifies the architects, engineers, contractors and other individuals or firms involved with a construction project, but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, with a maximum area of sixteen (16) square feet.

3. The signs shall be confined to the site of the construction, may be placed up to thirty (30) days prior to start of construction, and shall be removed within fourteen (14) days after the beginning of an occupancy use of the project.

B. Real Estate Signs:

1. Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed:

a. For properties of one acre or less the total area of the signage shall not exceed five (5) square feet on one face. A double sided sign may have a total sign surface of ten (10) square feet.

b. For properties of over one acre but less than ten (10) acres, the total area of the signage shall not exceed sixteen (16) square feet.

c. For properties over ten (10) acres, the total area of the signage shall not exceed thirty two (32) square feet.

2. Such signs shall be placed only on the property advertised and shall be removed within seven (7) days after the sale, rental, or lease is documented and closed.

3. "Open house" signs shall not exceed six (6) square feet in total area. Open house signs providing directions may be placed on properties other than the property offered for sale provided permission is obtained from the property owner upon whose property the sign(s) is placed. Open house signs shall be removed upon completion of the "open house" but in no event shall the sign be placed longer than twenty four (24) hours.

4. Illuminated, reflective and Day-Glo® type materials are not permitted on any real estate signs.

5. Signs shall be maintained in good repair. Damaged signs, or signs which have fallen over, etc., are subject to removal by the city (see section 9-8-10 of this chapter).

6. Real estate signs shall not be placed upon or extend over public rights of way.

C. Political Signs:

1. Signs announcing the candidates seeking public political office and other data pertinent thereto, up to an area of thirty two (32) square feet for each premises.

2. Such signs shall be confined within private property and removed within seven (7) days after the election for which they were made.

D. Street Banner Signs: Street banner signs advertising a public entertainment or event, if, after the submittal and approval by the council of an application, and only for locations designated by the administrator, during and for fourteen (14) days before and seven (7) days after the event.

E. Window Signs: Window signs intending to announce the display of merchandise, when incorporated with such a display, are permitted. They need not be related in content with the display.

F. New Business Signs: With prior written notice to the zoning official, with his written concurrence that the business is new, and upon payment of a fee set by council from time to time by resolution, a new business may display a temporary sign for not more than a total of sixteen (16) consecutive days to announce its opening, which sign shall be on the premises where the business is located. Such a sign is in addition to the permanent sign and shall not be larger than a sign permitted to the business.

G. Other Signs: Signs which express ideas or comments of a citizen may be displayed with size and duration approved by the zoning official, or by action of the planning and zoning commission and city council for a conditional use permit at a public hearing. (Ord. 205, 10-25-2006)

9-8-4: EXEMPT SIGNS: The following types of signs are exempted from all the provisions of this chapter, except for construction and safety regulations and the following requirements:

A. Public Signs: Signs of a noncommercial nature and in the public interest, erected by or on the order of, a public officer in the performance of the public officer's public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs, and the like. All signs erected, maintained, and/or used by the city of Greenleaf are exempt.

B. Institutional:

1. Signs setting forth the name or any simple announcement for institution located entirely within the premises of that institution up to an area of twenty four (24) square feet.

2. Such signs may be illuminated in accordance with the regulations specified in section 9-8-7 of this chapter.

3. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If freestanding, the top shall be no more than six feet (6') above ground level, except when mounted upon a bona fide gateway at a height to permit vehicles to pass beneath the sign.

C. Integral: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar materials or made of bronze, aluminum, or other permanent type construction, and made an integral part of the structure.

D. Private Traffic Directional:

1. Signs directing traffic movement onto a premises or within a premises, not exceeding three (3) square feet in area for each sign; signs must not be located in a public right of way.

2. Such signs may be illuminated in accordance with the regulations specified in section 9-8-7 of this chapter.

3. Horizontal directional signs on and flush with paved areas are exempt from these standards.

E. Small Signs: Signs not exceeding two (2) square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.

F. Rental Signs: Signs on the premises announcing rooms for rent, table board, apartment or house for rent and not exceeding four (4) square feet in area.

G. Vehicles: Signs on vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the sides or ends of the vehicle.

1. Registered: The motor vehicle or trailer must be currently registered with the relevant motor vehicle authorities and be currently, regularly, and principally used for a transportation purpose other than display of such sign. Signs which would otherwise be mounted on a building or in a freestanding frame may not be placed vertically on the roof, hood, or trunk of a car, nor in the bed nor on the cab of a truck, unless being used to transport the sign to a permanent location;

2. Location: The vehicle's location when not in use upon the public streets must be consistent with the most logical implementation of the principal use of the vehicle; and

3. Not Actually Used As A Sign: A vehicle shall not be parked such that the principal purpose of the vehicle, while parked, is that of a sign.

This subsection G shall be construed so as to prevent the use of vehicles for a sign except under the foregoing circumstances.

H. No Trespassing Or Restricted Entry Signs: These signs are permitted if each sign is no larger than two (2) square feet in area and no more than one sign is placed every fifty feet (50') of fencing of building frontage.

I. Religious And Seasonal Signs: Religious symbols and seasonal decorations within the appropriate public holiday season.

J. Flags: United States or Idaho state flags and the flags of other states or nations are permitted, and if displayed, shall be displayed with appropriate respect and proper methods.

K. Menu Boards: Permitted for restaurants with a maximum area of fifteen (15) square feet. (Ord. 205, 10-25-2006)

9-8-5: NONCONFORMING SIGNS:

A. Nonconforming signs that are not in use on the approval date hereof shall be removed, altered, or repaired to conform to this chapter within one hundred eighty (180) days.

B. Any sign in violation of section 9-8-6, "Prohibited Signs", of this chapter shall be removed, altered or repaired in accordance with the provisions of this title within sixty (60) days after the approval date hereof.

C. Nonconforming signs in use on the approval date hereof which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this code.

D. Any sign in violation of section 9-8-3, "Temporary Signs", of this chapter shall be removed, altered or repaired within thirty (30) days after the approval date hereof.

E. Nonconforming signs that have been abandoned shall be removed, altered, or repaired to conform to this chapter within sixty (60) days. Abandonment shall be defined as nonuse of the sign or the cessation of the business/use advertised by such sign for a period of thirty (30) days.

F. In the event a sign is not removed by the expiration of the time provided, it may be removed as provided in section 9-8-10 of this chapter. (Ord. 205, 10-25-2006)

9-8-6: PROHIBITED SIGNS: The following signs are prohibited (the judgment of the zoning official shall be final in these cases):

A. Signs that contain statements, words or pictures of an obscene character.

B. Signs that are an imitation of an official traffic sign or signal.

C. Signs that are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device, or hide from view any traffic or street sign or signal.

D. Signs that advertise an activity, business, product or service not conducted, or no longer conducted, on the premises upon which the sign is located.

E. Signs that have a moving part which is a major attraction of the sign or constitutes more than ten percent (10%) of the sign area.

F. Signs that contain or consist of balloons, banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similarly moving devices. These devices, when not part of any sign, are similarly prohibited.

G. Signs that swing or otherwise noticeably move as a result of wind pressure in a fashion which may distract and/or cause a danger to the public, or signs which, due to structural weakness, design defect, or other reason, constitute a threat to the health, safety, and welfare of any person or property.

H. Billboards as defined in section 9-2-2, "Definitions Of Words And Terms", of this title.

I. Portable changeable signs, V signs, or other temporary signs not permitted by section 9-8-3 of this chapter.

J. Signs mounted in or on a motor vehicle parked unattended other than at the home or business premises of the business advertised or of its owner; a vehicle shall not be considered unattended if the driver is in the vehicle or if the driver is in the ordinary course of trade or business on the premises where parked.

K. Changeable signs in residential zones, except where permitted by a conditional use permit for a commercial or industrial use.

L. Roof signs in any residential zone, unless for an approved business use with a conditional use permit. (Ord. 205, 10-25-2006)

9-8-7: ILLUMINATION: Allowed methods of illumination are divided into several types as described below; all other forms of sign lighting are prohibited. All lighted signs shall comply with chapter 14, "Outdoor Lighting", of this title.

A. Unlighted: A sign with neither an internal light nor an external source intended specifically for the purpose of lighting the sign.

B. Internally Lighted: A sign with an internal light intended to illuminate translucent portions of the sign.

C. Externally Lighted: A sign with an external light source intended specifically to illuminate the sign. External light fixtures which produce glare shall not be permitted. (Ord. 205, 10-25-2006)

9-8-7-1: GENERAL REQUIREMENTS:

A. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.

B. No sign shall have blinking, flashing or fluttering lights or other illumination, brightness or color. Beacon lights are not permitted. Signs which utilize low wattage lamps (LED, for example) for the purpose of public information, such as an indication of time or temperature, are permitted with the approval of the zoning official.

C. No colored lights shall be used at any location or in any manner that could be confused with a traffic control device.

D. Neither the direct, nor reflected, light from primary light sources shall tend to create a traffic hazard to operators of motor vehicles on public thoroughfares.

E. No exposed reflective type bulbs and no strobe light or incandescent lamps which individually or cumulatively exceed fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

F. Changeable signs may be attached to buildings, and may be illuminated, but must meet all sign area requirements. Usage of low wattage lamps (such as LED lamps) is permitted, provided the sign illumination does not result in potential traffic hazards in the opinion of the zoning official and the copy change does not occur more than once per day. Messages are to be nonscrolling. (Ord. 205, 10-25-2006)

9-8-8: PERMITS AND FEES:

A. Permit Requirements:

1. All signs require a permit except:

a. Temporary signs as described in section 9-8-3 of this chapter.

b. Exempt signs as described in section 9-8-4 of this chapter.

c. Residential address and occupant name signs as described in subsection 9-8-2B of this chapter.

2. Permits will be issued subject to a design review in accordance with chapter 16, "Design Review", of this title.

3. No sign requiring a permit shall be erected, altered or relocated without a permit issued by the building inspector.

B. Applications: The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings showing the design and location of the sign and such other pertinent information as the building official may require to ensure compliance with this code.

C. Fees: Fees for sign permits shall be as fixed from time to time by resolution by the city council.

D. Nullification: A sign permit shall become null and void if the work for which the permit was issued has not begun within a period of one hundred twenty (120) days from the date of the permit. A new permit will require assessment of an additional fee.

E. Permit Exceptions: The following operations shall not be considered as creating a sign and therefore, shall not require a sign permit:

1. Replacing Copy: The changing of the advertising copy of a message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

2. Maintenance: Maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made. (Ord. 205, 10-25-2006)

9-8-9: STRUCTURAL REQUIREMENTS: All signs shall comply with the pertinent requirements of the building and electrical codes as adopted by the city. (Ord. 205, 10-25-2006)

9-8-10: INSPECTION; REMOVAL; SAFETY:

A. Maintenance: All signs and components thereof shall be kept in good repair and safe, neat, clean and attractive condition.

B. Removal Of Sign: The building official may order the removal of any sign erected or maintained in violation of this title. He shall give thirty (30) days'

notice in writing to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. The building inspector may remove a sign immediately and without notice if, in the building inspector's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

C. Abandoned Signs: A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the building inspector shall give the owner or lessee fifteen (15) days' written notice to remove it. Upon their refusal or failure to comply with this notice, the building inspector or a duly authorized representative may remove the sign at cost to the owner.

D. Impounded Signs: An impounded sign may be retained by the city until completion of any criminal prosecution or other court proceedings respecting the erection or maintenance of the sign; if an owner has reoffended after having been convicted of a violation in putting up a sign, and the new offense involves the same sign or a sign which in pertinent aspect(s) is a like sign, such sign will be forfeited to the city and subject to disposal as deemed appropriate by the zoning official. (Ord. 205, 10-25-2006)

Chapter 9
PLANNED UNIT DEVELOPMENTS

9-9-1: PURPOSE AND INTENT:
9-9-2: PERMIT REQUIRED:
9-9-3: OWNERSHIP REQUIREMENTS:
9-9-4: STANDARDS:
9-9-5: USES PERMITTED:
9-9-6: DEVELOPER/APPLICANT INCENTIVES AND BENEFITS:
9-9-7: OPEN SPACE/COMMON AREA AMENITIES:
9-9-8: UTILITY REQUIREMENTS:
9-9-9: ARRANGEMENT OF COMMERCIAL USES:
9-9-10: PROCEDURE FOR APPROVAL OF A PUD:
9-9-11: APPLICATION FOR A PLANNED UNIT DEVELOPMENT:
9-9-12: REVIEW AND RECOMMENDATION OF APPLICATION:
9-9-13: EXPIRATION AND EXTENSION FOR APPROVAL PERIOD:
9-9-14: AMENDMENTS TO THE FINAL DEVELOPMENT PLAN:

9-9-1: PURPOSE AND INTENT: A planned unit development (PUD) is a parcel or combination of parcels of land which is planned and developed as a unit under single ownership or control. It may contain one or a mixture of uses, types of buildings, as well as common open space, clustered development and/or recreational facilities. The purpose of the PUD process is to provide opportunity for land development that preserves and utilizes natural topographic, geologic and scenic features; allows a more efficient pattern of residential and commercial uses; fosters innovative design concepts

and promotes flexibility in site design; and provides for common open space or other amenities not found in traditional lot by lot development. The planned unit development process allows the city to approve modifications from the development standards of the underlying zoning designation in order to encourage creative design for land use development than is generally available under conventional zoning regulations. (Ord. 205, 10-25-2006)

9-9-2: PERMIT REQUIRED: Every planned unit development requires a planned unit development permit. A PUD shall be subject to applicable development requirements set forth in this code. Whenever there is a conflict or difference between the provisions of this code, the provisions of this chapter shall prevail. (Ord. 205, 10-25-2006)

9-9-3: OWNERSHIP REQUIREMENTS: An application for approval of a PUD may be filed by a property owner(s) or a person having an existing interest in the property to be included in the planned unit development. The PUD application shall be filed in the name of the recorded owner of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property. In all applications, sufficient proof that the record owner of the property consents to the submission and processing of the application must be present prior to the zoning official reviewing the application for completeness. The zoning official may require the applicant to submit a title report for the subject property to verify ownership. (Ord. 205, 10-25-2006)

9-9-4: STANDARDS:

A. Standards For Approval: The council may approve a PUD in accordance with the following standards:

1. Deviations From Plan: Deviations from the development standards and/or area requirements of the underlying zone may be approved if the proposed uses shall not be detrimental to present and potential surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public. The suitability of the proposal will be considered for the location and specific site. Any variation from the basic zoning district requirements must be warranted by the design and amenities incorporated in the preliminary and final development plan.

2. Density Formula: Density of residential areas of the PUD shall be computed apart from the commercial and public uses of the PUD. For purposes of establishing the density applicable to the residential portion of the PUD, actual density of the residential area shall not exceed the number of dwelling units per acre specified in the zoning district. Residential density in a PUD shall be calculated by multiplying the gross residential area (gross acreage less office, landscaped buffer strips or commercial use area) by the maximum number of dwelling units per acre allowed for the zoning district in which the site is located. A variety of housing types may be included in residential projects including attached units, detached units, single-family units and multiple units. The minimum lot size of the

zoning district may be reduced within the density limits of the zone. "Density limits" are defined as the gross area less all unbuildable area divided by the minimum lot size for the zone in which the site is located.

3. Open Space: Landscaped open space of at least twenty percent (20%) of the gross area, exclusive of required street buffers and buffers between incompatible land uses. (Landscaped open space is mandatory for all developments and minimum landscape ordinance requirements will not be counted as an amenity for the purposes of this provision.) The applicant can request a waiver of the twenty percent (20%) open space requirement from the city council but such waiver must require a minimum of ten percent (10%) of open space of the gross area exclusive of required street buffers and buffers between incompatible land uses. Such a waiver is at the sole discretion of the city council.

4. Amenities: To provide the applicant with an incentive to utilize the planned unit development process, the following allowances may be incorporated into the application. Two (2) or more of the following amenities shall be provided as part of each planned unit development to ensure a public benefit:

a. Active open space recreational facilities of a size suitable to meet the needs of the development. "Active open space" shall be defined as neighborhood areas that provide gathering areas for active recreation (e.g., such as a playground, picnic area, basketball or tennis court, swimming pool, clubhouse, golf course, open fields, tot lot, and running/equestrian trails).

b. Passive open space including public pedestrian or bicycle circulation system within the project (exclusive of required sidewalks adjacent to public right of way) and connecting to existing or planned pedestrian or bicycle routes outside the project, designed and constructed in accordance with standards set forth by the city of Greenleaf. A provision for addition upon or public access to a neighborhood park or other public open space is required. "Passive open space" shall be defined as neighborhood areas that provide a combination of linear open space and scenic features (e.g., ponds, berms and view corridors).

c. Other amenities appropriate to the size and uses of the proposed development, as may be proposed by the applicant and approved by the city council.

d. Maintenance and construction of all amenities shall be specified by the applicant prior to approval of the final development plan/preliminary plat. Thereafter such maintenance and operation responsibilities of these facilities shall be undertaken by a homeowners' association, or by the city or other governmental

entity if dedicated to and officially accepted by the city or other governmental entity.

5. Setbacks: Along the periphery of the planned unit development, the applicable setbacks as established by the zoning district in which the project resides shall not be reduced. Setbacks for buildings within the interior of the site may be less than required in the designated zoning district. Special landscape buffers between differing uses as set forth in the landscape ordinance shall apply to planned unit developments.

Attached structures may be permitted in planned unit developments with strict compliance with the building code requirements for party and fire separation walls. The minimum separation between detached structures shall be ten feet (10') unless fire or building codes require greater separation.

6. Driveways, Streets And Pathways: Driveways to one- and two-family dwellings shall not be less than twenty feet (20') in width. Service driveways, drive-through lanes and escape lanes shall have a minimum width of twelve feet (12') per lane, without parking on either side. Publicly dedicated streets shall be designed and constructed to city or applicable highway district standards. Private streets may be utilized within the project with standards that are less than public street standards set forth in this code, subject to approval by the city engineer, public works supervisor and fire chief.

7. General Objectives: The planned unit development must meet the general objectives of the comprehensive land use plan.

8. Streets And Utilities: Existing and proposed streets and utility services must be suitable and adequate for the proposed development.

9. Development Agreement: An agreement may be required between the developer and the city which delineates commitments of the developer to the city and of the city to the developer.

10. Public Hearing Requirement: The PUD is subject to the public hearing requirements of this code.

11. Concurrent Review: Concurrent review of other applications may be required. In cases where a subdivision is being proposed or would be required, concurrent review of the detailed PUD and subdivision plat is required.

B. Area Size: A planned unit development for the following principal uses shall contain the following minimum area size:

Planned development, primarily residential	No minimum
Planned development, primarily commercial	0.75 acre
Planned development, primarily office	0.75 acre
Planned development, primarily industrial	0.75 acre

(Ord. 205, 10-25-2006)

9-9-5: USES PERMITTED:

A. Residential Uses:

1. Housing Types: A variety of housing types may be included within a single PUD including, for example: attached units (townhomes, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the underlying zoning classification of the site such that the overall density limit of the zone is maintained.

2. Residential Density: The number of dwelling units allowed in a planned unit development shall be calculated by taking the gross area, less the area set aside for nonresidential excepted uses, less open spaces, churches, schools, and public roadways, and dividing by the minimum lot area per dwelling unit required by the zone in which the site is located. An increase in the computed allowable maximum density, not to exceed ten percent (10%), may be permitted upon recommendation of the commission that the increased density is justified in terms of the relationship to open area, service demand and the total quality and character of the project.

a. Yards: Along the periphery of the planned unit development, yards shall be provided as required by regulation of the district in which the development is located unless an exception is provided. Where development already exists at the periphery, the yards shall be matched, where practical, e.g., side yards should be provided adjacent to side yards, rear yards adjacent to rear yards and front yards opposite front yards.

b. Off Street Parking: Off street parking shall comply with the parking requirements of the underlying zone. No common parking or maneuvering areas shall be allowed within twenty feet (20') of the boundary of the PUD. All common parking or maneuvering areas shall be buffered from adjacent properties. The buffer area must be landscaped, screened, or protected by natural features with the objective of minimizing adverse impacts to surrounding properties. In addition to the above requirements, where on street parking is prohibited, at least one-half (1/2) additional parking space per dwelling unit shall be provided either in approved parking bays along the street or in an off street parking area.

c. Signs: Signs shall comply with sign requirements, chapter 8 of this title.

d. Storm Water Management: The management of storm water shall conform to the department of environmental quality and standard engineering best management practices and any applicable storm water management policies adopted by the city.

B. Other Uses: Other types of uses may be permitted within a single PUD such as commercial or industrial uses in compliance with this code and with the approval of the city council. (Ord. 205, 10-25-2006)

9-9-6: DEVELOPER/APPLICANT INCENTIVES AND BENEFITS:

A. Planned unit developments are intended to provide particular benefits to the public and to the developer through the mixture of uses and integrated nature of the projects. Public benefit is ensured by the provision of public improvements and the amenities required by this code, and, for infill developments, by the increased efficiency of the use of land and public services. To provide the developer with an incentive to utilize the planned development process, the following deviations from conventional development standards may be incorporated into a planned development proposal:

1. A variety of housing types may be included in the planned development.

2. The minimum lot size for each building and setbacks for buildings within the project may be reduced below those normally required for the zoning district.

3. Fifty percent (50%) of the site may include uses not normally permitted in the designated zoning district.

4. Buildings may be clustered to preserve scenic, historic, aesthetic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.

5. The conditions of the approval established for a large PUD shall be consistently applied to each subsequent phase of the development, unless specifically agreed to otherwise during the approval process.

6. A residential density bonus may be given for dedications of land for public use as school, park, library, public utility, fire station or recreational facility provided to the public entity by donation or at a cost less than, or equal to, the applicant's predevelopment cost for that land. The bonus shall not exceed fifteen percent (15%) of the units permitted by the zone on the undedicated portion of the land. (Ord. 205, 10-25-2006)

9-9-7: OPEN SPACE/COMMON AREA AMENITIES: A minimum of twenty percent (20%) of the gross land area developed in any residential planned unit development project shall be reserved for common open space and recreational facilities unless a waiver is granted pursuant to subsection 9-9-4A3 of this chapter.

A. Construction And Maintenance: The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements and rights of way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the city council.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final planned unit development plan. The development must have a perpetual agreement to maintain the open space and cannot dissolve this clause in the master declaration or covenants, conditions and restrictions.

B. Open Space: Unless otherwise approved, not less than ten percent (10%) of the total gross area of a residential PUD shall be retained as permanent open space and shall not include strips of less than fifteen feet (15') in width unless designed to accommodate a water feature such as a pond or stream. A minimum of fifteen percent (15%) of land area of a PUD devoted to multiple-family residential use shall consist of open space. A waiver of the open space requirement may not be granted for a PUD devoted to multiple-family residential use. Of this required open space, portions may be "common area" used for recreational or other collective enjoyment by occupants of the development, privately owned properties dedicated by easements to ensure that open space will be permanent, and lands developed as active recreational areas or preserved in their natural state when such areas contain unique natural assets such as groves of trees, ponds, rivers or streambeds. If ponds are to be considered as part of the required open space, the requirements of section 9-7-13 of this title must be met.

C. Dimension: In order to be functionally usable, open space should exist in quantities of some minimum dimension. Therefore, the areas of each parcel of open space to be used for active recreational use shall have a size and shape consistent with the planned use.

D. Location: Open spaces shall be distributed within projects in locations near the dwelling units of the people they are intended to serve.

E. Shared Or Public Open Space: Land indicated as open space, common areas, amenities (tennis courts, playgrounds, swimming pool, etc.), streets and sidewalks shall be shown on the preliminary plan and provide on the plan that they be permanently maintained as such either by a homeowners' association

which provides private covenants, an agreement with the developer, or if suitable and mutually agreeable, by public dedications.

F. Easements: Easements for pedestrian/bicycle/equestrian pathways in accordance with the city's comprehensive plan and pathway plan.

G. Amenities: Amenities shall be provided as a part of each planned unit development greater than one acre in size. The number of amenities (minimum of 2) shall be proportionate to the size of the development and may include, but not be limited to, any of the following:

1. Private recreational facilities such as a swimming pool, tennis court, barbecue area or playground of a size appropriate to meet needs of the development.

2. Provision for public access to any public open space, park or river greenbelt.

3. Publicly dedicated land in a PUD for facilities such as school, fire station, well site, public park, and public recreational facility.

4. Additional open space for parkways, boulevards, or other features designed to mitigate vehicle/traffic impact.

5. Other amenities as approved by the Greenleaf planning and zoning commission and council. (Ord. 205, 10-25-2006)

9-9-8: UTILITY REQUIREMENTS: Underground utility distribution and service facilities, including, but not limited to: telecommunications, water, sewer, irrigation, cable, and electrical systems, are required within the limits of all planned unit developments, appurtenances to these systems which must be effectively screened.

A. Increased Residential Density: To provide for an incentive for a quality PUD, the city council may authorize an increased residential density of up to fifteen percent (15%) of the allowable number of residential dwelling units allowed in the designated zoning district. Character, identity, architecture, and siting variation incorporated into the PUD may be considered to determine the amount of the density increase, provided such amenities make a substantial contribution to the objectives of the PUD as follows:

1. Landscaping, street design and streetscape, open spaces (active and passive uses) and plazas, use of required landscaping, pedestrian walkway design and distribution, and recreation uses.

2. Siting visual focal points; use of existing physical features such as topography, view, sun and wind orientation; motorized and nonmotorized vehicle circulation pattern; physical environment; variation in building setbacks and building clustering.

3. Design features; street sections (e.g., frontage and backage roads), architectural styles, harmonious use of materials; parking areas augmented by landscape features; and varied use of housing styles and housing options (e.g., estate homes, townhouses). (Ord. 205, 10-25-2006)

9-9-9: ARRANGEMENT OF COMMERCIAL USES: When planned unit developments include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner. (Ord. 205, 10-25-2006)

9-9-10: PROCEDURE FOR APPROVAL OF A PUD:

A. Prior to the submission of an application for a PUD, the applicant shall contact the zoning official or their designee and arrange for a preapplication conference. The purpose of this conference is to provide guidance to the developer in preparing the application. Therefore, the developer should request the meeting well before preparing the application materials. A draft site plan and preliminary plat map (if required) shall be available at the preapplication meeting.

B. A PUD application may be submitted and processed as a concept plan. The applicant must specify the application and site plan for which approval is being requested. A concept approval is a statement by the city of Greenleaf that a general development plan including the arrangements of uses, density, location of major streets, open spaces, utilities, etc., is acceptable. A concept review allows the applicant to obtain approval of a general development plan without incurring the expense of detailed building plans until after concept approval. It provides the developer and the city with guidelines for the design of each phase of the project. Supporting information may be required by the zoning official on issues of major importance for the project prior to deeming the application complete.

Each phase of a concept approval requires detailed subdivision plat approval through a new application, fee and public hearing. The only exception to the detailed subdivision plat requirement is single-family dwellings proposed as the primary use within a development. The single-family dwelling portion of the project shall be reviewed in detail under subdivision requirements of this code.

C. Every planned development requires an application, including all plans and information required by this code. Phasing plans shall be included if the project is to be phased. The application is subject to the public hearing requirements of this code.

D. Concurrent review of other applications may be required as determined by the zoning official or their designee. In cases where subdivision platting would be necessary, concurrent review of the planned development application may be required. (Ord. 205, 10-25-2006)

9-9-11: APPLICATION FOR A PLANNED UNIT DEVELOPMENT:

A. Required Information: All necessary information as specified for a conditional use permit, plus necessary information as specified in this chapter. An application shall not be accepted until the zoning official determines that the application is complete.

B. Preliminary Development Plan: Thirty (30) copies of preliminary development plan which shall consist of drawings and supplementary written material adequate to provide the following information:

1. Statement of how the purpose and intent will be achieved by the planned unit development, including sketches or illustrations of the proposed character of the development, a description of how the planned unit development will relate to surrounding land uses and identified key neighborhood features, if any, and whether a zone change, comprehensive plan amendment, variance, floodplain permit, preliminary plat is also requested.

2. An outline of the proposed planned unit development stating: land use allocation by type, including the amount of land for housing, density, open spaces, roadways and parking, the number and type of housing units, and how necessary services will be provided and whether services are publicly or privately owned and operated.

3. Preliminary drawings at a scale of one inch equals one hundred feet (1" = 100'). The preliminary drawings shall display the following:

a. The name of the proposed planned unit development.

b. Date, north point and scale of drawing.

c. Legal description of the planned unit development other than metes and bounds, sufficient to define its location and boundaries.

d. Names, addresses and telephone numbers of the owners, designer of the PUD, and engineer, planner and surveyor, if any, and the date of the survey.

e. Appropriate identification of the drawing as a preliminary plan.

C. Natural Features Map: Thirty (30) copies of a natural features map showing an inventory of existing site features including:

1. Ground elevations shown by contour lines at two foot (2') intervals or less.

2. General soil types as documented by a soils engineer or engineering geologist, necessary.

3. Fish and wildlife habitats, if any.

4. Proposed and existing storm water facilities.

5. Water features, such as ponds, wetlands and watercourses.

6. Areas subject to flooding.

7. Natural features, such as trees, watercourses, historic sites, and similar irreplaceable
amenities.

8. Existing on site or abutting sanitary sewer, storm drainage and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.

9. Width, location and purpose of all existing easements of record on and abutting the site.

10. Information on land areas contiguous and adjacent to the proposed planned unit development and existing adjacent areas, including zoning classifications, land uses, densities, circulation systems, public facilities, traffic study, unique natural features of the landscape, and approximate locations of nearby structures.

D. Proposed Site Plan: Thirty (30) copies of a proposed site plan showing:

1. The locations of dwelling units and/or individual lots.

2. Location of major streets.

3. The proposed yard requirements or locations of single-family homes for individual lots, if any.

4. The existing and proposed traffic circulation system serving the planned unit development including: off street parking and maneuvering, points of

access to existing public rights of way, and a plan notation or descriptive narrative outlining ownership of streets and parking areas.

5. The existing and proposed pedestrian and bicycle circulation system.

6. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained. Location of utilities as would tie into the project.

7. Proposed location and treatment of any public or private common areas or structures, including open spaces, park or recreation areas, and school sites.

8. The general treatment proposed for the periphery of the site.

9. The approximate amount, location and type of buffering and/or landscaping.

10. Proposed architectural styles.

E. Necessary Studies And/Or Assessments: Environmental assessment, traffic study, grading plan or other study necessary for the proposed site.

F. Preliminary Subdivision Plat: If the applicant is requesting preliminary subdivision plat approval concurrently with the preliminary PUD approval, a preliminary subdivision plat shall be submitted.

G. Development Schedule: A development schedule indicating to the best of applicant's knowledge the approximate date on which construction of all phases of the entire project can be expected to begin, the anticipated rate of development, and completion date. The schedule, if approved by the city council, shall become a part of the final development plan and shall be adhered to by the owner of the property in the planned unit development and his successors in interest.

H. Traffic Impact Analysis: All subdivisions containing more than twenty (20) lots shall provide a traffic impact analysis based on information that reflects current traffic conditions. A traffic impact analysis may be required of any development as deemed necessary by the zoning official on a case by case basis.

I. Additional Information: Any additional information required by the zoning official, city engineer, city attorney or city council.

J. Approval Of Conceptual Plan: Approval of the conceptual plan does not constitute approval of the final development plan/preliminary plat.

K. Verification Of Payment: Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application. (Ord. 205, 10-25-2006)

9-9-12: REVIEW AND RECOMMENDATION OF APPLICATION: The zoning official or its designee shall review the application and draft a written recommendation for the city. On any planned unit development application, the city council may submit the application to the planning and zoning commission for a recommendation from the commission. Within sixty (60) days after receipt of the zoning official's or commission's recommendation on a planned unit development application, the council should hold a public hearing on the application and either approve the application with or without supplementary conditions or give reasons for its disapproval. The council should find that the facts submitted with the application and presented to them establish that:

A. The proposed development shall be initiated within two (2) years of the date of approval.

B. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations.

C. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.

D. Any proposed commercial development can be justified at the locations proposed.

E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the planned unit development and the adopted policy of the council.

F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

G. The planned unit development is in general conformance with the comprehensive plan.

H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

I. The ordinance and standards used in evaluating the application.

J. The reasons for approval or denial; and the actions, if any, that the applicant could take to obtain a permit if the application is denied.

If the application is either approved or approved with conditions, the council shall direct the zoning official or its designee to issue zoning permits only in accordance with the approved planned unit development plan, and preliminary plat and the supplementary conditions attached thereto. (Ord. 205, 10-25-2006)

9-9-13: EXPIRATION AND EXTENSION FOR APPROVAL PERIOD: The approval of a final development plan for a planned unit development shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved planned unit development plan shall be void. All phases of the planned unit development shall be completed within five (5) years of the date of approval; approval of any uninitiated phases will lapse after that time unless a time extension is granted by the council.

A. Improvement Guarantees:

1. Prior to issuance of building permits for structures, the applicant shall either install and complete all private service improvements, including streets, pedestrianways, utilities, landscaping and buffering, or file an improvement guarantee for these items.

2. The improvement guarantee is an agreement between the applicant and city specifying a development schedule setting forth when service improvements will be made.

3. The agreement shall be in a form satisfactory to the city attorney, and shall be filed with the city clerk.

4. The applicant shall file with the agreement one of the following to assure his full and faithful performance:

a. A certified check or checks.

b. A surety bond executed by a surety company authorized to transact business in the state of Idaho.

c. Other surety acceptable to the city.

5. Assurance of full and faithful performance shall be for the amount of one hundred fifteen percent (115%) of the estimated costs of improvements approved by the city engineer, including related engineering and city inspections.

6. At the discretion of the city, the improvement guarantee may be in the form of separate bonds or checks covering individual portions or specific types of improvements, rather than one bond or check covering the work.

7. Occupancy permits shall not be issued unless all improvements and conditions of approval have been fulfilled to the satisfaction of the building official or the applicant has filed an improvement guarantee for all such items.

8. The building official shall not authorize the city clerk to return the improvement guarantee or guarantees until the improvements related to the guarantee are completed to the satisfaction of the building official.

B. Extension Of Preliminary Development Plan Approval: The applicant may request one extension of the one year time limit not later than thirty (30) days prior to the expiration of the preliminary development plan one year limit. Any extension requested beyond the one year requires that a public hearing be held pursuant to Idaho Code section 67-6509. (Ord. 205, 10-25-2006)

9-9-14: AMENDMENTS TO THE FINAL DEVELOPMENT PLAN:

A. Any subsequent amendment to the final development plan changing location, siting, and height of buildings and structures may be authorized by the city council without additional public hearings, if required by engineering or other circumstances not foreseen at the time the final plan was approved. In no case shall the city council authorize changes which may cause any of the following without undertaking a public hearing process as required by Idaho law and this code:

1. A change in the use or character of the development. An increase in overall coverage of structures.

2. An increase of the intensity of use.

3. An increase in the problems of traffic circulation and public utilities.

4. A reduction of off street parking and loading space.

5. A reduction in required pavement widths.

6. All other changes in use, rearrangement of lots, blocks and building tracts, or in the provision of common open spaces and changes other than those listed above which constitute substantial alteration of the original plan shall require a public hearing and approval by the council. (Ord. 205, 10-25-2006)

Chapter 10
DEVELOPMENT AGREEMENTS

9-10-1: PURPOSE:
9-10-2: APPLICATIONS:

9-10-3: PROCESS:
9-10-4: GENERAL REGULATIONS:
9-10-5: REQUIRED FINDING:
9-10-6: PERIODIC REVIEW:
9-10-7: AMENDMENT OR TERMINATION OF FINAL DEVELOPMENT AGREEMENT:

9-10-1: PURPOSE: The purpose of this chapter is to:

A. Provide for the creation and administration of development agreements, as provided in Idaho Code section 67-6511A; and

B. Provide for the application of conditions on zoning ordinance map amendments where such conditions shall satisfy the findings of fact and conclusions of law for zoning ordinance map amendments required by section 9-13-5 of this title. (Ord. 205, 10-25-2006)

9-10-2: APPLICATIONS:

A. All applications for a zoning ordinance map amendment to a planned community base district or planned unit development overlay district shall require a concurrent submission of a development agreement application.

B. Applications for all other zoning ordinance map amendments may submit a concurrent development agreement application. (Ord. 205, 10-25-2006)

9-10-3: PROCESS:

A. An application and fees shall be submitted to the zoning official on forms provided by the city. The application shall include the following materials:

1. An affidavit by the property owner agreeing to the submission of the development agreement.

2. A listing of any proposed modifications to the standards imposed by other regulations of this title.

3. A legal description for the property subject to the development agreement.

4. A project description of the uses proposed for the property subject to the development agreement describing the following:

a. The specific uses proposed for the property.

b. The form, and name if available, of the organization proposed to own and maintain any dedicated open space.

c. The proposed systems for water supply, sewage systems, and storm water management.

d. The substance of the covenants, grants, easements, or other restrictions proposed to be imposed upon the use of property and structures, including any proposed easements for public utilities.

e. A project schedule and phasing plan showing the proposed times when all other applications subject to the development agreement are intended to be filed, or in the case of a plan which provides for a development over a period of years, the periods within which application for final approval of each phase is intended to be filed.

f. Proposed financing of necessary public facilities with or without subsequent reimbursement over time.

g. Other terms and conditions related to the proposed project.

h. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application.

5. A draft development agreement prepared by the applicant in conformance with a model agreement provided by the director.

B. The applicant or owner shall sign the development agreement within one hundred twenty (120) days from the date of city council approval of the development agreement. In no instance may the city sign a preliminary plat prior to receiving a completely executed and recorded development agreement by the owner and/or developer and the city.

C. Approval of the zoning ordinance map amendment by the city council shall be contingent upon prior approval of the final development agreement.

D. Upon the complete execution of the development agreement, it shall be recorded in the Canyon County recorder's office. (Ord. 205, 10-25-2006)

9-10-4: GENERAL REGULATIONS:

A. The allowed uses, densities and standards shall be those in effect at the time the development agreement is effective.

B. A development agreement shall not prevent the city council, in subsequent actions applicable to the property, from adopting new ordinances, resolutions, and regulations that conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the board shall not prevent the development of the property as set forth in the approved development agreement.

C. The board may suspend the issuance of any permits after a noticed public hearing if it finds that a clear and imminent danger to the public health, safety, or welfare requires the suspension.

D. In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more regulations of the development agreement, such agreement may be amended or terminated pursuant to section 9-10-7 of this chapter, as may be necessary to comply with the new state or federal laws or regulations. (Ord. 205, 10-25-2006)

9-10-5: REQUIRED FINDING: In order to approve the application, the city council shall find that the proposed development agreement complies with the regulations of this chapter. (Ord. 205, 10-25-2006)

9-10-6: PERIODIC REVIEW: The zoning official shall monitor the terms and conditions of the final development agreement as set forth in the final development agreement. A more frequent review may be undertaken at the zoning official's discretion or at the direction of the city council.

A. As part of the review, the applicant, owner, or successor in interest shall be required to demonstrate good faith compliance with the final development agreement.

B. If the zoning official finds that the applicant or owner has failed to perform or comply with the terms of this agreement, the zoning official shall notify the applicant or owner of the failure of performance or compliance. If after ninety (90) days, the applicant or owner has not made a good faith effort toward compliance with the terms of this agreement, the zoning official shall forward the development agreement to the city council for review and action.

C. If the city council finds and determines, on the basis of substantial evidence, that the applicant, owner, or successor in interest has not complied in good faith with the terms and/or conditions of the final development agreement, action may be taken to terminate the agreement by the city council. (Ord. 205, 10-25-2006)

9-10-7: AMENDMENT OR TERMINATION OF FINAL DEVELOPMENT AGREEMENT: A final development agreement may be amended or terminated in whole or in part, by either a request of the parties to the agreement, or their successors in interest, with approval by the city council or by action initiated by the city council as set forth in this section.

A. Notice of intention to amend or terminate any portion of the final development agreement shall be in accord with this title.

B. To amend a development agreement, the city council shall make the required finding as specified in section 9-10-5 of this chapter for approval of an amendment to the final development agreement.

C. The city council may terminate a final development agreement if one of the following applies:

1. The termination is requested by the parties to the agreement or their successors in interest, and the city council determines that the termination would not be materially detrimental to the general public, health, safety, and welfare of the city.

2. The city council determines that the parties to the agreement, or their successors in interest, have failed to comply with the terms of the development agreement.

D. The termination of a development agreement shall result in the reversal of the zoning ordinance map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the base district classification in effect prior to approval of the development agreement.

E. Any action by the city council to amend or terminate a previously recorded development agreement shall be recorded in the office of the Canyon County recorder. (Ord. 205, 10-25-2006)

Chapter 11
NONCONFORMING BUILDINGS, STRUCTURES AND USES

9-11-1: INTENT:
9-11-2: NONCONFORMING LOTS OF RECORD:
9-11-3: NONCONFORMING STRUCTURES:
9-11-4: NONCONFORMING LAND USES:
9-11-5: CONDITIONAL USES:
9-11-6: NONCONFORMING USES OF STRUCTURES:
9-11-7: REPAIRS AND MAINTENANCE:
9-11-8: NONCONFORMING PARKING, LOADING, OR OTHER CHARACTERISTICS OF USE:
9-11-9: CONTINUITY OF PRIOR CONDITIONAL USES AND VARIANCES:

9-11-1: INTENT:

A. Within the zoning districts established under this title or amendments that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of the applicable regulations, but which would be prohibited, regulated, or restricted under the terms of this title or future amendment. It is the intent of this chapter

to permit these nonconformities to continue until they are removed, but not to encourage their perpetuation. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

B. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of land or structure, or a nonconforming use of land and structure in combination, shall not be extended or enlarged after passage of this chapter by the addition of other uses of a nature which would be prohibited in the district.

C. To avoid undue hardship, nothing in this chapter shall be taken to prohibit completion of construction of a structure for which a building permit has been issued prior to the adoption of this title. (Ord. 205, 10-25-2006)

9-11-2: NONCONFORMING LOTS OF RECORD: In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by this title, a single-family dwelling and customary accessory buildings may be erected on any lot that was of record on the effective date of the applicable regulations. Setback and lot coverage requirements applicable to those nonconforming lots of record shall be those of the zone with the largest lot area requirement within which the lot would be conforming. A lot which fails to be conforming in any zone shall maintain a front yard of twenty feet (20'), side yards of five feet (5'), rear yard of five feet (5'), and maximum lot coverage of fifty percent (50%). (Ord. 205, 10-25-2006)

9-11-3: NONCONFORMING STRUCTURES: Where a lawful structure existed on the effective date of the applicable regulations, that could not be lawfully built under the terms of current regulations, by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases the nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portion of structure be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title; provided, that the owner of such structure may repair or reconstruct the same structure, on the same footprint, and in the process may only alter it to decrease its nonconformity, so long as:

1. Within eighteen (18) months after the date of such damage or destruction the owner commences such repair or reconstruction, and diligently prosecutes the work to completion in accord with the then applicable building codes; and

2. No other nonconforming structure was constructed on that site during the eighteen (18) month period.

C. When a nonconforming structure is moved for any reason over any distance, it shall conform to the regulations for the district to which it is moved unless such relocation was the result of a condemnation action.

D. A nonconforming residential structure in a residential zone may be enlarged, so long as the addition to the structure conforms to all the requirements of the zoning district and the city determines that such enlargement is not incompatible or detrimental to surrounding uses. (Ord. 205, 10-25-2006)

9-11-4: NONCONFORMING LAND USES: Where at the time of the adoption of applicable regulations, lawful use of land existed which would not be permitted by the regulations imposed by this title, and where such use involves no individual structures other than small or minor accessory buildings, the use may be continued so long as it remains otherwise lawful, provided:

A. No such nonconforming use shall be enlarged or increased.

B. No nonconforming use may be moved in whole or in part to any portion of the lot or parcel other than the nonconforming use occupied at the time of the adoption of regulations prohibiting such use.

C. If any nonconforming use of land ceases for any reason for more than eighteen (18) months, any subsequent use of land shall conform to the regulations specified by this title for the district in which such land is located; provided, however, that the owner of such land may, in writing, file with the zoning official during or before such eighteen (18) month period expires, give notice that the owner intends to suspend the use and intends to preserve the right, not exceeding three (3) years, to resume the use.

D. No additional nonconforming structure(s) shall be erected in connection with such nonconforming use of land. (Ord. 205, 10-25-2006)

9-11-5: CONDITIONAL USES: A use existing on the effective date of the applicable regulations that is permitted as a conditional use in the district in which it is located under the terms of this title, shall not be deemed a nonconforming use. Such use shall be considered to exist as a conditional use. The use shall not be expanded spatially or otherwise changed or intensified prior to the approval by the commission of conditions of approval for the use. The scope and conditions upon the conditional use shall be governed by the commission pursuant to chapter 13 of this title; the commission may, after notice and hearing, recommend to the council the imposition of conditions of approval. (Ord. 205, 10-25-2006)

9-11-6: NONCONFORMING USES OF STRUCTURES: If lawful use involving individual buildings or structures, or of structure and land in combination, exists on the

effective date of the applicable regulations, that could not be lawfully commenced under the terms of current regulations, the use may be continued, subject to the following provisions:

A. No existing structure devoted to use not permitted by this title in the district in which it is located may be enlarged, extended, constructed, reconstructed, moved, or structurally altered unless the use of the structure is changed to a use permitted in the district.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed expressly for such use on the effective date of the applicable regulations, but no such use shall be extended to occupy any land outside such buildings that existed at the time the use became nonconforming.

C. Any structure and land, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the use regulations for the district, and the nonconforming use may not be resumed.

D. If any nonconforming use of a structure and land is discontinued or abandoned for eighteen (18) months, the structure and land shall not be used except in conformity with the regulations of the district in which it is located; provided, however, that the owner of such use may, in writing, file with the zoning official during or before such eighteen (18) month period expires, give notice that the owner intends to suspend the use and intends to preserve the right, not exceeding three (3) years, to resume the use.

E. Where nonconforming use status applies to a structure and premises, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction", for purposes of this subsection, is defined as damage to an extent of more than fifty percent (50%) of the replacement cost at time of destruction. (Ord. 205, 10-25-2006)

9-11-7: REPAIRS AND MAINTENANCE: For any nonconforming structure containing a nonconforming or permitted use, ordinary repairs, repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty five percent (25%) of the current replacement cost of the nonconforming structure or portion of structure may be made. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure or part thereof declared to be unsafe by the building inspector. (Ord. 205, 10-25-2006)

9-11-8: NONCONFORMING PARKING, LOADING, OR OTHER CHARACTERISTICS OF USE: If the characteristics of a use, such as off street parking, off street loading, lighting or other matters required by this title in relation to specified uses of land, water areas, structures or premises, are not in accord with this title, no change shall be made in such characteristics of use which increases nonconformity with such requirements. Change shall be permitted in the direction of conformity to these requirements. (Ord. 205, 10-25-2006)

9-11-9: CONTINUITY OF PRIOR CONDITIONAL USES AND VARIANCES: Any valid "special use" or variance granted prior to the adoption date hereof shall be permitted to continue in accordance with the terms and conditions of approval for such "special" (now known as "conditional") use or variance. (Ord. 205, 10-25-2006)

Chapter 12
RECREATIONAL VEHICLES REGULATION

9-12-1: DEFINITIONS:
9-12-2: PARKING AND TEMPORARY USE OF RECREATIONAL VEHICLES ON RESIDENTIAL PROPERTY:
9-12-3: PARKING AND TEMPORARY USE OF RECREATIONAL VEHICLES ON NON-RESIDENTIAL PROPERTY:
9-12-4 : EXISTING NON-COMPLIANCE:
9-12-5: FEES AND CHARGES:
9-12-6 : PENALTY:
9-12-7: EXCEPTIONS:

9-12-1: DEFINITIONS: As used in this chapter:

A. “Recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. A recreational vehicle may be a camping trailer, fifth wheel trailer, motor home, travel trailer, or truck camper, as defined in this section.

B. “Camping trailer” means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

C. “Fifth wheel trailer” means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the set up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

D. “Motor home” means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use build on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

E. “Travel trailer” means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized

vehicle, and of gross trailer area less than three hundred twenty (320) square feet.

F. "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

G. "Tiny Home" means a residential structure which may be a site built residence on a foundation per local building, electrical, plumbing and HVAC (heating, ventilation and air conditioning) regulations; a modular building as defined by Idaho Code §39-4301; a manufactured home as defined by Idaho Code §39-4105; or a recreational vehicle or park model as defined by Idaho Code §49-119. A 'tiny home' on a trailer chassis, with axles and wheels, or otherwise not permanently attached to a foundation as a primary residence or an Accessory Dwelling Unit (ADU) per building permit process is a recreational vehicle and subject to regulation under this chapter.(Ord. 256, 09-02-2014; Amd. Ord. 278, 04/03/2018)

9-12-2: PARKING AND TEMPORARY USE OF RECREATIONAL VEHICLES ON RESIDENTIAL PROPERTY:

A. Unoccupied parking and storage: The outside parking of unoccupied recreational vehicles is permitted on property with an established residential use, regardless of zone. Said parking shall be within the side, rear, or front yard and shall not extend into the public right-of-way nor obstruct clear vision of the front of the primary residence on the property. An unoccupied recreational vehicle shall not be used for living quarters or business while parked or stored.

B. Temporary parking of unoccupied recreational vehicles: Temporary parking of unoccupied recreational vehicles shall be permitted on streets, alleys, or highways within the city limits for not more than 72 hours, subject to any other and further prohibitions, regulations, or ordinances for that street, alley or highway. No water or sanitary facilities are to be used in any recreational vehicle so parked.

C. Temporary accommodation for construction: A recreational vehicle may be used as temporary accommodation to allow the owner to construct a permanent residence or remodel an existing residence on the lot. The use of the recreational vehicle shall be authorized with an administrative permit issued by the zoning official or his or her designee upon receipt of an application including an approved site plan and construction schedule, with fees and charges set by resolution of the City Council. Such use shall not exceed six (6) months in duration, but may be extended up to an additional six (6) months upon written request detailing the need for extension. Such permit shall be subject to the following regulation:

1. The recreational vehicle placement shall comply with all yard setbacks appropriate to the zone in which it is to be placed.

2. The recreational vehicle shall not be parked on, nor in any way

obstruct, any public right-of-way.

3. The recreational vehicle may not be occupied on the site until a valid building permit for the residence has been issued. The permit shall expire seven (7) days after the receipt of a certificate of occupancy for the residence.

4. No person other than the owner of the property shall occupy the unit and the unit shall not be used as a temporary rental unit by the property owner.

5. The recreational vehicle shall not be skirted.

6. The discharge of gray water or sewage onto the ground is prohibited.

7. The recreational vehicle shall be situated such that it can be easily moved to dump gray water and sewage at a RV dump or connected to city sewer using a screwed fitting (no drop hose).

8. Any electrical connection shall be properly grounded in accordance with applicable electrical code or utilize a ground fault interrupt (GFI) protected receptacle.

9. Use of hose rated for potable water and use of a backflow preventer shall be required.

D. Temporary accommodation for guests up to thirty (30) days: The use of one (1) recreational vehicle as temporary accommodation for guests, or by residents to free living space for use by guests in the primary residence, may be allowed on property with an established residential use, regardless of zone, for up to thirty (30) days in any 12-month period, subject to the following regulation:

1. The recreational vehicle shall not be parked on nor in any way obstruct any public right-of-way.

2. The recreational vehicle shall be located a minimum of six (6) feet from any other structure.

3. The recreational vehicle shall not be skirted.

4. The discharge of gray water or sewage onto the ground is prohibited.

5. The recreational vehicle shall be situated such that it can be easily moved to dump gray water and sewage at a RV dump or connected to city sewer using a screwed fitting (no drop hose).

6. Any electrical connection shall be properly grounded in accordance with applicable electrical code or utilize a ground fault interrupt (GFI) protected receptacle.

7. Use of hose rated for potable water and use of a backflow preventer shall be required.

E. Temporary accommodation for guests beyond thirty (30) days: The use of one (1) recreational vehicle as temporary accommodation for guests, or by residents to free living space for use by guests in the primary residence, may be allowed on property with an established residential use, regardless of zone, but such use in excess of thirty (30) days in any 12-month period shall require an administrative permit issued by the zoning official or his or her designee, with fees and charges set by resolution of the City Council. Such permit shall be for no more than nine (9) months use within any twelve (12) month period, except that if for medical hardship resulting from a documented illness or medical emergency the City Clerk may issue a permit for up to twelve (12) months temporary accommodation. Such permit shall be subject to the following regulations:

1. The recreational vehicle shall not be parked on nor in any way obstruct any public right-of-way.

2. The recreational vehicle shall be located a minimum of six (6) feet from any other structure.

3. The recreational vehicle may be skirted.

4. The discharge of gray water or sewage onto the ground is prohibited.

5. The recreational vehicle shall be situated such that it can be easily moved to dump gray water and sewage at a RV dump or connected to city sewer using a screwed fitting (no drop hose).

Any electrical connection shall be properly grounded in accordance with applicable electrical code or utilize a ground fault interrupt (GFI) protected receptacle.

7. Use of a hose rated for potable water and use of a backflow preventer shall be required. (Ord. 256, 09-02-2014)

9-12-3 : PARKING AND TEMPORARY USE OF RECREATIONAL VEHICLES ON NON-RESIDENTIAL PROPERTY:

A. Unoccupied parking and storage: Unoccupied parking and storage of recreational vehicles is prohibited in non-residential property except for businesses providing services for recreational vehicle sales, service, storage, or

repair in accordance with applicable zoning code.

B. Temporary accommodation for recreational vehicle use on non-residential property: Temporary accommodation for recreational vehicle use on non-residential property is allowed by administrative permit issued by the zoning official on a case-by-case basis upon demonstrated need, with fees and charges set by resolution of the City Council. Such permit shall be for no more than six (6) months in a twelve (12) month period and subject to the following regulation:

1. The recreational vehicle shall not be parked on nor in any way obstruct any public right-of-way.

2. The recreational vehicle shall be located a minimum of six (6) feet from any other structure.

3. The recreational vehicle shall not be skirted.

4. The discharge of gray water or sewage onto the ground is prohibited.

5. The recreational vehicle shall be situated such that it can be easily moved to dump gray water and sewage at a RV dump or connected to city sewer using a screwed fitting (no drop hose).

Any electrical connection shall be properly grounded in accordance with applicable electrical code or utilize a ground fault interrupt (GFI) protected receptacle.

8. The use of a hose rated for potable water and use of a backflow preventer shall be required.

C. Temporary parking of unoccupied recreational vehicles: Temporary parking of unoccupied recreational vehicles shall be in accordance with 9-12-2:B above. (Ord. 256, 09-02-2014)

9-12-4: EXISTING NON-COMPLIANCE: Nothing herein shall prevent the continuance of the present occupancy or lawful use of any existing recreational vehicle as a permanent or temporary residence established prior to the effective date hereof, subject to the provisions of this section.

A. Notification: All owners of existing non-compliant uses must notify the city in person or in writing within ninety (90) days of the effective date of this ordinance of such non-complying use and his or her intent to continue such use.

B. Compliance with Health and Safety Regulations of this Chapter: Any such non-complying use shall be required to comply with all current applicable building, plumbing and electrical codes, and all regulations provided in Greenleaf City Code 9-12-2:E:1-7 within one hundred eighty (180) days of the effective date of this ordinance.

C. Use Ceases:

1. When a use allowed by this section is discontinued or abandoned for a period of more than one (1) year the city may, by written request, require that the owner declare his intention with respect to the continued non-use of the recreational vehicle, in writing, within twenty-eight (28) days of receipt of the request.

2. If the owner elects to continue the nonuse, he shall notify the city, in writing, of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in the official paper of the City. If the owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue for a period not to exceed a total of ten (10) years, notwithstanding any changes in the zoning of the property.

3. If the property owner does not follow this procedure within twenty-eight (28) days, the right to use the recreational vehicle as a residence will be lost. The property owner may voluntarily elect to withdraw the use by filing with the zoning official an affidavit of withdrawn use.

4. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to prior use of the property.

5. For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to this title.

6. The provisions of this subsection shall not be construed to prohibit the City from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.

D. Use Not Transferrable: A use allowed under this section is not transferrable and must be discontinued upon sale of the property to a new owner.

E. Violation and Enforcement: All existing non-compliant uses that do not comply with the provisions of this section shall be deemed in violation of the city's zoning code and subject to enforcement pursuant to Title 9, Chapter 17 of the Zoning Code. (Ord. 256, 09-02-2014)

9-12-5: FEES AND CHARGES: Fees and charges for applications, permits, and any other expense in this chapter may be set by resolution of the City Council. (Ord. 256, 09-02-2014)

9-12-6 : PENALTY: Noncompliance with the provisions of this chapter may be cited as an infraction as provided in Greenleaf Code §1-4-1. (amd, Ord 298, 01-03-2023; Amd Ord #300, 03-14-2023)

9-12-7: EXCEPTIONS: The provisions of this chapter shall not prevent utilization of a recreational vehicle for ongoing occupancy if the recreational vehicle is parked within an enclosed accessory storage structure such as a shop, garage, or airplane hanger, provided that: Discharge of gray water or sewage onto the ground is prohibited; The recreational vehicle shall be situated such that it can be easily moved to dump gray water and sewage at an RV dump or connected to city sewer using a screwed fitting (no drop hose); Any electrical connection shall be properly grounded in accordance with applicable electrical code or utilize a ground fault interrupt (GFI) protected receptacle; The use of a hose rated for potable water and use of a backflow preventer shall be required.(Ord. 256, 09-02-2014; Amd. Ord. 278, 04/03/2018)

Chapter 13
PERMITS AND APPLICATIONS

9-13-1: ADMINISTRATIVE APPROVAL:
9-13-1-1: REVOCATION OF ADMINISTRATIVE APPROVAL:
9-13-1-2: LAPSE OF ADMINISTRATIVE APPROVAL:
9-13-1-3: APPEAL OF ADMINISTRATIVE ACTIONS:
9-13-2: VARIANCES AUTHORIZED:
9-13-2-1: MAJOR VARIANCE STANDARDS:
9-13-2-2: VARIANCE APPLICATION:
9-13-2-3: LAPSE OF VARIANCE:
9-13-2-4: VIOLATION OF CONDITIONS OF APPROVAL OF A VARIANCE:
9-13-2-5: VARIANCE APPLICATION ENVIRONMENTAL ASSESSMENT:
9-13-2-6: RECORDATION OF VARIANCES:
9-13-3: CONDITIONAL USE PERMIT STANDARDS:
9-13-3-1: APPLICATION FOR CONDITIONAL USE PERMIT:
9-13-3-2: CONDITIONAL USE PERMIT ENVIRONMENTAL ASSESSMENT:
9-13-3-3: EXPIRATION OF CONDITIONAL USE PERMIT:
9-13-3-4: CONDITIONAL USE PERMIT RECORDATION:
9-13-3-5: RENTAL OF ACCESSORY DWELLING UNITS:
9-13-4: LAND USE DEVELOPMENT ORDINANCE AMENDMENTS:
9-13-5: ZONING MAP AMENDMENTS:
9-13-5-1: PROCEDURE FOR AMENDMENTS TO THE LAND USE DEVELOPMENT ORDINANCE OR ZONING MAP:
9-13-5-2: APPLICATION FOR LAND USE DEVELOPMENT ORDINANCE AMENDMENTS:
9-13-5-3: APPLICATION FOR ZONING MAP AMENDMENTS:
9-13-5-4: RESUBMISSION OF ZONING MAP AMENDMENT APPLICATION:
9-13-6: ZONING UPON ANNEXATION:
9-13-7: DEVELOPMENT AGREEMENTS; ZONING ACTION:
9-13-8: FEES AND INTEREST ON DELINQUENT ACCOUNTS:

9-13-1: ADMINISTRATIVE APPROVAL: Certain types of permitted uses, identified in this title, require administrative approval by the zoning official or an appointed representative. Applications for administrative approval shall be processed in accordance with the provisions of this chapter.

A. The zoning official shall approve or deny applications for administrative approval within thirty (30) working days after receipt of a completed application. Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare. The zoning official may require guarantees to assure removal of temporary uses and of any debris or refuse resultant therefrom, so as to restore the premises to its prior condition and shall establish the date of such removal. In approving an application for administrative review, the zoning official's decision shall be based on the following criteria:

1. Applicable provisions of this title are met.

2. Adequate public facilities and services provided.

3. No adverse impacts to adjoining property or conditions of approval mitigate such impacts.

B. Any administrative application denied by the zoning official shall not be resubmitted in either the same or substantially the same form in less than one year from the date of final action thereon.

C. Unless otherwise stated, the term of an administrative approval shall not exceed eighteen (18) months. Within this period, the holder of the permit must:

1. Acquire construction permits and commence placement of permanent structures on or in the ground; or

2. Commence the use permitted by the administrative approval in accordance with the conditions of approval. (Ord. 205, 10-25-2006)

9-13-1-1: REVOCATION OF ADMINISTRATIVE APPROVAL: Upon violation of any of the conditions or terms of the administrative approval issued pursuant to this chapter, the zoning official may cause the approval to be revoked. (Ord. 205, 10-25-2006)

9-13-1-2: LAPSE OF ADMINISTRATIVE APPROVAL: An administrative approval shall lapse and become void whenever the building permit or license either lapses or is revoked, or whenever the use or occupancy specified has ceased to exist, or has been suspended for one hundred eighty (180) calendar days or longer. (Ord. 205, 10-25-2006)

9-13-1-3: APPEAL OF ADMINISTRATIVE ACTIONS: Appeals of administrative approvals, denials, revocations or any other administrative actions shall be processed in accordance with the requirements of chapter 15, "Procedures, Appeals And Action", of this title. (Ord. 205, 10-25-2006)

9-13-2: VARIANCES AUTHORIZED:

A. Variances shall not be granted on the grounds of convenience or profit, and hardships created by a former or present owner of the property will not justify a variance.

B. A variance may be granted modifying the requirements of this title respecting: lot width; lot depth; front, side, and rear yard setbacks; lot coverage; parking space; height of buildings; or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size or shape of lots. A variance may not be used to authorize a land use not otherwise allowed in the applicable zoning district or to increase the density of development beyond that which is authorized in the comprehensive plan.

C. The commission may grant variances to the regulations prescribed by this title in accordance with the procedures prescribed in this chapter, with respect to any property development standard, performance standard, sign, accessory structure, wall or fence.

D. In the event that a variance is granted, the restricting zoning regulation(s) shall be varied only to the extent necessary to relieve the applicant of the immediate hardship; the existence of hardship does not confer upon the applicant a right to a variance where the function of the proposed construction can be made to conform to the requirements of this title.

E. In granting any variance, the commission may prescribe appropriate conditions of approval in conformity with this title to reduce the impact of the variance. One such condition of approval shall be a stated date before which it must be exercised, or lapse. (Ord. 205, 10-25-2006)

9-13-2-1: MAJOR VARIANCE STANDARDS: A variance shall not be granted unless the commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the standards and conditions have been met by the applicant. The commission may grant a variance only upon the following findings:

A. Special physical conditions and circumstances applicable to the land, structure or building involved make a literal enforcement of the provisions of this title an undue hardship; provided that:

1. Economic hardship alone is not to be considered as an undue hardship; and

2. The special conditions and circumstances are peculiar to the land, structure or building involved, and are not applicable to other lands, structures or buildings conforming to this title in the vicinity; and

3. That these special conditions and circumstances do not result from the actions of an owner of the land; provided that for purposes of a variance as to the characteristics of a building, a subdivider who is not the applicant is not to be considered an owner for these purposes.

B. Granting the variance would preserve for such property privileges enjoyed by other property in the vicinity; provided that:

1. No nonconforming use of neighboring lands, structures or buildings in the same district, and no use of lands, structures or buildings in other districts, shall be considered a privilege enjoyed by other property in the vicinity; and

2. Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district, and affected by the same conditions and circumstances.

C. Granting the variance would not be in conflict with the public interest and will not alter the essential character of the neighborhood or violate the comprehensive plan. (Ord. 205, 10-25-2006)

9-13-2-2: VARIANCE APPLICATION: To obtain a variance an applicant shall first submit a written application for a variance to the commission containing:

A. Description of the nature of the variance requested.

B. A narrative statement demonstrating with specificity that the requested variance meets each and every standard set out in section 9-13-2-1of this chapter.

C. Fees shall be paid by the applicant at the time of filing an application which shall include application/filing fees, publication fees and postage. Fees shall be in accordance with a fee schedule established periodically by the council by resolution.

D. A list of all affected property owners within three hundred feet (300') of the subject parcel must accompany the application.

E. If the variance is sought by reason of surveyable conditions, a survey of the lands in question by a registered professional surveyor showing that the conditions exist. (Ord. 205, 10-25-2006)

9-13-2-3: LAPSE OF VARIANCE:

A. Variances granted prior to the approval date hereof shall lapse in accordance with the terms and conditions of their approval. A variance for a structure, granted prior to the approval date hereof, the conditions of approval of which had

no stated date before which it must be exercised or lapse, shall lapse only when and if:

1. The variance has not been exercised and the applicant has not changed position in reliance on the same; and

2. The variance related to construction of a structure at a time stated by the applicant, proof of that statement is in the record of the application, and 1.5 times the period between the date of approval of the variance and the time stated by the applicant has passed without an application for a building permit having been submitted, and without further application to the commission.

B. Variances granted after the approval date hereof shall be exercised within twelve (12) calendar months of the date of city council approval of the variance, unless otherwise provided in the conditions of approval. An unutilized variance expires after such time has passed. This time limit shall not be extended. In the event the permit lapses, the applicant must make a new application for the permit. (Ord. 205, 10-25-2006)

9-13-2-4: VIOLATION OF CONDITIONS OF APPROVAL OF A VARIANCE: Violation of the conditions of approval of a variance is a violation of this title subject to civil and criminal sanctions. The council may, further, upon the recommendation of the commission containing findings of fact that the conditions of approval are being chronically violated, and in accordance with the provisions for notice and hearing set forth in chapter 15, "Procedures, Appeals And Action", of this title, revoke a variance or modify the conditions of its approval. (Ord. 205, 10-25-2006)

9-13-2-5: VARIANCE APPLICATION ENVIRONMENTAL ASSESSMENT: The planning and zoning commission may require an environmental assessment to be submitted prior to the issuance of any variance permit when there is an operation, material or activity which constitutes a potential threat to public health, safety and welfare or to the quality of the environment. When requiring such an assessment the precise nature of the items to be analyzed in the environmental assessment shall be indicated. The commission may require that the assessment be over the signature and stamp (where applicable) of one or more individuals or firms with demonstrated professional competence to make such an assessment. (Ord. 205, 10-25-2006)

9-13-2-6: RECORDATION OF VARIANCES:

A. Recordation Of Variances: No variance shall be in effect until a notice of decision, findings of fact and conclusions of law is recorded at the applicant's expense in the office of the recorder for Canyon County.

B. Processing Fee: The applicant shall provide the necessary funds to the city to pay a reasonable processing fee set by resolution of the council. (Ord. 205, 10-25-2006)

9-13-3: CONDITIONAL USE PERMIT STANDARDS: In the various zones certain uses are permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, these uses require special consideration so that they may be located properly with respect to the objectives of this title and with respect to their effects on surrounding properties. In order to achieve these purposes, the commission is empowered to grant or deny applications for conditional use permits as are prescribed in this chapter and to impose reasonable conditions upon the granting of such permits.

A. The commission will set the date for and hold a public hearing and subsequently make recommendations to the council for approval or denial of the request in accordance with the provisions set forth in chapter 15, "Procedures, Appeals And Action", of this title.

B. A conditional use permit shall be granted only if the commission finds that the use, as applied for, in fact will:

1. Constitute a conditional use authorized in the zoning district involved.

2. Be harmonious with and in accord with the general objectives and with any specific objectives of the comprehensive plan and/or this title.

3. Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or likely character of the neighborhood, and that such use will not change the essential character of the surrounding area.

4. Not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of such proposed use.

5. Not cause any substantially harmful environmental consequences to any land or waters within the planning jurisdiction.

6. Not create excessive additional public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

7. Be served adequately by essential public facilities and services including highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools. The applicant may be required, as a condition of approval, to mitigate any deficient public service.

8. Not involve uses, activities, processes, materials, equipment or conditions of operation that will cause unreasonable production of traffic, noise, smoke, fumes, glare, odors or other forms of pollution.

9. Have vehicular approaches to the property so designed as not to create a detrimental interference with traffic on surrounding public or private thoroughfares, or adversely affect the pedestrian environment.

10. Not result in the destruction, loss or damage of an important natural, scenic or historic feature.

11. Be on a site of sufficient size to accommodate the proposed use, including the yards, open spaces, walls, fences, parking areas, loading zones and design standards applicable.

C. The commission may, after review of the application for a conditional use permit and public hearing, require the applicant to meet any specific conditions of approval deemed necessary by the commission to protect the health, safety, general welfare and environment of the community. Such conditions are not limited to, but may include:

1. Limitations on the hours of operation of the use;

2. Limitations on the length of time that the conditional use permit may be exercised before it will expire by its own terms;

3. Additional landscaping and building beautification;

4. Additional or reduced off street parking or transportation improvements; and/or

5. Execution of a written agreement respecting construction of necessary improvements similar in form and content to a subdivision agreement, with its performance secured in the same fashion as performance of a subdivision agreement.

D. Upon recommending approval of a conditional use permit, the commission may impose more restrictive standards than those generally required. (Ord. 205, 10-25-2006)

9-13-3-1: APPLICATION FOR CONDITIONAL USE PERMIT: To obtain a conditional use permit for all conditional uses, an applicant shall first submit a written application for a conditional use permit to the commission containing:

A. Name and address of the applicant.

B. Legal description and address of the property.

C. A plan of the proposed development, including:

1. A plot plan of the property, drawn to scale and stamped by a registered professional surveyor, to include the type and location of all existing buildings and structures, parking and landscape areas and signs. Elevation plans shall be of sufficient detail to indicate the type and color of materials to be employed, the height of proposed buildings, methods of illumination

for signs, and other information as required by the zoning official. Screening, landscaping and irrigation plans shall be included in the plans;

2. Relationship of proposed development use to the use indicated in the comprehensive plan;

3. The relationship of the property to the surrounding area;

4. The plan of subdivision or resubdivision, if any, drawn to scale and stamped by a
registered professional surveyor;

5. Land uses, building location and number of dwelling units;

6. The arrangement of streets, utilities, and other easements and pedestrianways, drawn to scale and stamped by a registered professional surveyor;

7. The location of off street parking spaces and loading or service areas, drawn to scale and stamped by a registered professional surveyor;

8. The location of public or communal open space, drawn to scale and stamped by a registered professional surveyor;

9. Plans for site grading and preservation of existing vegetation;

10. Plans for water supply, sewage disposal, storm water drainage and snow storage; and

11. A plan for exterior lighting as required by chapter 14, "Outdoor Lighting", of this title.

D. A narrative statement evaluating the effects on adjoining property of such elements as noise, glare, odor, fumes and vibration; a discussion to the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

E. Statement indicating the precise manner of compliance with each of the applicable provisions of this title, together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit.

F. Statement that the applicant is the owner or the authorized agent of the property on which the use is proposed to be located.

G. The applicant shall provide the necessary fees to the city as set by resolution of the council.

H. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application. (Ord. 205, 10-25-2006)

9-13-3-2: CONDITIONAL USE PERMIT ENVIRONMENTAL ASSESSMENT: The commission may require an environmental assessment to be submitted prior to the issuance of any conditional use permit when there is an operation, material or activity which constitutes a potential threat to public health, safety and welfare or to the quality of the environment. When requiring such an assessment, the commission shall identify the items that shall be assessed. The commission may require that the assessment be over the signature and stamp (where applicable) of one or more individuals or firms with demonstrated professional competence to make such an assessment. (Ord. 205, 10-25-2006)

9-13-3-3: EXPIRATION OF CONDITIONAL USE PERMIT:

A. Conditional use permits shall be exercised within twelve (12) calendar months of the date of city council approval, unless the council finds that it is unreasonable to impose that time limit and imposes a longer, also specific time limit. An unutilized conditional use permit shall automatically expire after such time has passed. The time limit shall not be extended by amendment of existing conditions of approval. A continuation of a conditional use beyond the stated expiration date may only be permitted upon an application by the applicant according to the substance and procedure for a new conditional use. (Ord. 205, 10-25-2006)

9-13-3-4: CONDITIONAL USE PERMIT RECORDATION:

A. Recordation Of Conditional Use Permit (CUP): No CUP shall be in effect until a notice of decision, findings of fact and conclusions of law is recorded at the applicant's expense in the office of the recorder for Canyon County.

B. Processing Fee: The applicant shall provide the necessary funds to the city to pay a reasonable processing fee set by resolution of the council. (Ord. 205, 10-25-2006)

9-13-3-5: RENTAL OF ACCESSORY DWELLING UNITS:

A. Accessory dwelling units located within any residential zone may be rented by the owner with an accessory dwelling unit rental conditional use permit. All standards for conditional use permits (this section 9-13-3) are applicable, except as follows:

1. Applicant shall complete and file an accessory dwelling unit CUP application form for this use as well as an accessory dwelling unit CUP rental unit fee in an amount as may be established by resolution of the City Council, including separate fee rates for new permits and permit renewal.

2. A public hearing will only be required before the planning and zoning commission unless an appeal from the decision of the commission is made to the City Council.

3. The commission will decide for, or against, approval of the permit after the public hearing; the zoning official will so advise the applicant and provide periodic updates to the council of approvals under this section.

4. The owner of the property must maintain residency in a dwelling on the property. If the property owner chooses to maintain residency in the ADU and rent out the primary residence, then this ADU CUP Application process would be applicable to rental of the primary residence.

B. Permits are good until the last Wednesday of the Month of February of the year following and must be renewed annually to remain valid. Permits will expire automatically on the last Wednesday of the Month of February unless renewed as set forth herein.

The applicant may apply for a permit renewal in writing to the zoning official; no further hearing will be required unless the zoning official determines, through review of the previous history of the permit, that there have been complaints received by the police department for the property or there have been violations of the terms of the permit.

2 The permit may not be renewed unless the property is current in all billed services provided by the city.

3. Reapplication should be filed at least forty five (45) days before expiration to assure renewal before expiration. Reapplication shall be received no later than end of business on the first day of February to be processed that calendar year.

C. Recordation of the accessory dwelling unit rental conditional use permit is not required.

D. In the event that the terms of the permit (i.e., findings and conclusions) are violated by the owner, or representative of the owner, then the permit shall immediately become null and void. Such an action taken under this section will be decided by the zoning official.

E. Complaints regarding accessory dwelling unit rental conditional use permits shall be considered under the authority of Greenleaf Code section 9-17-6. (Ord. 205, 10-25-2006; Amd. Ord. 278, 04/03/2018)

9-13-4: LAND USE DEVELOPMENT ORDINANCE AMENDMENTS: Amendments to this title may be initiated in one of the following ways:

A. By adoption of a motion by the commission.

B. By adoption of a motion by the council.

C. By an application by person or entities filed with the zoning official.

All applications will come to the commission for action, and then proceed for final council action. Final approval of amendments will require the concurrence of both the commission and the council. (Ord. 205, 10-25-2006)

9-13-5: ZONING MAP AMENDMENTS: Amendments to the zoning map may be initiated by the council, by the commission, or by persons or entities that have an existing majority interest by area in the property proposed to be rezoned by the amendment. (Ord. 205, 10-25-2006)

9-13-5-1: PROCEDURE FOR AMENDMENTS TO THE LAND USE DEVELOPMENT ORDINANCE OR ZONING MAP:

A. An application shall be filed in triplicate.

B. The applicant may be required to submit an environmental assessment prior to approval of a zoning map change, when in the judgment of the commission the change would permit operations, materials, or activities which would constitute a potential threat to public health, safety and welfare or to the quality of the environment. When requiring such an assessment, the precise nature of the items to be included in the environmental assessment shall be indicated. The commission may require that the assessment be over the signature and stamp (where applicable) of one or more individuals or firms with demonstrated professional competence to make such an assessment.

C. Upon receipt of a request for amendment to the land use development ordinance, or for amendments of the zoning map, the commission shall:

1. Determine if the proposed change would also require an amendment to the comprehensive plan. The legal notice for public hearing may include notice for the proposed changes to both the comprehensive plan and the land use development ordinance.

2. Set the date for and hold a public hearing and subsequently make recommendations to the council for approval or denial of the request in accordance with the provisions set forth in chapter 15, "Procedures, Appeals And Action", of this title.

D. Pay fees (see section 9-13-3-1 of this chapter). (Ord. 205, 10-25-2006)

9-13-5-2: APPLICATION FOR LAND USE DEVELOPMENT ORDINANCE AMENDMENTS: Applications for amendments to the land use development ordinance shall include the following information:

A. Name, address and telephone number of applicant.

B. Proposed amending ordinance approved as to form by the city attorney.

C. Listing of reasons and justification for the proposed amendment.

D. A statement how the proposed changes relate to the comprehensive plan.

E. Such further information shall be submitted as the commission, upon examination of the application, may require.

F. Pay fees (see section 9-13-3-1 of this chapter). (Ord. 205, 10-25-2006)

9-13-5-3: APPLICATION FOR ZONING MAP AMENDMENTS: Applications for amendments to the zoning map and/or comprehensive plan shall contain at least the following information:

A. Name, address and telephone number of applicant.

B. Proposed amending ordinance and map, approved as to form by the city attorney.

C. Present land use.

D. Present zoning classification.

E. Proposed use by reason of which map amendment is sought.

F. Proposed zoning classification.

G. A vicinity map at a scale to sufficiently illustrate the property in question and surrounding properties, road and geographical features and including the following:

1. North arrow.

2. Scale.

3. Names of adjacent property owners on the respective parcels.

4. Existing and proposed zoning.

5. Other information as the commission may require.

H. A list of all property owners and their mailing addresses, owning property any part of which is within, or within three hundred feet (300') of, the external boundaries of the land being considered, according to Canyon County assessor.

I. A statement how the proposed changes relate to the comprehensive plan, availability of public facilities and compatibility with the surrounding area.

J. An environmental assessment, in the event requested by the commission, complying with section 9-13-3-2 of this chapter.

K. Fees shall be paid by the applicant at the time of filing an application. Fees shall be in accordance with a fee schedule established periodically by the council by resolution.

L. Such further information shall be submitted as the commission, upon examination of the application, may require. (Ord. 205, 10-25-2006)

9-13-5-4: RESUBMISSION OF ZONING MAP AMENDMENT APPLICATION: A zoning map amendment that has been denied by the council shall not be resubmitted in either substantially the same form or with reference to substantially the same premises within a period of one year from the denial, unless there is an amendment to the comprehensive plan which results in a change in conditions applying to the property under consideration. (Ord. 205, 10-25-2006)

9-13-6: ZONING UPON ANNEXATION: Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission respecting the potential zoning of the unincorporated area. Both the commission and the council shall follow the notice and hearing procedures provided in Idaho Code section 67-6509 for hearing the issue of zoning upon annexation. Concurrently, or immediately following the adoption of annexation, the council shall amend as necessary the comprehensive plan and zoning map. (Ord. 205, 10-25-2006)

9-13-7: DEVELOPMENT AGREEMENTS; ZONING ACTION: A rezoning may be made upon the condition that the applicant and the property owner, if a different person, make one or more written commitments concerning the use or development of the subject parcel, as follows:

A. Subject to the remainder of this section, a zoning map amendment may include and be subject to a written development agreement setting out commitments by the applicant and the owner of the property that restrict structures, or the use of land or structures, to a greater degree than otherwise provided for within a use district affected by the amendment.

B. A written development agreement may include commitments for one or more of the following purposes:

1. To prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan;

2. To conform the zoning map amendment to the comprehensive plan;

3. To conform development under the zoning map amendment to existing patterns of development in the surrounding neighborhood;

4. To mitigate the adverse effects of development under the zoning map amendment on the surrounding neighborhood and on public facilities and services; or

5. To narrow the permitted uses in the zoning district to the end that what is permitted to occur is that which is represented by the applicant to be the purpose of the amendment.

C. A development agreement shall set out commitments to do one or more of the following:

1. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a use district;

2. Require compliance with a specific area plan, and/or design standards, for structures and other site features;

3. Require compliance with a site plan approved by the council either in conjunction with the rezoning or under the procedures for a conditional use;

4. Require the construction and installation of improvements, including public improvements; or

5. Impose time limits for taking subsequent development actions.

D. A zoning action subject to a development agreement shall be identified on the zoning map by the suffix "DA", and the number of the ordinance applying the development agreement.

E. Where a commitment in a development agreement conflicts with any less restrictive provision of this title, the commitment governs.

F. The development agreement may be suggested by the applicant as part of the application for the zoning map amendment, or may be suggested by the commission or council. A development agreement may not be imposed without the consent of both the owner of the property and the council. The negotiation of a development agreement, and its signature by the applicant and the owner, does not commit the council to the adoption of the zoning map amendment; a zoning map amendment subject to a development agreement, in turn, shall not be effective until such time as all parties have signed the development agreement, and a notice of development agreement has been recorded.

G. The development agreement shall take the form of a written contract between the owner, the applicant (if not the owner), and the city of Greenleaf, setting out the commitments in a form satisfactory to the zoning official and the city attorney.

H. The applicant shall provide the necessary fees to the city to pay all costs of preparing the development agreement, and a reasonable processing fee set by resolution of the council.

I. A development agreement may be modified, or terminated, only in accord with notice and hearing according to the procedures for a conditional use.

J. A breach of a development agreement by the owner or occupant of the affected land is a violation of this title.

K. A development agreement shall terminate, and the zoning map amendment of which it is a part shall be reversed, upon the expiration of a therein stated time during which the rezoning was to have been exercised in accord with the development agreement, without such an exercise having been made. Such a nonexercise, or a failure by the owner to meet conditions in the development agreement, is, by Idaho Code, consent of the owner to a rezone of the subject parcel to the zone in which it was classified prior to the zoning map amendment which gave rise to the development agreement. In the event of such a rezone, nothing located or done on the subject parcel shall thereby be deemed a nonconforming use or structure (as opposed to an illegal use or structure), unless it was a nonconforming use or structure prior to the zoning map amendment which gave rise to the development agreement.

L. When executed, a notice of decision, findings of fact and conclusions of law of the council shall be recorded at the applicant's expense in the office of the recorder for Canyon County. (Ord. 205, 10-25-2006)

9-13-08: FEES AND INTEREST ON DELINQUENT ACCOUNTS:

A. Upon filing an application for any permit or other action under this Title, the applicant shall agree, in writing, to pay interest on delinquent accounts. Each customer shall also agree, in writing, to pay a late fee as established by the resolution of the City Council.

B. Upon any application submitted to the City, payments on delinquent accounts as required by this chapter which do not bring the account current shall be applied first to any penalties and interest, beginning with the longest delinquent penalties and interest and thenceforth in a manner so that the payments are applied to the longest delinquencies. Once all penalties and interest have been paid, payments shall apply to principal owing.

C. The City may negotiate with any customer whose account is delinquent an agreement for the payment of delinquencies over a period and according to terms agreed to by the City and the customer. (Ord. 226, 03-03-2009)

Chapter 14
OUTDOOR LIGHTING

9-14-1: GENERAL PROVISIONS:
9-14-2: GUIDELINES:
9-14-3: APPLICABILITY:
9-14-4: OUTDOOR LIGHTING STANDARDS:
9-14-4-1: GENERAL STANDARDS:
9-14-4-2: TYPE OF LUMINARIES:
9-14-4-3: PLACEMENT AND HEIGHT OF LUMINARIES:
9-14-4-4: LUMINANCE AND TYPE OF LAMP:
9-14-4-5: FIGURES AND TABLES:
9-14-5: PROCEDURE:
9-14-6: VIOLATIONS AND LEGAL ACTIONS:
9-14-7: EXEMPTIONS:

9-14-1: GENERAL PROVISIONS:

A. Title: This chapter shall be known as the CITY OF GREENLEAF OUTDOOR LIGHTING ORDINANCE.

B. Purpose: The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

1. To provide safe roadways for motorists, cyclists and pedestrians;

2. To protect against direct glare and excessive lighting;

3. To ensure that sufficient lighting can be provided where needed to promote safety and security;

4. To prevent light trespass in all areas of the city and the city area of impact;

5. To protect and reclaim the ability to view the night sky;

6. To allow for flexibility in the style of lighting fixtures;

7. To provide lighting guidelines;

8. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter; and

9. To work with other jurisdictions within Canyon County to meet the purposes of this chapter. (Ord. 205, 10-25-2006)

9-14-2: GUIDELINES: Outdoor lighting has a significant impact on the safety, security and visual quality of a development and the community. Following are some general guidelines recommended to provide lighting that balances safety and energy conservation with fixtures that complement the development and the surrounding neighborhood:

A. Design outdoor lighting to provide a uniform distribution of light without compromising safety and security.

B. The total cutoff of light should occur within the property lines of the parcel to be developed.

C. Select lighting and posts that are complementary to the general architectural style of the development and surrounding neighborhood.

D. Select light poles that are in scale with proposed or surrounding buildings.

E. Lighting should not conflict with trees within landscaped islands.

F. Accent unique or special features of the site or building with landscape lighting effects.

G. Ensure that all lighting is efficiently directed to the objects or surfaces to be illuminated and not to the surrounding properties or the night sky. (Ord. 205, 10-25-2006)

9-14-3: APPLICABILITY:

A. New Lighting: All exterior lighting installed after the effective date of this chapter shall conform to the standards established by this chapter.

B. Existing Lighting: All existing exterior lighting installed before the effective date of this chapter shall be brought into conformance with this chapter, except section 9-14-4-3 of this chapter, within the following time periods:

1. All existing exterior lighting located on a subject property that is part of an application for a conditional use permit, subdivision approval, approval of a PUD, or a building permit is required to be brought into conformance with this chapter before issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of one year from date of permit issuance to bring the lighting into conformance.

2. All other existing exterior lighting on property used for commercial purposes that is not in conformance with this chapter shall be brought into conformance with this chapter within ten (10) years from the date of adoption of this chapter.

3. All existing exterior lighting on property used for residential, institutional, public and semipublic uses, not affected by subsection B1 of this section, that does not comply with this chapter is required to be brought into conformance with this chapter within ten (10) years from the date of adoption of this chapter. (Ord. 205, 10-25-2006)

9-14-4: OUTDOOR LIGHTING STANDARDS:
9-14-4-1: GENERAL STANDARDS:

A. Design, Location And Lamp Standards: All exterior lighting shall be designed, located and lamped in order to prevent:

1. Overlighting;

2. Energy waste;

3. Glare;

4. Light trespass;

5. Sky glow.

B. Nonessential Lighting: All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

C. Canopy Lights: Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.

D. Area Lights: All area lights are encouraged to be eighty five degree (85°) full cutoff type luminaries.

E. Application Approval: Idaho Power shall not install any luminaries after the effective date of this chapter that light the public right of way without first receiving approval for any such application by the zoning official. (Ord. 205, 10-25-2006)

9-14-4-2: TYPE OF LUMINARIES: All exterior lighting shall use full cutoff luminaries with the light source downcast and fully shielded, with the following exceptions:

A. Four Hundred Lumens Maximum Output: Luminaries that have a maximum output of four hundred (400) lumens per fixture, regardless of number of lamps (equal to one 40-watt incandescent light), may be left unshielded provided the luminaire has an opaque top or is under an opaque structure (see figure 5 of section 9-14-4-5 of this chapter).

B. One Thousand Lumens Maximum Output: Luminaries that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of lamps (equal to one 60-watt incandescent light) is not visible, and the luminaire has an opaque top or is under an opaque structure (see figure 3 of section 9-14-4-5 of this chapter).

C. Floodlights: Floodlights with external shielding shall be angled provided that no light is directed above a twenty five degree (25°) angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights of way (see figure 6 of section 9-14-4-5 of this chapter). Photocells with timers that allow a floodlight to go on at dusk and off by eleven o'clock (11:00) P.M. are encouraged.

D. Residential Holiday Lighting: Residential holiday lighting is from October 1 to March 15. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off by eleven o'clock (11:00) P.M.

E. Commercial Holiday Lighting: Commercial holiday lighting is from October 1 to March 15. Flashing holiday lights are prohibited. Holiday lights are encouraged to be turned off by eleven o'clock (11:00) P.M.

F. Sensor Activated Luminaries: Sensor activated luminaries, provided:

1. They are located in such a manner as to prevent glare and lighting onto properties of others or into a public right of way;

2. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased;

3. The luminaire shall not be triggered by activity off the property.

G. Temporary Emergency Lighting: Vehicular lights and all temporary emergency lighting needed by the fire and police departments, or other emergency services.

H. Uplighting For Flags: Uplighting for flags, provided the flag is of a government and the maximum lumen output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.

I. Lighting Of Radio, Communication And Navigation Towers: Lighting of radio, communication and navigation towers; provided the owner or occupant

demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.

J. Airpark Lighting: Lighting at an airport, provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.

K. Neon Lights: Neon lights permitted pursuant to chapter 8, "Signs", of this title.

L. Playing Field Luminaries: Luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this chapter are met and the light is used only while the field is in use. (Ord. 205, 10-25-2006)

9-14-4-3: PLACEMENT AND HEIGHT OF LUMINARIES:

A. Parking area luminaries shall be no taller than seventeen feet (17') from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.

B. Freestanding luminaries on private property in residential zones shall be mounted at a height equal to or less than the sum of H = (D/3) + 3, where D is the distance in feet to the nearest property boundary, but shall not be higher than fifteen feet (15') from ground level to the top of the luminaire, whichever is less. Example:

Pole Height	Distance To Property Line
15 feet	36 feet (36/3 = 12 + 3 = 15)
12 feet	27 feet (27/3 = 9 + 3 = 12)
9 feet	18 feet (18/3 = 6 + 3 = 9)

C. Streetlights used on arterial roads may exceed twenty feet (20') in height, with the recommendation by the city council and only with a finding that exceeding twenty feet (20') is necessary to protect the safety of the residents of Greenleaf.

D. Luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this chapter are met and the light is used only while the field is in use. (Ord. 205, 10-25-2006)

9-14-4-4: LUMINANCE AND TYPE OF LAMP:

A. Luminance levels for parking lots, sidewalks, and other walkways affected by side mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed luminance levels listed in the most current IESNA recommended practices. The city of Greenleaf recognizes that not every such area will require lighting.

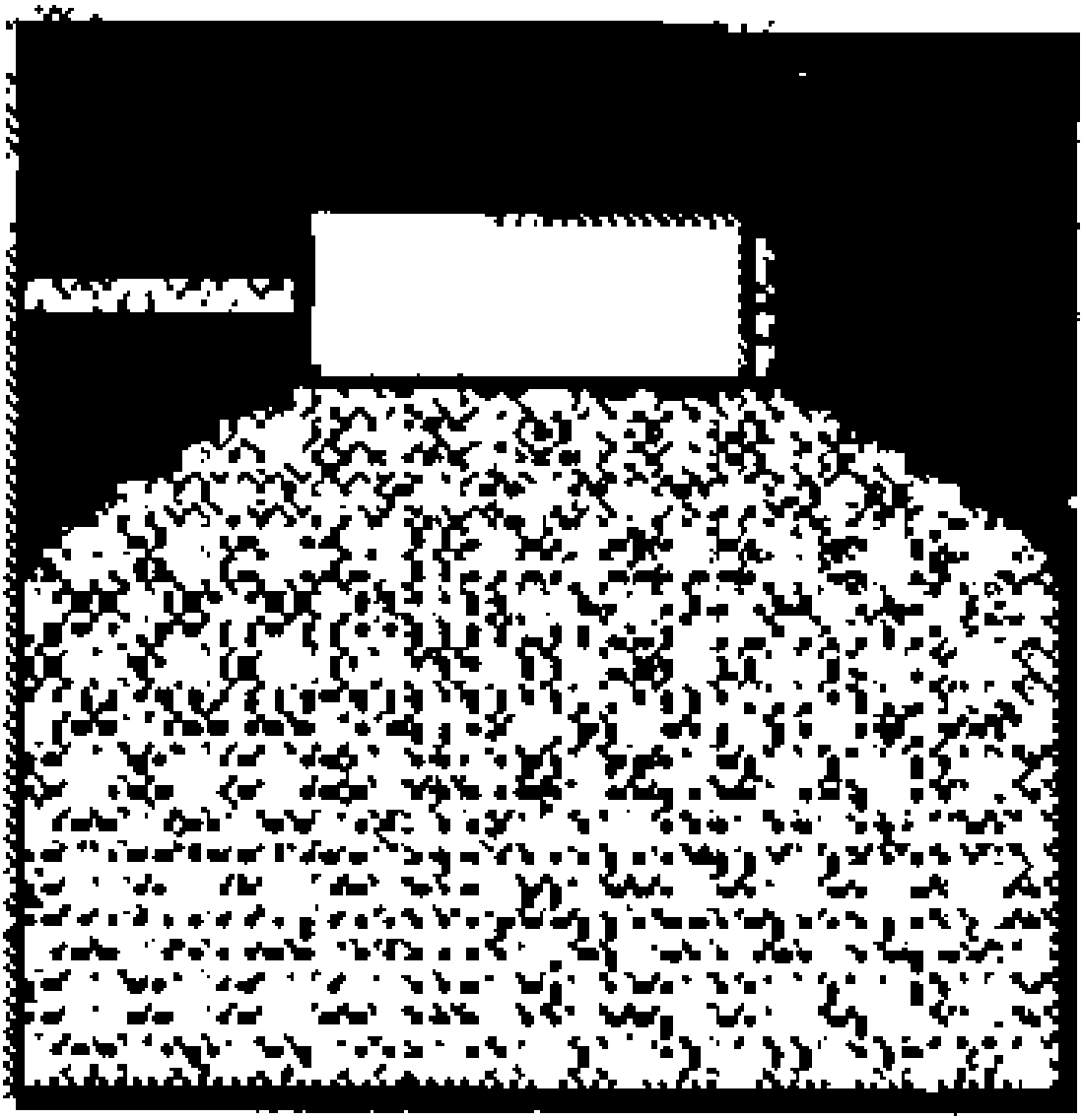
B. Parking lot lighting shall not exceed an overall average illumination of 1.5 foot-candles.

C. Streetlights shall be high pressure sodium, low pressure sodium or metal halide, unless otherwise determined that another type is more efficient. Streetlights along residential streets shall be limited to seventy (70) watt high pressure sodium (hps) light with a lumen output of six thousand four hundred (6,400). Streetlights along nonresidential streets or at intersections shall be limited to one hundred (100) watts hps, with a lumen output of nine thousand five hundred (9,500), except that lights at major intersections on state highways shall be limited to two hundred fifty (250) watts hps. If a light type other than high pressure sodium is permitted, then the equivalent output shall be the limit for the other light type (see table 1 of section 9-14-4-5 of this chapter).

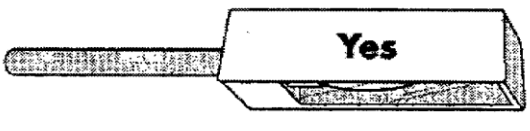
D. All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting. (Ord. 205, 10-25-2006)

9-14-4-5: FIGURES AND TABLES: The following figures and information sheets (tables) shall be incorporated as guidelines for the public and the city for use in enforcing this chapter. The city does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information may be available at the Greenleaf city hall or a local lighting contractor.

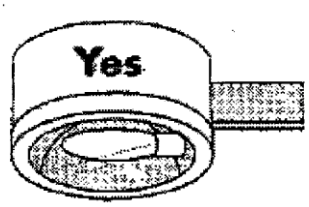
Figure 1
Cutoff Outdoor Lighting Fixture

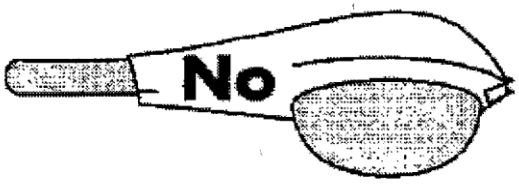


What is a true full cutoff outdoor lighting fixture?

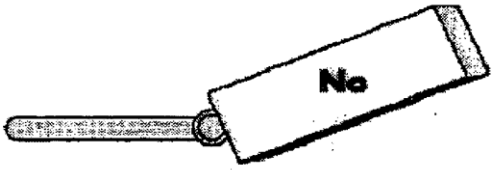


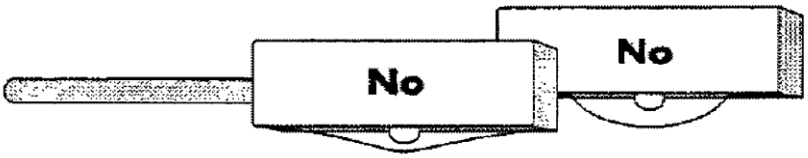
Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housings for these fixtures are available in many styles.





Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.





Known as just "cutoff" center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

Figure 2
85° Full Cutoff Fixture

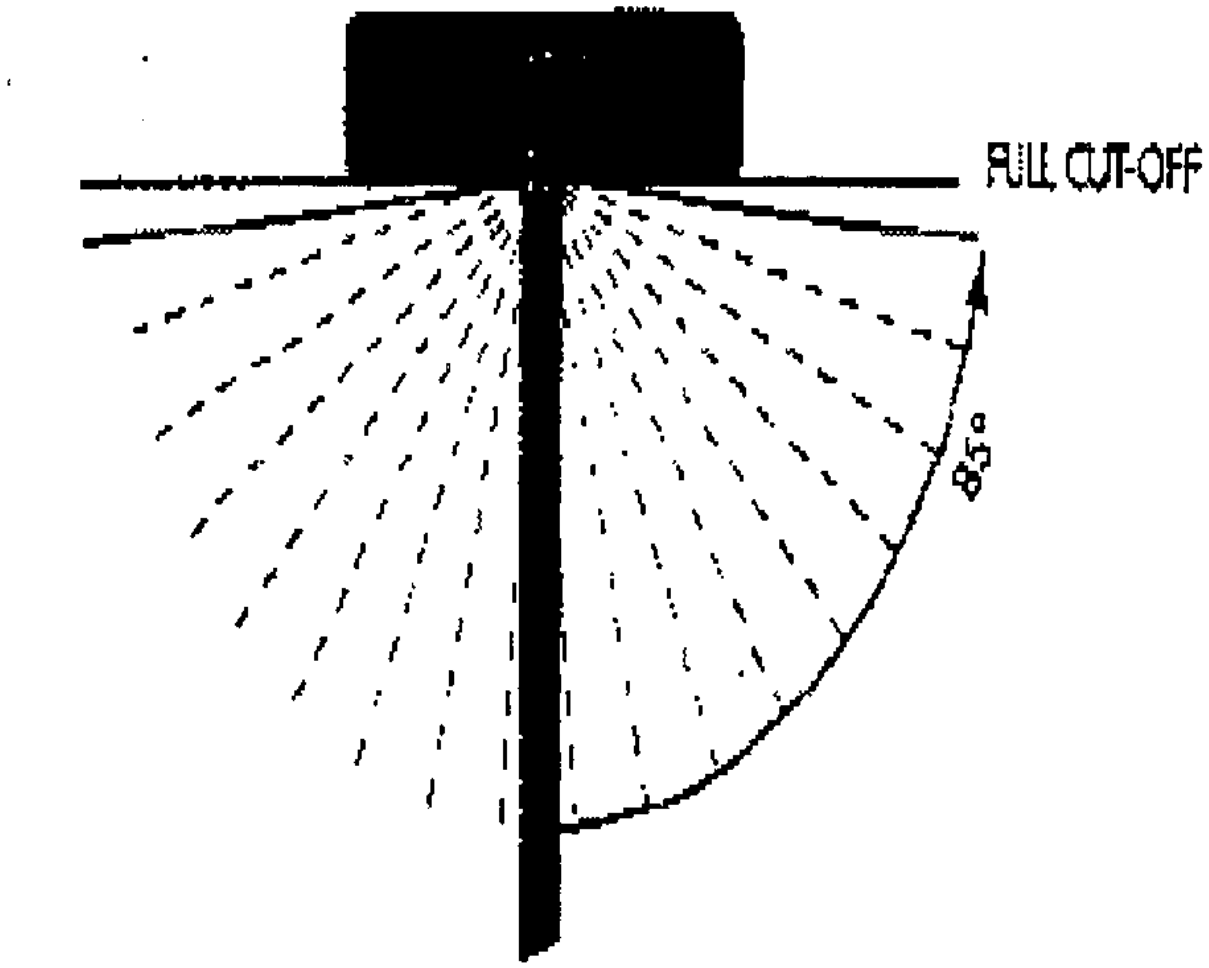


Figure 3
Partially Shielded
(Translucent Siding, Bulb Not Visible)

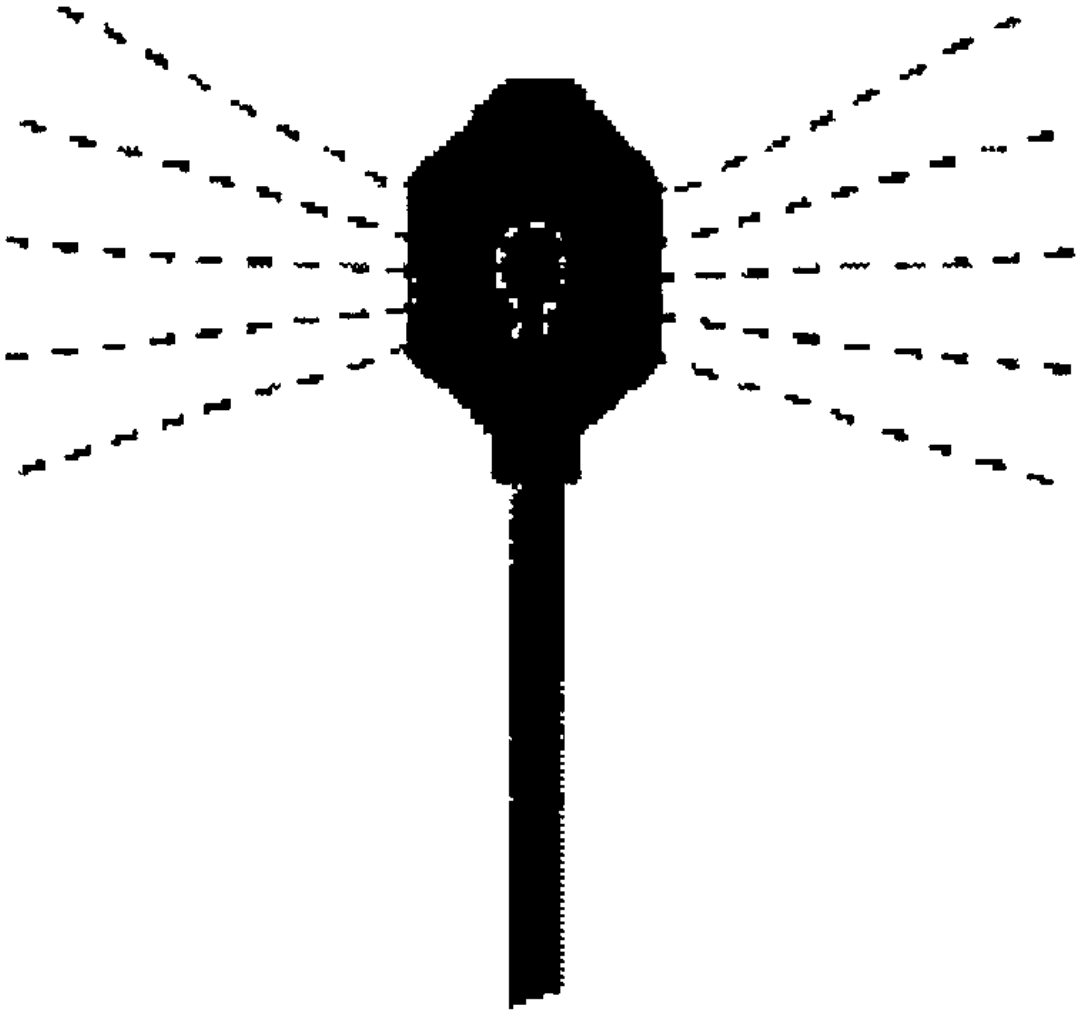


Figure 4
Shielded

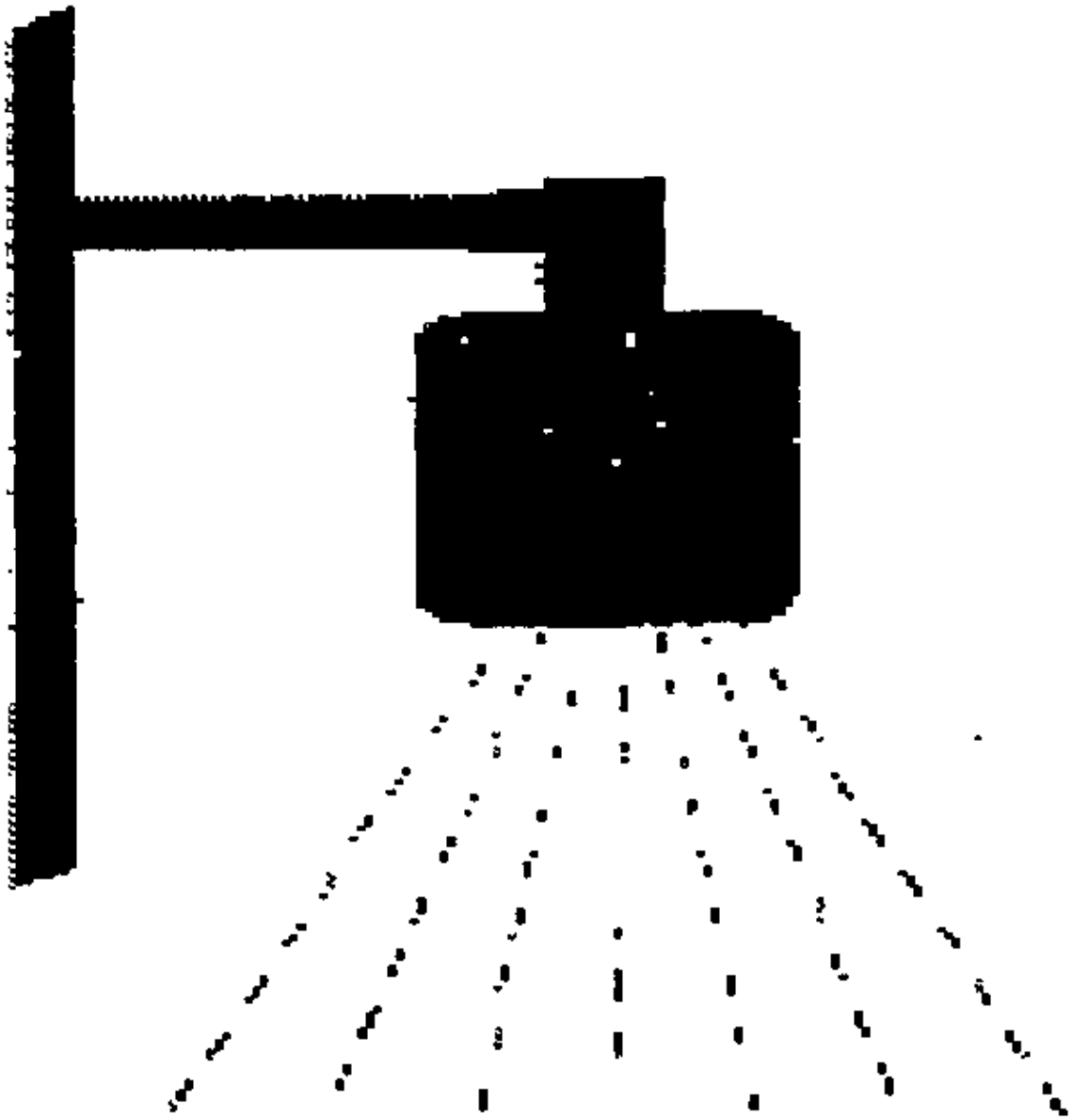


Figure 5
Unshielded With Opaque Top
(Less Than 375 Lumens)

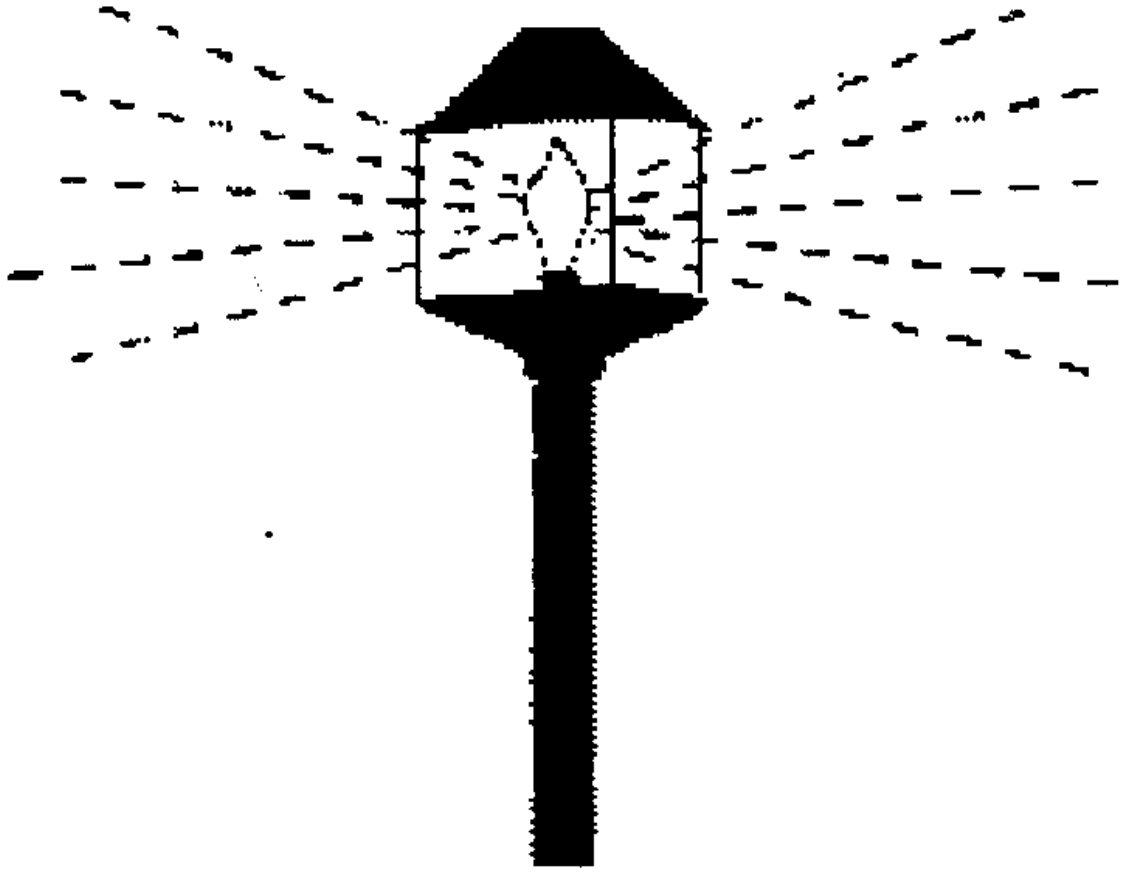


Figure 6
Angle Of Floodlight With External Shielding

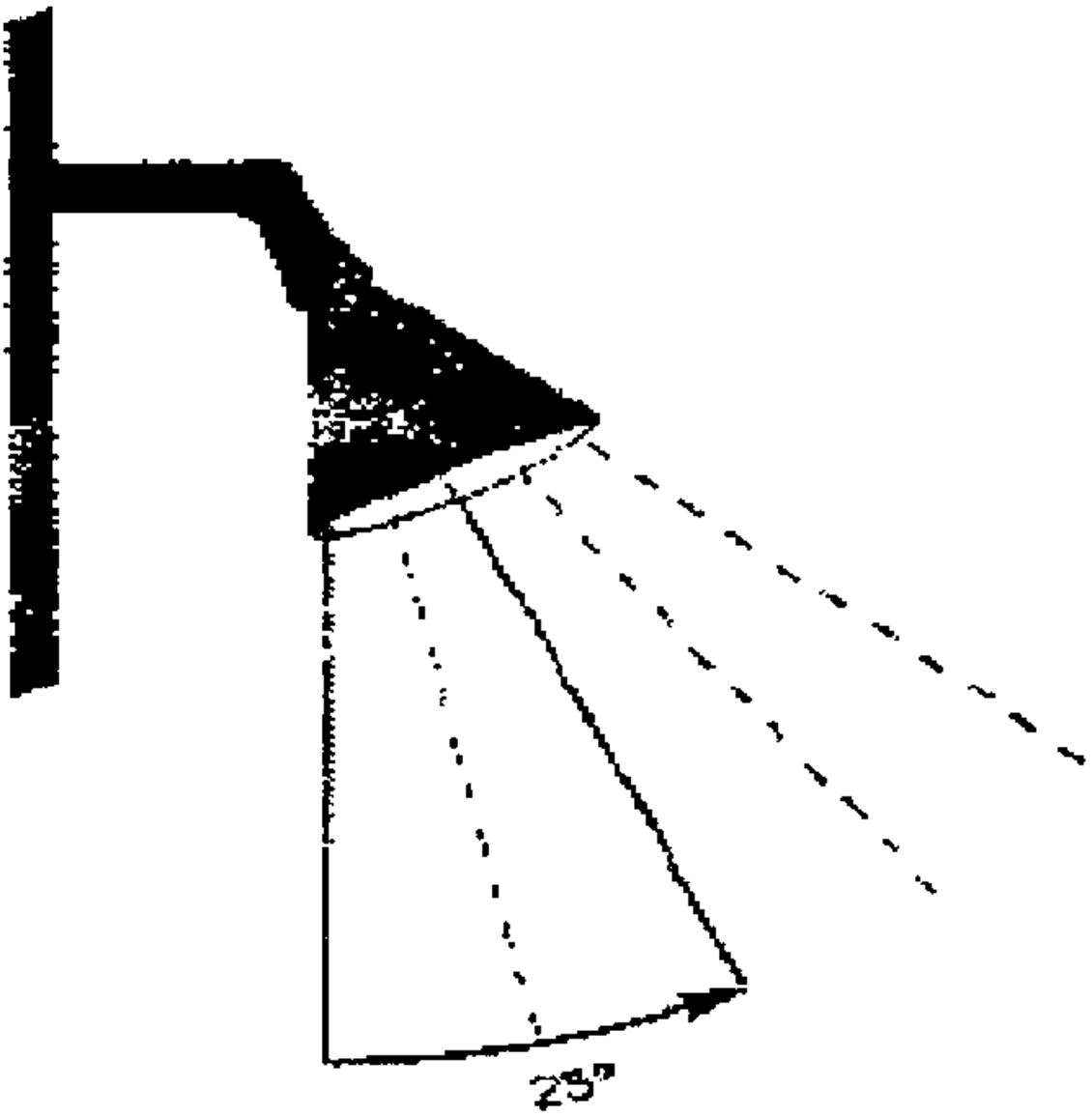


Figure 7
Directional Floodlight

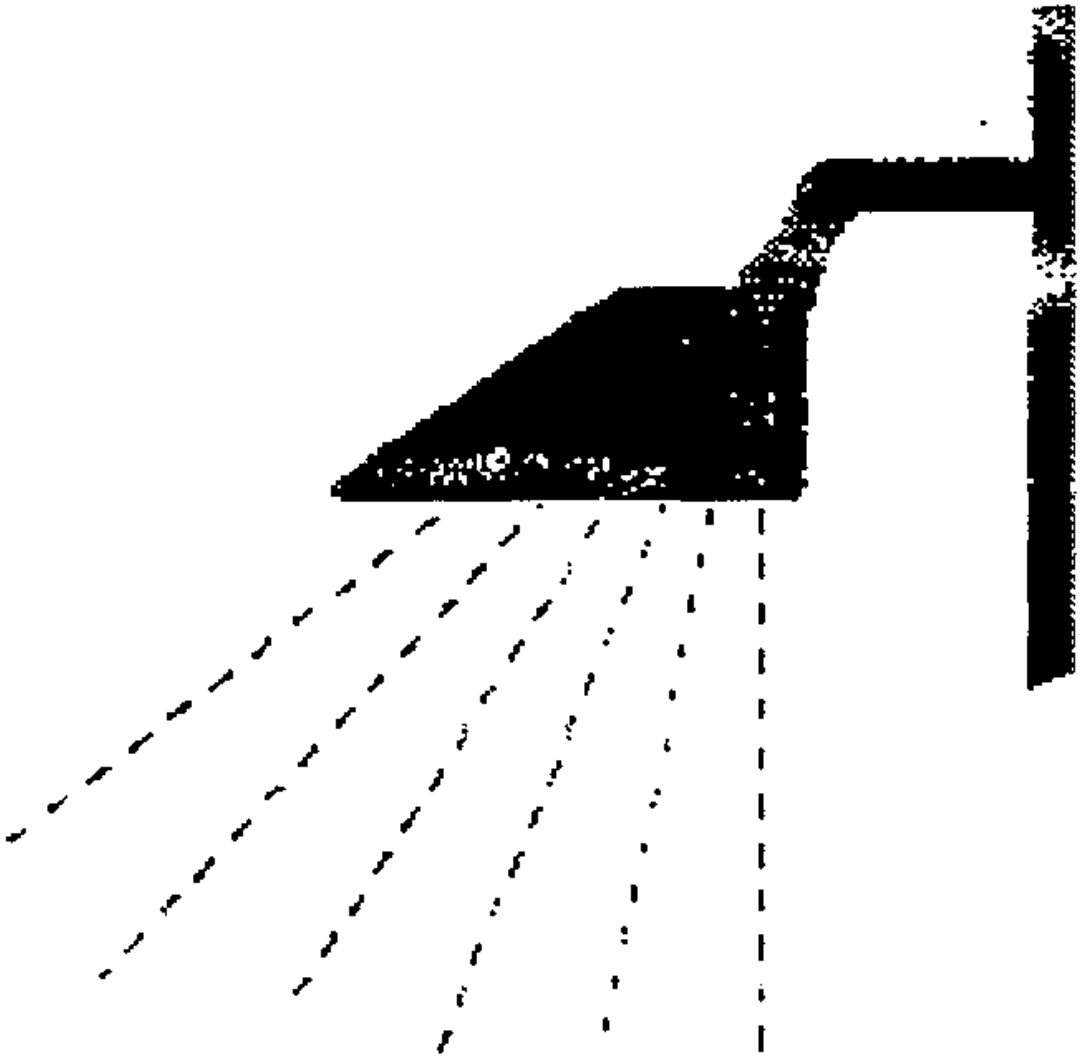


TABLE 1
INITIAL RATED LIGHT OUTPUT OF VARIOUS LAMPS

(Information from Sylvania #PL-150, General Electric #9200 and Phillips #SG-100 large lamp catalogs)

Lamp Type	Lamp Wattage	Initial Lumen Output
Incandescent lamp (frosted) (Syl.)	25	235
Incandescent lamp (frosted) (Syl.)	40	375
Incandescent lamp (frosted) (Syl.)	60	890
Incandescent lamp (frosted) (Syl.)	100	1,690
Incandescent lamp (frosted) (Syl.)	150	2,850
Incandescent flood or spot (G.E.)	75	765
Incandescent flood or spot (G.E.)	120	1,500
Incandescent flood or spot (G.E.)	150	2,000
Quartz halogen lamp (frosted) (Syl.)	42	665
Quartz halogen lamp (frosted) (Syl.)	52	885
Quartz halogen lamp (frosted) (Syl.)	72	1,300
Quartz halogen lamp (frosted) (Syl.)	300	6,000
Quartz halogen lamp (frosted) (Syl.)	500	10,500
Quartz halogen lamp (frosted) (Syl.)	1,000	21,000
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	20	260
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	42	630
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	50	895
Quarts halogen mini flood or spot (G.E.) (12 volt MR-16 type)	75	1,300
Fluorescent lamp (Phillips)	7	400
Fluorescent lamp (Phillips)	9	600
Fluorescent lamp (Phillips)	13	900
Fluorescent lamp (Phillips)	22	1,200
Fluorescent lamp (Phillips)	28	1,600
Fluorescent lamp (G.E. cool white)	40	3,150
Low pressure sodium lamp (Phillips)	18	1,800
Low pressure sodium lamp (Phillips)	35	4,800
Low pressure sodium lamp (Phillips)	55	8,000
Low pressure sodium lamp (Phillips)	90	13,500
Low pressure sodium lamp (Phillips)	135	22,500
Low pressure sodium lamp (Phillips)	180	33,000
High pressure sodium lamp (diffuse) (G.E.)	35	2,250

High pressure sodium lamp (diffuse) (G.E.)	50	4,000
High pressure sodium lamp (diffuse) (G.E.)	70	6,400
High pressure sodium lamp (diffuse) (G.E.)	100	9,500
High pressure sodium lamp (diffuse) (G.E.)	150	16,000
High pressure sodium lamp (diffuse) (G.E.)	250	27,500
High pressure sodium lamp (diffuse) (G.E.)	400	50,000
Mercury vapor lamp (white deluxe) (Syl.)	100	4,500
Mercury vapor lamp (white deluxe) (Syl.)	175	8,500
Mercury vapor lamp (white deluxe) (Syl.)	250	11,100
Mercury vapor lamp (white deluxe) (Syl.)	400	20,100
Metal halide lamp (coated) (G.E.)	32	2,500
Metal halide lamp (coated) (Venture)	50	3,400
Metal halide lamp (coated) (G.E.)	175	15,750
Metal halide lamp (coated) (G.E.)	250	20,500
Metal halide lamp (coated) (G.E.)	400	36,000

TABLE 2
MOUNTING HEIGHT/LAMP OUTPUT RECOMMENDATIONS

Table 2 lists the maximum lumen levels standards at various heights above ground level. It provides specific examples listing the common types of lighting sources, lumen levels, and permitted mounting heights.

Mounting Height (Feet)	Maximum Lumens
6	1,000
8	600 to 1,600
10	1,000 to 2,000
12	1,600 to 2,400
16	2,400 to 6,000
20	4,000 to 8,000
24	6,000 to 9,000
28	8,000 to 12,000
32	9,000 to 24,000
36	12,000 to 28,000
40	16,000 to 32,000

TABLE 3
MOUNTING HEIGHT RECOMMENDATIONS PER LAMP TYPE

Low Pressure Sodium

Wattage	180W	135W	90W	55W	35W	18W
Mounting heights	>40'	30'-32'	28'	24'	16'-20'	10'
Initial lumens	33,000	22,500	13,500	8,000	4,800	1,800
Mean lumens	33,000	22,500	13,500	8,000	4,800	1,800
Lamp wattage	180	135	90	55	35	18
Circuit wattage	220	180	125	80	60	30
Initial lum/watt	150	125	108	100	80	60
Mean lum/watt	150	125	108	100	80	60
Annual kWh use	902	738	513	328	216	123

High Pressure Sodium

Wattage	400W	250W	200W	150W	100W	70W	50W	35W
Mounting heights	>50'	32-36'	30'	28'	24'	20'	16'	12'
Initial lumens	50,000	28,500	22,000	16,000	9,500	6,300	4,000	2,250
Mean lumens	45,000	25,700	19,800	14,400	8,550	5,470	3,600	2,025
Lamp wattage	400	250	200	150	100	70	50	35
Circuit wattage	465	294	246	193	130	88	66	46
Initial lum/watt	108	97	89	83	73	72	61	49
Mean lum/watt	97	87	80	75	66	64	55	44
Annual kWh use	1,907	1,205	1,009	791	533	361	271	189

Metal Halide

Wattage	1,000W	400W	250W	175W	150W	100W	70W	50W	32W
Mounting	>60'	>36'	>30'	>28'	>24'	>20'	>16'	>12'	>10'
Initial lumens	110,000	36,000	20,500	16,600	13,000	9,000	5,500	3,500	2,500
Mean lumens	88,000	28,800	17,000	10,350	8,700	6,400	4,000	2,500	1,900
Lamp wattage	1,000	400	250	175	150	100	70	50	32
Circuit wattage	1,070	456	295	215	184	115	88	62	43
Initial lum/watt	103	79	69	77	71	78	63	56	58
Mean lum/watt	82	63	58	48	47	56	45	40	44
Annual kWh	4,387	1,870	1,210	882	754	472	361	254	176

(Ord. 205, 10-25-2006)
9-14-5: PROCEDURE:

A. All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location, type, height, lumen output, and luminance levels in order to verify that lighting conforms to the provisions of this chapter. The zoning official may waive the requirement for luminance level information only, if the zoning official finds that the luminance levels conform to this chapter. For all other exterior lights which must conform to the requirements of this chapter, an application shall be made to the zoning official, showing location, type, height, lumen output and luminance levels.

B. The zoning official shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the exterior lighting complies with the standards of this chapter.

C. The zoning official shall convey in writing a recommendation whether the exterior lighting complies with the standards of this chapter to the building official, the commission, or the Greenleaf city council, as the case may be, before any review or hearing on a building permit, design view, conditional use permit, planned unit development, subdivision application, or applicable sign permit.

D. For all other exterior lighting which must conform to the requirements of this chapter, the zoning official shall issue a decision whether the exterior lighting complies with the standards of this chapter. All such decisions may be appealed to the commission within thirty (30) days of the decision.

E. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application. (Ord. 205, 10-25-2006)

9-14-6: VIOLATIONS AND LEGAL ACTIONS: If the zoning official finds that any provision of this chapter is being violated, notice shall be given by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The planning department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the zoning official may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter. Noncompliance with the provisions of this chapter may be cited as an infraction as provided in Greenleaf Code §1-4-1. (Ord. 205, 10-25-2006; Amd Ord #300, 03-14-2023)

9-14-7: EXEMPTIONS:

A. The following are exempt from the provisions of this chapter:

1. Seasonal displays using multiple low wattage bulbs (about 15 lumens or less), provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe and attractive condition.

2. Vehicular lights and all temporary emergency lighting needed by the police department and the fire protection district, or other emergency services.

3. All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.

4. All lighting required by state or federal regulatory agencies including, but not limited to, public safety lighting.

5. Licensed watercraft using normal navigation lighting.

6. Agriculture uses during normal harvesting or herding activities.

B. The zoning official may authorize additional property specific exemptions when proposed outdoor lighting does not conflict with the purposes of this chapter. An application for such an exemption must be made in writing and include an outdoor lighting plan pursuant to section 9-14-5 of this chapter. Temporary lighting for special events shall be reviewed in this manner. (Ord. 205, 10-25-2006)

Chapter 15
PROCEDURES, APPEALS AND ACTION
9-15-1: APPLICATION; GENERAL PROCEDURES:
9-15-2: PRELIMINARY DEVELOPMENT PLAN REVIEW:
9-15-3: DATE AND NOTICE OF PUBLIC HEARING:
9-15-4: CONDUCT OF HEARINGS:
9-15-5: ACTION BY THE COMMISSION:
9-15-6: NOTIFICATION TO APPLICANT:
9-15-7: ACTION BY THE CITY COUNCIL:
9-15-8: APPEAL OR REQUEST FOR HEARING BY AGGRIEVED PERSONS:
9-15-9: ADMINISTRATIVE APPEALS:
9-15-10: JUDICIAL REVIEW:

9-15-1: APPLICATION; GENERAL PROCEDURES: The application for a variance, a conditional use permit, a planned unit development, or approval of a subdivision must include an affidavit of the owner of the property affected, agreeing to submit the application. Upon receipt or initiation of an application for an amendment of this title, a zoning map amendment (except a legislative rather than quasi-judicial revision of the zoning map), a variance, a planned unit development, or a conditional use permit, a subdivision application, or upon receipt of an appeal by aggrieved persons, the following

procedures in this chapter apply. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application is required.

Applications for vacation of plats, utility easements, and right-of-way shall be processed in accordance with idaho Code §50-1306:A. (Ord. 205, 10-25-2006, Amd. Ord 264, 09-01-2015)

9-15-2: PRELIMINARY DEVELOPMENT PLAN REVIEW: The applicant will present to the zoning official and commission, at a scheduled meeting, but a nonpublic hearing, a preliminary development plan for review and discussion. All materials to be reviewed and discussed shall be provided, or be available, to commission members at a regular scheduled meeting of the commission. (Ord. 205, 10-25-2006)

9-15-3: DATE AND NOTICE OF PUBLIC HEARING:

A. The date for public hearings shall be fixed by the commission within a reasonable time and in no event shall the date be set later than seventy five (75) days after the receipt of a complete application and all necessary documents pertinent thereto. The commission, through the zoning official, shall give public notice at least fifteen (15) days prior to the hearing date in the official newspaper of the city and provide notice by regular first class U.S. mail or personal delivery to each owner of property of record, any of which is located within three hundred feet (300') of the exterior boundary of the subject property, and to all others as required by state law to be entitled to notice. Notice may be made available to all radio stations within the county for use as a public service announcement.

B. If, during the preliminary review of the proposed project, the commission decides that a greater number of property owners, or owners within properties more than three hundred feet (300'), should be noticed, the commission will so advise the applicant of the decision and the additional notices required.

C. The applicant shall post notice conspicuously on the premises which is the subject of the application, not less than fifteen (15) days prior to the hearing date. The applicant shall provide photographic evidence of such notice to the zoning official.

D. Fees shall be paid by the applicant at the time of filing an application. Fees shall be in accordance with a fee schedule established periodically by the council by resolution. These fees shall include costs of publication, mailing fees, any application fees and other charges as may be set by the council by resolution or incurred by the city. (Ord. 205, 10-25-2006)

9-15-4: CONDUCT OF HEARINGS: The commission and/or council shall conduct all public hearings under this title as follows:

A. A sign-in roster may be kept at the entrance to the hearing room for all persons who wish to testify at the hearing on a particular application or issue.

B. The chair of the meeting shall conduct the hearing following the precepts of "Robert's Rules of Order" [as a general guide].

C. A transcribable record shall be taken and maintained, including audio and written.

D. The chair shall call upon the zoning official or staff to make preliminary presentation of facts and recommendations to the commission or council, including a summary of any comments or recommendations from other agencies.

E. The chair shall then invite the applicant to make a presentation of the proposal to the commission or council.

F. Every document or tangible thing referred to by any person during testimony (including charts, maps, photographic evidence or any other evidence) shall be entered into the record of the proceeding. Such exhibits shall be maintained at the office of the city clerk during the appeal period, and if incorporated into or referenced by a condition of approval, thereafter for as long as necessary to ensure conformance.

G. After the zoning official or staff presentation and presentation by the applicant, the chair shall open the hearing for public testimony and shall invite the public to address the commission or council. If in the opinion of the chair the number of persons testifying is so large as to unduly delay the process of the hearing, the chair may limit public testimony to three (3) minutes or such other time for each member of the public.

H. All persons testifying before the commission or council shall state, for the record, their full name and address.

I. Members of the commission, council or the attorney assigned to advise the commission or council may question any person who testified at any time or may, upon approval of a majority of the members present, recall a person for further testimony.

J. Before the close of the public testimony, the chair shall ask if any person attending the hearing who did not sign the roster wishes to be heard and any such person shall be given one opportunity to testify.

K. At the close of public testimony the chair shall solicit comments from zoning official or staff for additional facts or clarifications as a result of the testimony given. After comments from zoning official or staff, the applicant or appellant shall be given an opportunity to address final comments to the commission or council.

L. After all testimony, the chair shall declare the public hearing closed and shall bring the matter back before the commission or council for discussion and action.

Audience participation ceases at that time. The public hearing may be continued upon motion to a date certain which shall be announced to the public there assembled.

M. The discussion and decision may be deferred until another date certain which shall be then announced to the public there assembled. (Ord. 205, 10-25-2006; Amd. Ord 315, 08-18-2025)

9-15-5: ACTION BY THE COMMISSION: Within forty five (45) working days after the public hearing, the commission shall recommend to the council either approval, conditional approval, or disapproval of an application; or, in the case of preliminary approval of a subdivision plat, make its decision to approve or not to approve such plat, with or without conditions. Upon making a recommendation, granting or denying an application, the commission shall specify in the minutes, and forward to the council, findings of fact and conclusions of law which shall include:

A. The ordinance and standards used in the evaluation of the application;

B. The manner in which the applicant complies or does not comply with the standards used in evaluating the application;

C. The reasons for the recommendation upon, or approval or denial of the application; and

D. The conditions, if any, upon which a recommendation or an approval was made. (Ord. 205, 10-25-2006)

9-15-6: NOTIFICATION TO APPLICANT: Within twenty (20) working days after a recommendation has been made or a decision has been rendered, the zoning official shall provide the applicant with written notice of the action. (Ord. 205, 10-25-2006)

9-15-7: ACTION BY THE CITY COUNCIL:

A. If a hearing before the council is required, notice shall be given to the public at least fifteen (15) calendar days prior to the hearing date, by publication, in the official newspaper of the city.

B. The council, through the zoning official, shall provide notice by regular first class U.S. mail or personal delivery to each owner of property of record, any of which is located within three hundred feet (300') of the exterior boundary of the subject property, and to all others as required by state law to be entitled to notice. Notice may be made available to all radio stations within the county for use as a public service announcement.

C. The applicant shall post notice conspicuously on the premises which is the subject of the application, not less than fifteen (15) days prior to the hearing date. The applicant shall provide photographic evidence of such notice to the zoning official.

D. When a second hearing is required under any circumstances, the applicant shall pay a second filing fee, in addition to the postage and publication fees for the second hearing.

E. If an amendment to the zoning map or a planned unit development is proposed with respect to lands in the impact area, and the action proposed would be of legislative, rather than quasi-judicial scope as those terms are understood in land use planning law, then final action must also include approval of the amendment or proposal by the board, whether by identical county ordinance or by county ordinance referring to the city ordinance, after public hearing conducted jointly with the council. Nothing in this subsection shall be read to preclude approval by both council and board where doubt exists as to the legislative or quasi-judicial character of a particular action respecting the zoning map or planned unit development. (Ord. 205, 10-25-2006)

9-15-8: APPEAL OR REQUEST FOR HEARING BY AGGRIEVED PERSONS:

A. An aggrieved person may appeal a commission decision, by filing a notice of appeal in writing with the city clerk no later than ten (10) days after the commission action. When such notice of appeal or request is received, proceedings before the council shall be on the record made below. A notice of appeal shall set out with particularity the decision or part thereof from which the appeal is being taken, and whether or not facts found by the commission are disputed by appellant. Mere recommendations by the commission are not appealable.

B. The council shall put the matter down on its agenda upon a date certain for the consideration of written and oral arguments; notice of such hearing shall be provided to appellant no later than fifteen (15) days before the hearing; should appellant desire to file written arguments, appellant shall do so no later than seven (7) days prior to the hearing.

C. After the hearing has been held, the council may:

1. Grant or deny the appeal or the permit; or

2. Delay such decision for no longer than sixty (60) days for further study or hearing; provided, however, that the council must render a decision no later than sixty (60) days from the date of the hearing. (Ord. 205, 10-25-2006)

9-15-9: ADMINISTRATIVE APPEALS: A person aggrieved by a decision by the zoning official under this title may appeal such decision to the commission. (Ord. 205, 10-25-2006)

9-15-10: JUDICIAL REVIEW: A person aggrieved by a decision under this title may, after all remedies have been exhausted under local ordinances, seek judicial review

under the procedures provided by sections 67-5215(b) through (g) and 67-5216, Idaho Code. (Ord. 205, 10-25-2006)

Chapter 16
DESIGN REVIEW
9-16-1: GENERAL:
9-16-2: DESIGN APPROVAL:
9-16-3: PERMITS:
9-16-4: PROCESS:
9-16-5: APPLICATION:
9-16-6: CRITERIA:
9-16-7: SIDEWALKS, CURBS AND GUTTERS:
9-16-8: APPEAL:

9-16-1: GENERAL: This chapter specifies the process whereby the city incorporates the design guidelines for all new construction and remodeling of structures, landscaping, lighting, and public amenities within the city and the impact area. (Ord. 205, 10-25-2006)

9-16-2: DESIGN APPROVAL: No person shall build or develop a commercial, industrial, public or semi-public project (including private clubhouses or recreational facilities), any multi-family residential project, any single-family dwelling unit with living area greater than two thousand five hundred (2,500) square feet, or any sign, within the city of Greenleaf, without first preparing and presenting the information required by this chapter and receiving design review approval. Additionally, no person shall substantially remodel or alter the exterior of any such project prior to meeting the requirements of this chapter. Although not subject to formal design review, all other residential dwelling units shall also meet the requirements of the design guidelines. All projects to which this chapter applies shall be reviewed by the zoning official or by the commission as follows:

A. Authority Of The Zoning Official: The zoning official has the authority to recommend for approval or denial certain applications for design review that the zoning official determines will have no substantial impact on adjacent properties or on the community at large, subject to recommendation of approval or denial by the commission. Such recommendation for approval or denial shall specify the ordinance and standards used in evaluating the application; the reasons for the approval or denial; and recommended conditions, if any. Applications reviewed by the zoning official and placed on the commission's agenda may include, but are not limited to, building heights greater than thirty feet (30') in any residential district, additions under five hundred (500) square feet, facade and exterior finish changes and changes to the color and type of roofing materials.

B. Authority Of The Commission: The zoning official shall present complete applications for approval or denial to the commission. The commission will review and recommend approval, denial, or condition to the project. A public hearing may be held on the application at the discretion of the commission.

C. Final Action Of The City Council: Design review recommendation by the commission will be placed on the consent agenda for the city council's final decision.

D. Exceptions:

1. Any application within a residential zone which is subject to a subdivision design approval, and for which the design guidelines of the subdivision have been reviewed and accepted by the city, shall show evidence of design approval by the authority of the subdivision prior to the granting of a building permit. Absent such evidence, the applicant shall proceed under the procedures below.

2. Accessory Dwelling Units are exempt from design review. (Ord. 205, 10-25-2006; Amd. Ord. 278, 04/03/2018)

9-16-3: PERMITS: No permits shall be issued by the zoning official or building official of the city for construction of any building, project, or other improvement requiring a permit before the demands specified by this chapter are met and approval is granted. (Ord. 205, 10-25-2006)

9-16-4: PROCESS:

A. A preapplication conference with the zoning official is recommended. At this meeting, the zoning official will familiarize the potential applicant with the review process that will apply to the project and with related city regulations and review criteria that may affect the project. The applicant shall bring site specific information including conceptual drawings in order to familiarize the zoning official with the specifics of the proposal.

B. Detailed design drawings shall be submitted for final design review. All application materials must be submitted forty five (45) working days prior to scheduled meeting or noticed hearing before the planning and zoning commission. Construction plans or working drawings are not required prior to review. At this stage, the applicant must provide architectural drawings showing building materials, details or windows, doors and all exterior features as set forth in this chapter and be prepared to explain how this project complies with the design guidelines. Descriptions or details of all materials proposed for the exterior of the building are required. Samples, including color chips, are recommended. A minimum scale of one-eighth inch to one foot (1/8" = 1'0") is recommended.

C. The zoning official and other city staff shall review all projects ensuring conformance with the underlying zone requirements, improvement standards and design review guidelines.

D. Public notice in accordance with Idaho Code 67-6509 must be provided in those cases where a hearing before the commission is to be held.

E. The project is reviewed by the zoning official or the commission. The reviewing body will approve, deny or conditionally approve the applicant's request based on criteria outlined in section 9-16-6 of this chapter.

F. In order for a building permit to be issued, final construction drawings must be reviewed and approved by the building department. Application for a building permit must occur within one year of design review approval. The expiration date may be extended once, for an additional six (6) months, upon written request to the zoning official. Such request must be received prior to the expiration date. The commission shall review and approve or deny the request for extension. (Ord. 205, 10-25-2006)

9-16-5: APPLICATION: The following information is required forty five (45) working days before the project can be reviewed by the planning and zoning commission. Applications for review by the commission shall include any or all of the following information, as requested by the planning staff. All design review plans and drawings for public projects, industrial, commercial projects, multi-family and residential projects or a residential dwelling with living area greater than two thousand five hundred (2,500) square feet, shall be prepared by an Idaho licensed architect, a licensed architect of another state which has a reciprocal agreement with Idaho, or other appropriate licensed professional.

A. The project name.

B. The specific location of the project.

C. Fifteen (15) copies, prepared in a professional manner, showing at a minimum the following:

1. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area.

2. Site plan, to scale, showing proposed parking, loading, and general circulation.

3. Evidence of subdivision design review specifications in force and approval granted by the city.

4. Detailed elevations of all sides of the proposed building and other exterior elements.

5. Sign plan.

6. Landscaping plan.

7. Exterior lighting plan, pursuant to chapter 14 of this title.

8. Floor plan.

9. Utilities plan.

10. Drainage plan.

These plans may be combined on the same sheets.

D. Applicant name(s) and representative (if any).

E. Other information as required by the zoning official or the commission.

F. Payment of fees. (Ord. 205, 10-25-2006)

9-16-6: CRITERIA:

The commission shall determine the following before approval is given:

A. The project is in general conformance with the comprehensive plan.

B. The project does not jeopardize the health, safety or welfare of the public.

C. The project conforms to the applicable specifications outlined in the city of Greenleaf design guidelines, incorporated by reference herein, as well as all other applicable requirements of any zoning ordinance and subdivision ordinance, adopted by the city of Greenleaf. (Ord. 205, 10-25-2006)

9-16-7: SIDEWALKS, CURBS, AND GUTTERS: Sidewalks shall be required improvements for projects requiring design review approval in the commercial zones, or other districts where existing sidewalk adjoins the subject property, or where the commission determines sidewalks are necessary for public safety. Sidewalks (and curb and gutter where required) shall meet the standards set forth in this code. (Ord. 205, 10-25-2006)

9-16-8: APPEAL: Any aggrieved applicant may petition the city council for a hearing to review the actions of the commission. (Ord. 205, 10-25-2006)

Chapter 17
ENFORCEMENT
9-17-1: GENERAL:
9-17-2: COMPLIANCE BY ISSUERS OF PERMITS:
9-17-3: DETECTION OF VIOLATION:
9-17-4: ENFORCEMENT OF SUBDIVISION PLATS:
9-17-5: SALE OF LOTS VIOLATION:
9-17-6: CITY ENFORCEMENT:
9-17-7: CIVIL AND CRIMINAL ENFORCEMENT:
9-17-8: INVESTIGATIONS:
9-17-9: PENALTIES:

9-17-10: ELECTION OF REMEDIES:

9-17-1: GENERAL: The enforcement of this chapter shall apply equally to each person and property in similar circumstances; it shall not, however, be a defense to any particular enforcement action, that some one or more other persons or properties similarly situated are not the subject of enforcement action. (Ord. 205, 10-25-2006)

9-17-2: COMPLIANCE BY ISSUERS OF PERMITS: All departments, officials, and public employees of the city vested with the duty or authority to issue permits, shall conform to the conditions of this title, and shall issue no permit, certificate, or license for the use of land, buildings, or purposes, in conflict with the provisions of this title and such permit, certificate, or license issued in conflict with the provisions of this title shall be null and void ab initio. (Ord. 205, 10-25-2006)

9-17-3: DETECTION OF VIOLATION: The building official may periodically research the county assessor's records and perform the necessary investigation to detect any violations of this title. (Ord. 205, 10-25-2006)

9-17-4: ENFORCEMENT OF SUBDIVISION PLATS: No subdivision plat required by this title or the Idaho Code shall be admitted to the public land records of the county or recorded by the county recorder, until such subdivision plat has received final plat approval by the council. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this title until the final plat has received approval by the council. (Ord. 205, 10-25-2006)

9-17-5: SALE OF LOTS VIOLATION: No person shall dispose of nor offer for sale any lots, tracts and/or parcels of land, nor shall any person divide any original lot, tract or parcel of land nor effect any lot line adjustment of any lot, tract or parcel of land in the city until the final plat thereof had been duly acknowledged and recorded, and/or the lot split and/or lot line adjustment had been duly certified by the city as is required by the provisions of this title. (Ord. 205, 10-25-2006)

9-17-6: CITY ENFORCEMENT: Whenever it appears to any person, including, but not limited to, the building official, community development staff, commission members, the council, the Canyon County prosecuting attorney, city attorney, Canyon County sheriff, or city police that any person is engaging in or about to engage in an act or practice violating any provisions of this title, the person should orally or in writing notify the zoning official or the zoning official's office. The zoning official, with the assistance of staff, the appropriate law enforcement agency, and attorney, shall cause an investigation to be made of the alleged violation, as the zoning official deems advisable under the circumstances.

A. The zoning official or the zoning official's staff, or the appropriate law enforcement agency, has the authority to:

1. Conduct a program of continuing surveillance and of regular or periodic inspection of potential or actual violations.

2. Enter, at all reasonable times after an application for a building permit or for a permit under this title has been received, upon any private or public property for the purpose of inspecting it or to ascertain whether there is or has been a violation of this title, a permit, or other ordinances relating hereto.

B. If an investigation discloses that there is a basis for believing that a violation exists, the zoning official, or the appropriate law enforcement agency, may follow the following procedure, unless the zoning official, in his discretion, determines that prompt criminal prosecution or authorization of prompt civil action is required:

1. Issue and serve upon the person alleged to have violated this ordinance a written notice. This notice shall specify the provision of the ordinance, variance or permit which has been violated; the extent and manner in which the ordinance, variance or permit has been violated, and the procedure for the person to contest the allegation. A copy of this notice shall be delivered to the city attorney.

2. If a hearing is requested by the person in writing within seven (7) days of the service of the notice, then the zoning official shall schedule a settlement conference with said person within thirty (30) days from the time that the zoning official has been served with said request for a hearing. The zoning official shall also schedule within sixty (60) days a hearing before the council on said notice.

3. If the allegations of the notice cannot be resolved in the above mentioned settlement conference, the matter shall be submitted for hearing before the council. If the matter can be resolved, then the agreement shall be accepted or rejected by the council.

4. The conduct of the hearing on the notice shall be as set forth in chapter 15 of this title.

5. The council shall render its decision within thirty (30) working days from the date of the hearing.

C. If the preventive or corrective measure is not taken in accordance with the settlement agreement or order of the council, then the person in violation of said agreement, or order of the council shall be liable for a civil penalty not to exceed one thousand dollars ($1,000.00) per day beginning with the time fixed for the taking of the preventive or corrective measure set forth in the agreement or order of the council.

D. If the circumstances of the violation of the ordinance, permit, or variance constitute an emergency creating conditions of immediate danger to the public health, safety, welfare or to the quality of the environment, the zoning official

shall immediately notify the council and the appropriate attorney. The council may institute a civil action for immediate injunction to seek any relief deemed appropriate under the circumstances as well as a civil penalty not to exceed one thousand dollars ($1,000.00) per day.

E. The zoning official shall consider in any imposition of a civil penalty the following factors:

1. The nature of the violation.

2. Whether the violation was disclosed to the zoning official or staff prior to its detection.

3. Whether the violation was corrected without zoning official or staff action.

4. The cost of enforcing and investigating the violation.

5. Whether the violation was an isolated occurrence or a multiple offense.

6. Whether there is an undue risk of future violations during the remaining construction phase of the permit.

7. Whether a fine under the circumstances would serve as a deterrent to this person or other persons similarly situated.

8. Whether there were grounds tending to excuse or justify the violation.

9. Whether the person was cooperative and willing to correct the violation.

F. Nothing in this chapter or this section shall preclude the council from any other legal or equitable remedy available. (Ord. 205, 10-25-2006)

9-17-7: CIVIL AND CRIMINAL ENFORCEMENT: Nothing in this title respecting notice and administrative process or any other matter shall preclude the council or board from instituting any cause of action against any person for any relief legally available under the circumstances, nor preclude the city attorney or the Canyon County prosecuting attorney from commencing criminal enforcement at the request of the zoning official. (Ord. 205, 10-25-2006)

9-17-8: INVESTIGATIONS: Any applicant for a variance, conditional use, planned unit development, or zone map amendment, by filing the related application consents to inspection of the subject property by the zoning official or the zoning official's staff at all reasonable times, and by the commission during and in the context of a hearing, for the purpose of ascertaining the completeness and accuracy of factual assertions in the application; and any person claiming the benefit of an approved variance or conditional use consents to inspection of the subject property by the zoning official or the zoning official's staff at all reasonable times for the purpose of inspecting or investigating

whether or not the property and use are in compliance with conditions of approval and this title. (Ord. 205, 10-25-2006)

9-17-9: PENALTIES:

A. Criminal penalties shall be as follows:

1. Each violation of this title, or of the conditions of approval of a variance, planned unit development, subdivision, or conditional use, and each day of each such violation, shall be considered a separate criminal offense.

2. Each person acting as a principal, and each person acting as an agent, violating this title, or the conditions of approval of a variance, planned unit development, subdivision or conditional use, shall be responsible for the criminal offense.

3. Noncompliance with the provisions of this title may be cited as an infraction as provided in Greenleaf Code §1-4-1.

B. Civil penalties shall be as follows:

1. Each violation of this title, or of the conditions of approval of a variance, planned unit development, or conditional use, and each day of each such violation, shall be considered a separate civil offense.

2. Each person acting as a principal, and each person acting as an agent, violating this title, or the conditions of approval of a variance, planned unit development, or conditional use, shall be responsible for the civil offense.

3. Each civil offense shall be punishable by a civil penalty not to exceed one thousand dollars ($1,000.00) per day or per violation, whichever is greater.

4. The city, and if the property is located in the impact area, Canyon County also, shall be entitled to recover, in any action for a civil penalty, the actual costs of investigation, enforcement, and mitigation, together with interest, court costs, and attorney fees at the prevailing hourly rate, notwithstanding that the city attorney and Canyon County prosecuting attorneys may be salaried, at the option of the city or county, as the case may be. (Ord. 205, 10-25-2006; Amd Ord #300, 03-14-2023)

9-17-10: ELECTION OF REMEDIES: The city attorney or Canyon County prosecuting attorney has the discretion to enforce this title either criminally or civilly. (Ord. 205, 10-25-2006; Amd Ord #300, 03-14-2023)

Title 10
FIRE DISTRICT INTERGOVERNMENTAL AGREEMENT DEVELOPMENT IMPACT FEES

Chapter 1
SHORT TITLE, APPLICABILITY, BINDINGS AND PURPOSE

10-1-1: SHORT TITLE
10-1-2: AUTHORITY
10-1-3: APPLICABILITY
10-1-4: FINDINGS
10-1-5: PURPOSE
10-1-6: ADVISORY COMMITTEE / CAPITAL IMPROVEMENTS PLAN

10-1-1: SHORT TITLE

This title shall be known and may be cited as the *Fire District Intergovernmental Agreement Development Impact Fees Ordinance*.

10-1-2: AUTHORITY

This ordinance is enacted pursuant to the City of Greenleaf's (the "City") general police powers, its authority to enact ordinances, and its authority as provided by the Idaho Development Impact Fee Act codified at Chapter 82 of Title 67, Idaho Code (the "Act") and other applicable laws of the state of Idaho to impose, collect development impact fees pursuant to its authority to enter into an intergovernmental agreement as provided for in IC § 67-8204A. (Ord #302, 06-13-2023)

10-1-3: APPLICABILITY

Except as otherwise exempted in section 10-5-1, these provisions shall apply to the development of property located within the boundaries of the City of Greenleaf, Idaho. (Ord #302, 06-13-2023)

10-1-4: FINDINGS

A Caldwell Rural Fire Protection District ("the Fire District") is a taxing district organized and existing by virtue of Chapter 14 of Title 31, Idaho Code, and the Fire District's boundaries include all areas within the City limits of the City and areas surrounding the City; and

B The Fire District's duty and responsibility is to provide protection of property against fire and the preservation of life, and enforcement of any of the fire codes and other rules that are adopted by the state fire marshal; and provide for the protection and preservation of life; and

C The City is experiencing considerable growth and development; and

D The purposes of the Act [IC § 67-8202] are as follows:

1. Ensure that adequate Public Facilities are available to serve new growth and development;

2. Promote orderly growth and development by establishing uniform standards by which local governments, such as the City and the Fire District, may require those who benefit from new growth and development pay [development impact fees] their Proportionate Share of the costs of new Public Facilities needed to serve that new growth and development; and

3. Establish minimum standards for adoption of development impact fee ordinances by cities; and

4. Ensure that those who benefit from new growth and development are required to pay no more than their Proportionate Share of the cost of Public Facilities needed to serve that new growth and development and to prevent duplicate and ad hoc Development Requirement s; and

5. To empower cities to adopt ordinances to impose development impact fees.

E The Act does not authorize the Fire District to enact a development impact fee ordinance; and

F The Act does provide, pursuant to IC § 67-8204A, in circumstances where the City and a fire district are both affected by the considerable growth and Development as is occurring within the City, that the City and the Fire District may enter into an intergovernmental agreement for the purpose of agreeing to collect and expend development impact fees for System Improvements which provides for a new funding mechanism for those System Improvements Costs incurred by the Fire District to meet the demand and growth occurring within the City and which promotes and accommodates orderly growth and Development and protects the public health, safety and general welfare of the residences within the boundaries of the City.

G New growth within the City imposes and will impose increasing and excessive demands upon the Fire District's existing capital facilities.

H New growth within the City is expected to continue, and will place ever-increasing demands on the Fire District to provide and expand its capital facilities to serve that new growth.

I The tax revenues generated from new Development within the City often do not generate sufficient funds to provide the necessary improvements and expansion of existing Fire District Capital Facilities to accommodate for that new growth.

J Section 67-8204A of the Act authorizes the City to adopt an impact fee system and to enter into the intergovernmental agreements with the Fire District to offset, recoup, or reimburse the portion of the costs of needed improvements to its capital facilities caused by new growth and Development in the City.

K The creation of an equitable impact fee system facilitated by the Intergovernmental Agreement with the Fire District, will promote the purposes set forth in the Act, in that it would: (a) ensure that the Fire District has adequate capital facilities which are available to serve new growth and Development; (b)

promote orderly growth and Development by establishing uniform standards by which the City may require that those who benefit from new growth and Development pay a Proportionate Share of the cost of the Fire District's capital facilities needed to serve new growth and Development in the City; (c) establish minimum standards for the adoption of Fire District impact fees; (d) ensure that those who benefit from new growth and Development are required to pay no more than their Proportionate Share of the cost of the Fire District's capital facilities needed to serve new growth and Development in the City; and (e) prevent duplicate and ad hoc Development Requirement s in the City.

L The Capital Improvements Plan contains the Capital Improvements planned by the Fire District during the term of its Capital Improvements Plan, and such element has been developed in conformance with the requirements Chapter 82 of Title 67, Idaho Code.

M The Capital Improvements Plan sets forth reasonable methodologies and analyses for determining the impacts of various types of new Development on the Fire District's capital facilities, and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such facilities created by new Development.

N In accordance with Idaho Code, the Capital Improvements Plan was based on actual System Improvements Costs or reasonable estimates of such costs. In addition, the Capital Improvements Plan uses a fee calculation methodology that is net of credits for the Present Value of revenues that will be generated by new growth and Development based on historical funding patterns and that are anticipated to be available to pay for System Improvements, including taxes, assessments, user fees, and intergovernmental transfers.

O The Fire District impact fees established by this title are based on the Fire District's Capital Improvements Plan, and do not exceed System Improvements Costs to serve new Development that will pay the Fire District impact fees.

P The Fire District's capital facilities, include in the calculation of the fees in its Capital Improvements Plans, will benefit all new residential Development throughout the City, and it is therefore appropriate to treat all areas of the City as a single Service Area for purposes of calculating, collecting, and spending the Fire District's impact fees collected from Developers.

Q There is both a rational nexus and a rough proportionality between Development impacts created by each type of Development covered by this title, the development impact fees assessment of such Development covered by this title, and the development impact fees that such Developer will be required to pay.

R This title creates a system by which development impact fees paid by Developers will be used to finance, defray, or reimburse a portion of the costs incurred by the Fire District to construct and/or purchase System Improvements in ways that benefit the Development for which the development impact fee was paid within a reasonable period of time after the development impact fee is paid, and in conformance with IC § 67-8210.

S This title creates a system under which development impact fees shall not be used

to correct existing deficiencies for any Fire District Capital Facilities, or to replace or rehabilitate existing Fire District Capital Facilities, or to pay for routine operation or maintenance of those facilities.

T This title creates a system under which there shall be no double payment of development impact fees, in accordance with IC § 67-8204(19).

U This title is consistent with all applicable provisions of the Act concerning development impact fee ordinances. (Ord #302, 06-13-2023)

10-1-5: PURPOSE

A This title is adopted to be consistent with, and to help implement the Capital Improvements Plan.

B The intent of this title is to ensure that new Development bears a Proportionate Share of the cost of System Improvements; to ensure that such Proportionate Share does not exceed the cost of such System Improvements required to accommodate new Development; and to ensure that funds collected from new Development are actually used for System Improvements in accordance with the Act.

C It is the further intent of this title to be consistent with those principles for allocating a fair share of the cost of System Improvements to new Development, and for adopting development impact fee ordinances, established by the Act.

D It is not the intent of this title to collect any money from any new Development in excess of the actual amount necessary to offset new demands for System Improvements created by such new Development.

E It is the intent of this title that any monies collected, as an imposed Fire District impact fee, are deposited in a separate Fire District impact fee capital projects Trust Fund account, are never commingled with monies from a different impact fee account, are never used for a development impact fee component different from that for which the fee was paid, are never used to correct current deficiencies in the Fire District's capital facilities, and are never used to replace, rehabilitate, maintain or operate any Fire District Capital Facilities. (Ord #302, 06-13-2023)

10-1-6: ADVISORY COMMITTEE/ CAPITAL IMPROVEMENTS PLAN

A The City has formed an advisory committee as required by IC § 67-8205, and the committee has performed the duties required of it pursuant to IC §§ 67-8205 and 67-8206(2). The City, and the Fire District intend that the committee will continue to exist and perform those duties identified in IC § 67-8205 that occur following the adoption of this Development Impact Fee Ordinance.

B The Fire District has planned for the improvement of that District's fire prevention and EMS services capital facilities in the Capital Improvements Plan.

C The creation of an equitable impact fee system would enable the City to

accommodate new Development, and would assist the Fire District in implementing its Capital Improvements element of the Capital Improvements Plan.

D In order to implement an equitable impact fee system for the Fire District's fire prevention and EMS facilities, the City adopted by resolution and the Fire District Board of Commissioners adopted by resolution the *Caldwell Rural Fire Protection District Impact Fee Study and Capital Improvements Plan* (the "Fire District Capital Improvements Plan"). Galena Consulting was hired by the Fire District to assist the advisory committee in the preparation of the study.

E The methodology used in the Fire District Capital Improvements Plan, as applied through this title, complies with all applicable provisions of Idaho law, including those set forth in IC §§ 67-8204(1), (2), (16) and (23), 67-8207 and 67-8209. The incorporation of the Capital Improvements Plan by reference satisfies the requirement in IC § 67-8204(16) for a detailed description of the methodology by which the District Impact Fees were calculated, and the requirement in IC § 67-8204(24) for a description of acceptable levels of service for the District's System Improvements.

F In determining the Proportionate Share of the District's System Improvements Costs, the Capital Improvements Plan has considered:

1. the cost of the existing System Improvements; and
2. the means by which the existing System Improvements have been financed; and
3. the extent to which the new Development will contribute to System Improvements Costs through taxation, assessment, or Developer or landowner contributions, or has previously contributed to System Improvements Costs through Developer or landowner contributions; and
4. the extent to which the new Development is required to contribute to System Improvements Costs in the future; and
5. the extent to which the new Development should be credited for providing System Improvements, without charge to other properties within the Service Area or areas; and
6. Extraordinary Costs, if any, incurred in serving the new Development; and
7. the time and price differential inherent in a fair comparison of fees paid at different times; and
8. the availability of other sources of funding System Improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation and includes a plan for alternative sources of revenue. (Ord #302, 06-13-2023)

Chapter 2
DEFINITIONS

10-2-1: DEFINITIONS

As used in this title, the following words and terms shall have the following meanings, unless another meaning is plainly intended and words and terms appearing in the singular number includes the plural and the plural the singular:

ACCOUNTS shall mean any of one or more interest bearing accounts within the District Development Impact Fee Capital Projects Trust Fund established in section 10-11-1 of this title.

ADVISORY COMMITTEE shall mean the City of Greenleaf Development Impact Fee Advisory Committee formed and staffed by the City and the District pursuant to IC § 67-8205 to prepare and recommend the Capital Improvements Plan and any amendments, revisions or updates of the same.

ACT shall mean the Idaho Development Impact Fee Act as set forth in Chapter 82 of Title 67, Idaho Code.

APPROPRIATE shall mean to legally obligate by contract or otherwise commit to the expenditure of funds by appropriation or other official act of the board of commissioners.

BUILDING PERMIT shall mean the City permit required for foundations, new construction and additions.

CAPITAL IMPROVEMENTS shall mean improvements with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of District Capital Facilities.

CAPITAL IMPROVEMENTS ELEMENT shall mean a component of the Capital Improvements Plans identified in the Fire District's CIP adopted by its governing board and the City Council pursuant to Chapters 65 and 82 of Title 67, Idaho Code, and as amended, which component meets the requirements of the Capital Improvements Plan required by the Act.

CAPITAL IMPROVEMENTS PLAN shall mean the Caldwell Rural Fire Protection District Impact Fee Study and Capital Improvements Plan, which has been recommended by the Advistory Committee and adopted by the Fire District's Board of Commissioners and the City Council pursuant to the act that identifies the Fire District Capital Facilities for which the Fire District's impact fees may be used as a funding source.

CITY shall mean the City of Greenleaf.

CITY COUNCIL shall mean the City Council of the City of Greenleaf.

DEVELOPER shall mean any person or legal entity undertaking Development including a Development that seeks an annexation into the City and/or undertakes the subdivision of property pursuant to IC §§ 50-1301 through 50-1334, as amended.

DEVELOPMENT shall mean any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for Public

Facilities or the annexation into the City and/or subdivision of property that would permit any change in the use, character or appearance of land.

DEVELOPMENT APPROVAL shall mean any written duly authorized document from the City which authorizes the commencement of a Development.

DEVELOPMENT IMPACT FEE CAPITAL PROJECTS TRUST FUND (the "TRUST FUND") shall mean the Caldwell Rural Fire Protection District Development Impact Fee Capital Trust Fund which will include individual impact fee capital projects Trust Fund accounts as established by action of the Fire District's board of commissioners.

DEVELOPMENT REQUIREMENT shall mean a requirement attached to a developmental approval or other City governmental action approving or authorizing a particular Development Project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land or money as condition of approval.

DISTRICT ADMINISTRATOR shall mean the impact fee administrator appointed by the Caldwell Rural Fire Protection District Impact Fee Administrator as established by its Board of Commissioners.

DISTRICT CAPITAL FACILITIES shall mean Fire District facilities, stations, apparatus, vehicles and equipment which are identified in the Capital Improvement Plan, and specifically including those related costs including System Improvements Costs, but not including maintenance, operations, or improvements that do not expand their capacity.

DISTRICT shall mean the Fire District.

DISTRICT IMPACT FEES shall mean a payment of money imposed as condition of Development Approval to pay for a Proportionate Share of the Fire District's costs of System Improvements needed to serve the Development. The term does not include the following:

- A charge or fee to pay the administrative plan review, or inspection cost associated with permits required for Development;
- Connection or hookup charges;
- Availability charges for drainage, sewer, water or transportation charges for services provided directly to the Development; or
- Amounts collected from a Developer in a transaction in which the Fire District has incurred expenses in constructing Capital Improvements for the Development if the owner or Developer has agreed to be financially responsible for the construction or installation of those Capital Improvements, unless a written agreement is made, pursuant to IC § 67-8209(3) as amended, for credit or reimbursement.

EXTRAORDINARY COSTS shall mean those costs incurred as result of an Extraordinary Impact.

EXTRAORDINARY IMPACT shall mean an impact which is reasonably determined by the Fire District Administrator to: (i) result in the need for District System Improvements, the cost of which will significantly exceed the sum of the Development

impact fees to be generated from the Project or the sum agreed to be paid pursuant to a Development agreement as allowed by IC § 67-8214(2), as amended; or (ii) result in the need for District System Improvements which are not identified in the Capital Improvements Plan.

FEE PAYER shall mean the person who pays or is required to pay a Fire District impact fee. A Fee Payer may include a Developer.

FIRE DISTRICT shall mean the Caldwell Rural Fire Protection District, a fire district organized and existing by virtue of the Fire Protection District Law, Chapter 14 of Title 31, Idaho Code.

FIRE DISTRICT BOARD OF COMMISSIONERS shall mean the board of commissioners of the Caldwell Rural Fire Protection District, which is its governing board.

INTERGOVERNMENTAL AGREEMENT shall mean the City of Greenleaf/Caldwell Rural Fire Protection District Intergovernmental Agreement and Joint Powers Agreement For The Collection And Expenditure of Development Impact Fees For Fire District System Improvements entered into by and between the City and the Fire District pursuant to I.C. § 67-8204A for the collection and expenditure of impact fees established pursuant to this title.

LAND USE ASSUMPTIONS shall mean a description of the service area and projections of land uses, densities, intensities and population in the service area over at least a ten-year period.

LEVEL OF SERVICE shall mean a measure of the relationship between service capacity and service demand for Public Facilities.

MANUFACTURED/MOBILE HOME shall mean a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in such structure, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. §§ 5401 et seq.

MODULAR BUILDING shall mean any building or building component other than a Manufactured/Mobile Home, which is constructed according to the International Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

PRESENT VALUE shall mean the total current monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money.

PROJECT shall mean a particular Development on an identified parcel of land.

PROJECT IMPROVEMENTS, in contrast to System Improvements, shall mean site improvements and facilities that are planned and designed to provide service for a particular Development Project and that are necessary for the use and convenience of the occupants or users of the Project.

PROPORTIONATE SHARE shall mean that portion of System Improvements Costs determined pursuant to I.C. § 67-8207 which reasonably relates to the service demands and needs of the Project.

PUBLIC FACILITIES shall mean land, buildings and equipment used for fire protection, emergency medical and rescue, and water supply production, storage and distribution facilities which have a useful life of ten (10) years or more.

RECREATIONAL VEHICLE shall mean a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

SERVICE AREA shall mean any defined geographic area within the City as identified by the Fire District in which specific Public Facilities provide service to Development within the areas defined, on the basis of sound planning or engineering principles or both. For purposes of this title, there shall be one Service Area encompassing all of the City of Greenleaf.

SERVICE UNIT shall mean a standardized measure of consumption, use, generation or discharge attributable to an individual unit of Development calculated in accordance with generally accepted engineering or planning standards for a particular category of Capital Improvements. As specifically used in this title, Service Units include dwelling units as defined in City code and square feet of nonresidential Development.

SYSTEM IMPROVEMENTS, in contrast to Project Improvements, shall mean Capital Improvements to Public Facilities which are designed to provide service to a Service Area. For the purpose of this title, System Improvements are for Fire District's fire prevention capital facilities.

SYSTEM IMPROVEMENTS COSTS shall mean costs incurred for construction or reconstruction of System Improvements, including design, acquisition, engineering and other costs, and also including, without limitation, the type of costs described in I.C. § 50-1702(h), as amended, to provide additional Public Facilities needed to service new growth and development. For clarification, System Improvements Costs do not include:

- Construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plan;
- Improvements, repair, operation or maintenance of existing or new capital;
- Upgrading, updating, expanding or replacing existing Capital Improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- Upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing development;

- Administrative and operating costs of the Fire District and/or the City unless such costs are attributable to development of the Capital Improvements Plan, as provided in I.C. § 67-8208, as amended; and
- Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the District to finance Capital Improvements identified in the Capital Improvements Plan. (Ord #302, 06-13-2023)

CHAPTER 3
SERVICE AREA AND IMPOSITION OF CALDWELL RURAL FIRE PROTECTION DISTRICT DEVELOPMENT IMPACT FEES

10-3-1: ESTABLISHMENT OF THE DISTRICTS' SERVICE AREA
10-3-2: IMPOSITION OF DISTRICT IMPACT FEES
10-3-3: DISTRICT IMPACT FEES SCHEDULES
10-3-4: DEVELOPER'S ELECTION
10-3-5: PROCEDURES

10-3-1: ESTABLISHMENT OF THE DISTRICTS' SERVICE AREA
There is hereby established a Service Area of the Caldwell Rural Fire Protection District which includes all lands within the boundaries of the City which are also within the boundaries of the District. (Ord #302, 06-13-2023)

10-3-2: IMPOSITION OF DISTRICT IMPACT FEES

The Fire District Impact Fees are hereby imposed on all new Development in the City of Greenleaf, Idaho. (Ord #302, 06-13-2023)

10-3-3: DISTRICT IMPACT FEES SCHEDULES

A The District Impact Fees shall be calculated in accordance with the Fire District's fee schedule set forth the Capital Improvements Plan providing for standard fees based on the total number of dwelling units or square feet of nonresidential space in the Development, unless:

1. The Fee Payer requests an individual assessment pursuant to section 10-6-1 of this title; or
2. The City and the District find the Development will have an Extraordinary Impact pursuant to section 10-9-1 of this title. The methodology for determining the costs per Service Unit provided for in the fee schedule is set forth in the Capital Improvements Plan.

B Fire District Fire Prevention Impact Fees:

Residential (per unit)	$665.00
Non-Residential (per square foot)	$ 0.33

(Ord #302, 06-13-2023)

10-3-4: DEVELOPER'S ELECTION

A Developer shall have the right to elect to pay a Project's Proportionate Share of System Improvements Costs by payment of District Impact Fees according to the fee schedule as full and complete payment of the Development Project's Proportionate Share of System Improvements Costs, except as provided in IC § 67-8214(3), as amended. (Ord #302, 06-13-2023)

10-3-5: PROCEDURES

A *Building Permit*. Upon submittal of complete Building Permit plans for the Development to the City, the City shall calculate the District Impact Fees for the Development in accordance with the District Impact Fee Schedule (section 10.3.3 (B) (C)) unless the Fee Payer requests an individual assessment or is the subject of a credit or a District Administrator determines that the Development may have Extraordinary Impact.

B *Exemption*. An exemption pursuant to section 10-5-1 of this title must be claimed by the Fee Payer upon application for a Building Permit or manufactured home installation permit. Any exemption not so claimed shall be deemed waived by the Fee Payer. (Ord #302, 06-13-2023)

CHAPTER 4
COLLECTION OF DISTRICT IMPACT FEES

10-4-1: CERTIFICATION
10-4-2: PAYMENT AND RECEIPT OF DISTRICT IMPACT FEES.

10-4-1: CERTIFICATION

Certification. After the District Impact Fees due for a proposed Development have been calculated by the City pursuant to the District Impact Fees schedules pursuant to section 10-3-3 or by a District Administrator using the individual assessment process, the Fee Payer may request from the City or the District Administrator a certification of the amount of District Impact Fees due for that Development. Within thirty (30) days after receiving such request, the City or the District Administrator shall issue a written certification of the amount of the District Impact Fees due for the proposed Development. Such certification shall establish the District Impact Fees so long as there is no material change to the particular Project as identified in the individual assessment application, or the impact fees schedule set forth in a Capital Improvements Plan. The certification shall include an explanation of the calculation of the District Impact Fees including an explanation of factors considered under Idaho Code Section 67-8207 and shall also specify the system improvement(s) for which the District Impact Fees are intended to be used. If the District Impact Fees are calculated by the City pursuant to the fee schedule, the City shall provide the certification to the Fee Payer and the District Administrator. If

the District Impact Fees are determined the District Administrators following an individual assessment of the fee, the District Administrators shall provide the certification to the Fee Payer and the City. (Ord #302, 06-13-2023)

10-4-2: PAYMENT AND RECEIPT OF DISTRICT IMPACT FEES.

The District Impact Fees shall be paid to the City at the following times:

A If a Building Permit or Manufactured/Mobile Home installation permit is required, then at the time before the permit is issued;

B If no Building Permit or Manufactured/Mobile Home installation permit is required, then at the time that construction commences; or

C At such other time as the Developer and the District have agreed upon in writing with notice to the City.

D All District Impact Fees paid to the City shall then be delivered to the District Administrator on a once-a-month basis.

E In the event District Impact Fees are paid to the District, then the District Administrator shall immediately notify the City of said payment. (Ord #302, 06-13-2023)

CHAPTER 5
EXEMPTIONS

10-5-1: EXEMPTIONS
10-5-2: EXEMPTION CLAIM PROCESS

10-5-1: EXEMPTIONS
The provisions of this title shall not apply to the following:

A Rebuilding the same amount of floor space of a structure which is destroyed by fire or other catastrophe, provided the structure is rebuilt and ready for occupancy within two (2) years of its destruction;

B Remodeling or repairing a structure which does not increase the number of Service Units;

C Replacing a residential unit, including a Manufactured/Mobile Home, with another residential unit on the same lot; provided that, the number of Service Units does not increase;

D Placing a temporary construction trailer or office on a lot;

E Constructing an addition on a residential structure which does not increase the number of Service Units;

F Adding uses that are typically accessory to residential uses, such as tennis court or a clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of System Improvements; or

G The installation of a Modular Building, Manufactured/Mobile Home or Recreational Vehicle if the Fee Payer can demonstrate by documentation such as utility bills and tax records that either:

1. a Modular Building, Manufactured/Mobile Home or Recreational Vehicle was legally in place on the lot or space prior to the effective date of this title; or
2. a District Impact Fees has been paid previously for the Modular Building, Manufactured/Mobile Home or Recreational Vehicle on that same lot or space. (Ord #302, 06-13-2023)

10-5-2: EXEMPTION CLAIM PROCESS

An exemption from District Impact Fees must be claimed on the application by the Developer (Fee Payer) upon submitting their application for a Building Permit or manufactured home installation permit. Any exemption not so claimed shall be deemed waived by the Fee Payer. Applications for exemption shall be determined by the District Administrator within ninety (90) days of receipt of the claim for exemption. (Ord #302, 06-13-2023; Amd. Ord #310, 12-03-2024)

CHAPTER 6
INDIVIDUAL ASSESSMENT PROCESS

10-6-1: INDIVIDUAL ASSESSMENT PROCESS

10-6-1: INDIVIDUAL ASSESSMENT PROCESS

A In lieu of calculating the amount of the District Impact Fees pursuant to Section 10-3-3 and the Capital Improvements Plans, a Fee Payer may file a request with the City that the amount of the required District Impact Fees be determined by the District Administrator through an individual assessment for the proposed Development. A request for an individual assessment process shall involve consideration of studies, data, and any other relevant information submitted by the Fee Payer to adjust the amount of the District Impact Fees. If a Fee Payer files a request for the use of an individual assessment, the Fee Payer shall be responsible for retaining a qualified professional to prepare the individual assessment that complies with the requirements of this title, at the Fee Payer's expense. The Fee Payer shall, at the Fee Payer's expense, bear the burden of proving by clear and convincing evidence that the resulting individual assessment complies with the requirements of this title. The Fee Payer shall bear the burden of proving by clear and convincing evidence that the resulting individual assessment is a more accurate measure of its Proportionate Share of the cost of System Improvements, based on the District's adopted levels of service, than the District Impact Fees that would otherwise be due pursuant to pursuant to Section 10-3-3 and their Capital Improvements Plan.

B Each individual assessment shall be based on the same Level of Service standards and unit costs for System Improvements used in the Capital Improvements Plan,

shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.

C A request for an individual assessment shall be delivered and filed with the City at any time that the number of dwelling units in the proposed Development and the types and amounts of Development in the non-residential category identified in Section 10-3-3 and the Capital Improvements Plan as known. Upon filing of a request for individual assessment, the City shall transmit the request to the District Administrator for review. The District Administrator shall issue a written decision within thirty (30) days following receipt of a completed request for individual assessment together with all supporting information from the Fee Payer, so as not to unreasonably delay the Developer's (Fee Payer's) subsequent applications to the City for Building Permits.

D Each individual assessment request delivered to the District Administrator may then be accepted, rejected, or accepted with modifications by the District Administrator as the basis for calculating the District Impact Fees. The criteria for acceptance, rejection or acceptance with modifications shall be whether the individual assessment is a more accurate measure of demand for System Improvements element(s) created by the proposed Development, or the costs of those facilities, than the applicable fee shown in the fee schedule attached to the Capital Improvements plan.

E The decision by the District Administrator on an application for an individual assessment shall include an explanation of the calculation of the District Impact Fees, shall specify the system improvement(s) for which the District Impact Fees are intended to be used, and shall include an explanation of those factors identified in IC § 67-8207.

F If an individual assessment is accepted or accepted with modifications by the District Administrator then the District Impact Fees due under this title for such Development shall be calculated according to such individual assessment.

G The District Administrator shall provide notice of final determination of an individual assessment to the Developer (Fee Payer) and the City. (Ord #302, 06-13-2023)

CHAPTER 7
CREDITS AND REIMBURSEMENTS

10-7-1: DEVELOPER CREDITS AND REIMBURSEMENT
10-7-2: LIMITATIONS
10-7-3: VALUATION OF CREDIT AT PRESENT VALUE
10-7-4: WHEN CREDITS BECOME EFFECTIVE
10-7-5: CREDIT REQUEST PROCEDURES

10-7-1: DEVELOPER CREDITS AND REIMBURSEMENT

When a Developer or their predecessor in title or interest has constructed System Improvements of the same category as a District Capital Improvements element, or contributed or dedicated land or money towards the completion of System Improvements

of the same category as a District Capital Improvements element, and the District has accepted such construction, contribution or dedication, the District shall issue a credit against the District Impact Fees otherwise due for the same District Capital Improvements element in connection with the proposed Development, as set forth in this section, credit shall be issued regardless of whether the contribution or dedication to System Improvements was required by the District as a condition of Development Approval or was offered by the Developer and accepted by the District in writing, and regardless of whether the contribution or dedication was contributed by the Developer or by a local improvement District controlled by the Developer. (Ord #302, 06-13-2023)

10-7-2: LIMITATIONS

Credits against District Impact Fees shall not be given for:

A Project Improvements; or

B any construction, contribution or dedication not agreed to in writing by the District prior to commencement of the construction, contribution, or dedication. Credits issued for one Capital Improvements element may not be used to reduce the District Impact Fees due for a different capital improvement. No credits shall be issued for System Improvements contributed or dedicated prior to the effective date of this title. (Ord #302, 06-13-2023)

10-7-3: VALUATION OF CREDIT AT PRESENT VALUE

A *Land*. Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at the Present Value of:

1. one hundred (100) percent of the most recent assessed value for such land as shown in the records of the county assessor; or
2. that fair market value established by a private appraiser acceptable to the District in an appraisal paid for by the Fee Payer.

B *Improvements*. Credit for qualifying acquisition or construction of System Improvements shall be valued by the District at the Present Value of such improvements based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the District. The District administrator shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the District as a more accurate measure of the value of the offered System Improvements to the District. (Ord #302, 06-13-2023)

10-7-4: WHEN CREDITS BECOME EFFECTIVE

A *Land*. Approved credits for land dedications shall become effective when the land has been conveyed to the District in a form acceptable to the District, at no cost to the District, and has been accepted by the District. Upon request of the Fee

Payer, the District shall issue a letter stating the amount of credit available.

B *Improvements*. Approved credits for acquisition or construction of System Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the District, (b) a suitable maintenance and warranty bond has been received and approved by the District, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the District and the state of Idaho. Upon request of the Fee Payer, the District shall issue a letter stating the amount of credit available. (Ord #302, 06-13-2023)

10-7-5: CREDIT REQUEST PROCEDURES

A *Request*. In order to obtain a credit against District Impact Fees otherwise due, a Fee Payer shall submit to the City a written offer of request to dedicate to the District specific parcels of qualifying land or a written offer to contribute or construct specific System Improvements to the District Capital Facilities in accordance with all applicable state or City design and construction standards, and shall specifically request a credit against the type of District Impact Fees for which the land dedication or System Improvements is offered. The City shall then deliver the written offer of request to the District Administrator.

B *Review*. After receipt of the written offer of request for credit, the District Administrator shall review the request and determine whether the land or System Improvements offered for credit will reduce the costs of providing District Capital Facilities by an amount at least equal to the value of the credit. If the District Administrator determines that the offered credit satisfies that criterion and will be acceptable to the Fire District Board of Commissioners then the credit shall be issued. The District shall complete its review and determination of an application within thirty (30) days after receipt of an application for credit.

(*Credits exceeding fee amounts due*. If the credit due to a Fee Payer pursuant to sections, above, exceeds the District Impact Fees that would otherwise be due from the Fee Payer pursuant to this title (whether calculated through the fee schedule attached to the capital improvement plan or through an independent assessment), the Fee Payer may choose to receive such credit in the form of either:

1. a credit against future District Impact Fees due for the same System Improvements; or

2. a reimbursement from District Impact Fees paid by future Development that impacts the System Improvements contributed or dedicated by the Fee Payer. Unless otherwise stated in an agreement with the Fee Payer, the District shall be under no obligation to use any District funds - other than District Impact Fees paid by other Development for the same System Improvements - to reimburse the Fee Payer for any credit in excess of District Impact Fees that are due.

D *Written agreement required.* If credit or reimbursement is due to the Fee Payer

pursuant to this section, the District shall enter into a written agreement with the Fee Payer, negotiated in good faith, prior to the contribution, dedication, or funding of the System Improvements giving rise to the credit. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement, and shall have a term not exceeding ten (10) years.

E The District Administrator's determination on the written offer of request for credit shall be provided to the Fee Payer and the City. (Ord #302, 06-13-2023)

CHAPTER 8
METHODOLOGY FOR THE CALCULATION OF FIRE PREVENTION AND EMS DISTRICT IMPACT FEES

10-8-1: GENERAL PROVISIONS
10-8-2: METHODOLOGY; PROPORTIONATE METHODOLOGY
10-8-3: PROPORTIONATE SHARE DETERMINATION

10-8-1: GENERAL PROVISIONS

A *Accounting principles*. The calculation of the District Impact Fees shall be in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or Developers within the Service Area other than the Fee Payer.

B *Levels of service*. The District Impact Fees shall be calculated on the basis of levels of service for Public Facilities adopted in this title that are applicable to existing Development as well as new growth and Development. The construction, improvement, expansion or enlargement of new or existing Public Facilities for which the District Impact Fees are imposed must be attributable to the capacity demands generated by the new Development. (Ord #302, 06-13-2023)

10-8-2: METHODOLOGY; PROPORTIONATE METHODOLOGY

The District Impact Fees shall not exceed a Proportionate Share of the cost of the System Improvements determined in accordance with IC § 67-8207, as amended. District Impact Fees shall be based on actual System Improvements Costs or reasonable estimates of such costs. The amount of the District Impact Fees shall be calculated using the methodology contained in the Capital Improvements Plan. (Ord #302, 06-13-2023)

10-8-3: PROPORTIONATE SHARE DETERMINATION

A District Impact Fees shall be based on a reasonable and fair formula or method under which the District Impact Fees imposed does not exceed a Proportionate Share of the costs incurred or to be incurred by the District in the provision of System Improvements to serve the new Development. The Proportionate Share is the costs attributable to the new Development after the District consider the following:

1. Any appropriate credit, offset or contribution of money, dedication of land or construction of System Improvements;
2. Payments reasonably anticipated to be made by or as a result of a new Development in the form of user fees and debt service payments;
3. That portion of general tax or other revenues allocated by the District to System Improvements; and
4. All other available sources of funding such System Improvements.

B In determining the Proportionate Share of the cost of System Improvements to be paid by the Developer, the following factors shall be considered by the District and accounted for in the calculation of the District Impact Fees:

1. The costs of existing System Improvements within the Service Area;
2. The means by which existing System Improvements have been financed;
3. The extent to which the new Development will contribute to System Improvements Costs through taxation, assessments, or Developer or landowner contributions, or has previously contributed to System Improvements Costs through Developer or landowner contributions;
4. The extent to which the new Development is required to contribute to the cost of existing System Improvements in the future;
5. The extent to which the new Development should be credited for providing System Improvements, without charge to other properties within the Service Area;
6. Extraordinary Costs, if any, incurred in serving the new Development;
7. The time and price differential inherent in a fair comparison of fees paid at different times; and
8. The availability of other sources of funding System Improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers and special taxation. (Ord #302, 06-13-2023)

CHAPTER 9
EXTRAORDINARY IMPACTS

10-9-1: EXTRAORDINARY IMPACTS:

10-9-1: EXTRAORDINARY IMPACTS:
Determinations of Extraordinary Impacts are made as follows:

A In the event the City makes an initial determination that Development may impose Extraordinary Impact, the City shall provide the Development application to the District Administrator along with the City's initial determination. The District Administrator shall then review and determine whether or not the Development application will impose Extraordinary Impact.

B If the District Administrator determines that a proposed Development generates

Extraordinary Impact that will result in extraordinary systems improvements costs, the District Administrator will notify the Fee Payer and the City of such District Impact Fees determination within thirty (30) days after District Administrator's receipt from the City of the Development application and the City's initial determination. Such notice shall include a statement that the potential impacts of such Development on System Improvements are not adequately addressed by the Capital Improvements Plan, and that a supplemental study, at the Fee Payer's expense will be required.

C Circumstances that may lead to a determination of Extraordinary Impact include, but are not limited to:

1. an indication the assumptions used in the Capital Improvements Plan underestimate the level of activity or impact on District Capital Facilities from the proposed Development or activity.

D Within thirty (30) days following the designation of a Development with Extraordinary Impact, the District Administrator shall meet with the Fee Payer to discuss whether the Fee Payer wants to:

1. pay for the supplemental study necessary to determine the System Improvements Costs related to the proposed Development;
2. modify the proposal to avoid generating Extraordinary Impact; or
3. withdraw the application for certification, Building Permit or Development Approval.

E If the Fee Payer agrees to pay for the supplemental study required to document the proposed Development's Proportionate Share of System Improvements Costs, then the District and the Fee Payer shall jointly select an individual or organization acceptable to both to perform such study. The Fee Payer shall enter into a written agreement with such individual or organization to pay the costs of such study. Such agreement shall require the supplemental study to be completed within thirty (30) days of such written agreement, unless the Fee Payer agrees to a longer time.

F Once the study has been completed, the Fee Payer may choose to:

1. pay the Proportionate Share of System Improvements Costs documented by the supplemental study; or
2. modify the proposed Development to reduce such costs; or
3. withdraw the application. If the Fee Payer agrees to pay the System Improvements Costs documented in the supplemental study, that agreement shall be reduced to writing between the District and the Fee Payer prior to review and consideration of any application for any Development Approval or Building Permit related to the proposed Development.

G Notwithstanding any agreement by the Fee Payer to pay the Proportionate Share of System Improvements Costs documented by the supplemental study, nothing in this ordinance shall obligate the City to approve Development that results in an Extraordinary Impact to the District. (Ord #302, 06-13-2023)

CHAPTER 10
FEE PAYER REFUNDS

10-10-1: DUTY TO REFUND

10-10-1: DUTY TO REFUND

A District Impact Fees shall be refunded to the Fee Payer, or to a successor in interest, in the following circumstances:

1. Service is available but never provided;
2. A Building Permit, or permit for installation of a manufactured home, is denied by the City or abandoned;
3. The Fee Payer pays District Impact Fees under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid exceeded the Proportionate Share to which the District were entitled to receive;
4. A District collected District Impact Fees and the District failed to Appropriate or expend the collected fees pursuant to section below; or
5. Failure of a District to commence construction or encumber the fund in the development impact fee capital projects trust fund.

B Any District Impact Fees paid shall be refunded if the District has failed to commence construction of System Improvements in accordance with this title, or to Appropriate funds for such construction, within eight (8) years after the date on which such fee was collected by the District. Any refund due shall be paid to the owner of record of the parcel for which the District Impact Fees were paid. The District may hold District Impact Fees for longer than eight (8) years if the District identifies in writing and in written notice to the owner of record of the parcel:

1. a reasonable cause why the fees should be held longer than eight (8) years; and (b) an anticipated date by which the fees will be expended, but in no event greater than eleven (11) years from the date they were collected. If the District complies with the previous sentence, then any District Impact Fees so identified shall be refunded to the Fee Payer if the District fails to commence construction of System Improvements in accordance with the written notice, or to Appropriate funds for such construction on or before the date identified in such writing.

C *No refund due for subsequent reduction in size of Development or Service Units*. After District Impact Fees have been paid pursuant to this title and after a certificate of occupancy has been issued by the City, no refund of any part of such fee shall be made if the Project for which the fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the Project or the number of units in the Project.

D *Interest*. The refund shall include a refund of interest at one-half the legal rate

provided for in IC § 28-22-104 from the date on which the fee was originally paid.

E *Timing*. The District shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the owner of record of the property for which the fee was paid. When the right to a refund exists, the District shall send the refund to the owner of record within ninety (90) days after the District determines that a refund is due. (Ord #302, 06-13-2023)

CHAPTER 11
ESTABLISHMENT OF DISTRICT DEVELOPMENT IMPACT FEE CAPITAL PROJECTS TRUST FUND

10-11-1: ESTABLISHED BY DISTRICT
10-11-2: DEPOSITS

10-11-1: ESTABLISHED BY DISTRICT

The Trust Fund established by the Fire District will be maintained by the District for the purpose of ensuring that all District Impact Fees collected, pursuant to this title, are used to address impacts reasonably attributable to new Development for which the District Impact Fees are paid. The Trust Fund shall be divided into the Accounts. All funds in all Accounts in the Trust Fund shall be maintained in an interest-bearing account. The interest earned on each account pursuant to I.C. § 67-8210(1) shall not be governed by I.C. § 57-127, as amended, but shall be considered funds of the account and shall be subject to the same restrictions on uses of funds as the District Impact Fees on which the interest is generated. (Ord #302, 06-13-2023)

10-11-2: DEPOSITS

Deposit of District Impact Fees. All monies paid by a Fee Payer, pursuant to this title, shall be identified as District Impact Fees and shall be promptly deposited by the District Administrator in the appropriate account of the trust fund.

A *First-in/first-out*. Monies in each account shall be spent in the order collected, on a first-in/first-out basis.

B *Maintenance of records*. The District shall maintain and keep accurate financial records for each account that shall show the source and disbursement of all revenues, that shall account for all monies received, that shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provisions of Projects specified in the Capital Improvements Plan, and that shall provide an annual accounting for each District Impact Fee account showing the source and amount of all funds collected and the Projects that were funded. (Ord #302, 06-13-2023)

CHAPTER 12
EXPENDITURE AND SURCHARGE REIMBURSEMENT

10-12-1: EXPENDITURE ELIGIBILITY
10-12-2 SURCHARGE REIMBURSEMENT

10-12-1: EXPENDITURE ELIGIBILITY
Expenditures of District Impact Fees collected and deposited in the Trust Fund shall be made only for System Improvements within the Service Area for which the impact fee was collected in accordance with the Capital Improvements Plan. (Ord #302, 06-13-2023)

10-12-2 SURCHARGE REIMBURSEMENT

Capital Improvements Plan reimbursement; surcharge. A portion of each impact fee collected shall be designated as a surcharge for reimbursement for the cost of preparing the Capital Improvements Plan in accordance with IC § 67-8208. The surcharge shall not exceed the Development's Proportionate Share of the cost of preparing the Capital Improvements Plan. (Ord #302, 06-13-2023)

CHAPTER 13
APPEALS, PROTEST AND MEDIATION

10-13-1: APPEALS TO THE DISTRICT BOARD OF COMMISSIONERS
10-13-2: APPEALS TO THE CITY COUNCIL
10-13-3: PAYMENT UNDER PROTEST
10-13-4: MEDIATION

10-13-1: APPEALS TO THE DISTRICT BOARD OF COMMISSIONERS
Any Fee Payer that is or may be obligated to pay a District Impact Fees, or that claims a right to receive a refund, reimbursement, exemption or credit under this Title, and who is dissatisfied with a decision made by the District Administrator in applying this Title, may appeal such decision to the District Board of Commissioners.

(A) The Fee Payer shall have the burden on appeal of demonstrating that the decision was in error.

(B) In order to pursue the appeal described in this subsection, the Fee Payer shall file a written notice of appeal with the District Administrator within thirty (30) days after the date of the District Administrator's decision, or the date on which the Fee Payer submitted a payment of the District Impact Fees under protest, whichever is later. Such written notice of appeal shall include a statement describing why the Fee Payer believes that the appealed decision was in error, together with copies of any documents that the Fee Payer believes support the claim.

(C) The District Board of Commissioners shall hear the appeal within sixty (60) days after receipt of a written notice of appeal. The Fee Payer shall have a right to be present and to present evidence in support of the appeal. The District

Administrator shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the District Board of Commissioners in considering the appeal shall be whether:

1. the decision or interpretation made by the District Administrator; or

2. the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intent of this title that new Development in the City pay its Proportionate Share of the costs of System Improvements to District facilities necessary to serve new Development and whether the provisions of this title have been correctly applied. The Board of Commissioners shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal. (Ord #302, 06-13-2023)

10-13-2: APPEALS TO THE CITY COUNCIL

Any Fee Payer that is or may be obligated to pay a District Impact Fees, or that claims a right to receive a refund, reimbursement, exemption or credit under this title, and who is dissatisfied with a decision made on appeal by the District Board of Commissioners in applying this title, may appeal such decision to the City Council.

A The Fee Payer shall have the burden on appeal of demonstrating that the District Board of Commissioners decision on appeal was in error.

B In order to pursue the appeal described in this subsection, the Fee Payer shall file a written notice of appeal with the Fire District Administrator within thirty (30) days after the date of the District's Board of Commissioners' decision. Such written notice of appeal shall include a statement describing why the Fee Payer believes that the appealed decision of the District's Board of Commissioners was in error, together with copies of any documents that the Fee Payer believes support the claim. The District Administrator shall within three (3) business days deliver the notice of appeal together with copies of any documents filed with it to the City Clerk.

C The City Council shall hear the appeal within sixty (60) days after receipt by the City Clerk of a written notice of appeal. The Fee Payer shall have a right to be present and to present evidence in support of the appeal. The District Administrator shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the City Council in considering the appeal shall be whether:

1. the decision or interpretation made by the District Administrator and the decision on appeal by the District's Board of Commissioners; or
2. the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intent of this Title that new Development in the City pay its Proportionate Share of the costs of System Improvements to District facilities necessary to serve new Development and whether the provisions of

this title has been correctly applied. The City Council shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal. (Ord #302, 06-13-2023)

10-13-3: PAYMENT UNDER PROTEST

A Fee Payer may pay District Impact Fees under protest in order not to delay in the issuance of a Building Permit by the City. A Fee Payer making a payment under protest shall not be estopped from exercising the right to appeal provided herein, nor shall such Fee Payer be estopped from receiving a refund of any amount deemed to have been illegally collected. (Ord #302, 06-13-2023)

10-13-4: MEDIATION

A Any Fee Payer that has a disagreement with the City or the District Administrator regarding a District Impact Fees determination that is or may be due for a proposed Development pursuant to this title, may enter into a voluntary agreement with the City or the District, as the case may be, to subject the disagreement to mediation by a qualified independent party acceptable to both the Fee Payer and the District.

B Mediation may take place at any time following the filing of a timely appeal pursuant to sections 10-13-1 and 10-13-2, or as an alternative to such appeal, provided that the request for mediation is filed no later than the last date on which a timely appeal could be filed pursuant to section 10-13-1 and 10-13-2.

C Participation in mediation does not preclude the Fee Payer from pursuing other remedies provided for in this section.

D If mediation is requested, any related mediation costs shall be shared equally by the Fee Payer and the City or the District, as the case may be, and a written agreement regarding the payment of such costs shall be executed prior to the commencement of mediation.

E In the event that mediation does not resolve the issues between the District and the Fee Payer, the Fee Payer retains all rights to seek relief from a court of competent jurisdiction. (Ord #302, 06-13-2023)

CHAPTER 14
PERIODIC REVIEWS

10-14-1: REVIEW AND MODIFICATION OF CAPITAL IMPROVEMENTS PLAN.
10-14-2: ANNUAL CAPITAL BUDGET.

10-14-1: REVIEW AND MODIFICATION OF CAPITAL IMPROVEMENTS PLAN.
Unless the City and the District Board of Commissioners deems some other period is appropriate, the City and the District Board of Commissioners shall, at least once every five (5) years, commencing from the date of the original adoption of the Capital Improvements Plan, review the Development potential and update the Capital

Improvements Plan in cooperation and in accordance with the procedures set forth in I.C. § 67-8206, as amended. Each update shall be prepared by the District Administrator in consultation with the advisory committee. (Ord #302, 06-13-2023)

10-14-2: ANNUAL CAPITAL BUDGET.

The District shall annually adopt a capital budget. (Ord #302, 06-13-2023)

CHAPTER 15
AUDIT

10-15-1 ANNUAL REPORT

10-15-1 ANNUAL REPORT

A As part of their annual audit process, the District shall prepare an annual report:

1. describing the amount of all District Impact Fees collected, Appropriated or spent during the preceding year by category of public facility; and
2. describing the percentage of taxes and revenues from sources other than the District Impact Fees collected, Appropriated or spent for System Improvements during the preceding year by systems improvements category of District Capital Facilities. 10-14-2: ANNUAL CAPITAL BUDGET. (Ord #302, 06-13-2023)

CHAPTER 16
ENFORCEMENT AND COLLECTION

10-16-1: CITY AND DISTRICT ADMINISTRATOR POWERS TO REQUIRE PAYMENT OF IMPACT FEES

10-16-1: CITY AND DISTRICT ADMINISTRATOR POWERS TO REQUIRE PAYMENT OF IMPACT FEES

When any District Impact Fees are due pursuant to this title, or pursuant to the terms of any written agreement between a Fee Payer and the District, and or otherwise such District Impact Fees have not been paid in a timely manner, the City, or District Administrator on behalf of the District, may exercise any or all of the following powers as applicable to their authority, in any combination, to enforce the collection of the District Impact Fees:

A Withhold building permits, manufactured home installation permits, or other City Development Approval related to the Development for which the District Impact Fees are due until all District Impact Fees due have been paid, and issue stop work orders, and revoke or suspend a building permit.

B Withhold utility services from the Development for which the District Impact Fees are due until all District Impact Fees due have been paid; and

C Add interest to the District Impact Fees not paid in full at the legal rate provided for in I.C. § 28-22-104, as amended, plus five (5) percent beginning on the date at which the payment of the District Impact Fees was due until paid in full.

D Impose a penalty of five (5) percent of the total District Impact Fees (not merely the portion dishonored, late or not paid in full) per month beginning on the date at which the payment of the District Impact Fees was due until paid in full.

E Impose a lien pursuant to the authority of I.C. § 67-8213(4) for failure to timely pay a District Impact Fees following the procedures contained in Idaho Code Title 45, Chapter 5. (Ord #302, 06-13-2023)

CHAPTER 17
CITY/DISTRICT INTERGOVERNMENTAL AGREEMENT

10-17-1: AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS
10-17-2: CITY AND DISTRICT INTERGOVERNMENTAL AGREEMENT
10-17-3: DISTRICT GOVERNED BY THIS TITLE
10-17-4 AMENDMENTS TO INTERGOVERNMENTAL AGREEMENT

10-17-1: AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS

The City is a governmental entity that is empowered by the Act to adopt development impact fee ordinances and as such is authorized, by I.C. § 67-8204A, to enter into the intergovernmental agreement with the District for the purpose of agreement to collect and expend District Impact Fees for System Improvements as provided in this title. (Ord #302, 06-13-2023)

10-17-2: CITY AND DISTRICT INTERGOVERNMENTAL AGREEMENT

The City and the District have entered into an Intergovernmental Agreement which is in full force and effect. (Ord #302, 06-13-2023)

10-17-3: DISTRICT GOVERNED BY THIS TITLE

These Intergovernmental Agreements complies with this title and requires the District to be governed by and to fully abide by the provisions of this title. (Ord #302, 06-13-2023)

10-17-4 AMENDMENTS TO INTERGOVERNMENTAL AGREEMENT

Any amendments of the Intergovernmental Agreement shall be implemented by corresponding relevant amendments of this title which amendments shall not apply to any District Impact Fees then not expended and currently held in the trust fund. (Ord #302, 06-13-2023)

CHAPTER 18
MISCELLANEOUS PROVISIONS

10-18-1 FIRE CODES AND OTHER RULES APPLICABLE TO PROJECT

IMPROVEMENTS
10-18-2 AGREEMENTS BETWEEN PROPERTY OWNERS AND ITD AND OTHER GOVERNMENTAL ENTITIES FOR CONSTRUCTION OR INSTALLATION OF SYSTEM IMPROVEMENTS
10-18-3 NO REQUIREMENT OF THE CITY TO APPROVE EXTRAORDINARY IMPACT DEVELOPMENT
10-18-4 DISTRICT NOT OBLIGATED TO APPROVE DEVELOPMENT THAT REDUCES LEVELS OF SERVICE
10-18-5 NO ADDITIONAL RIGHT TO DEVELOP CREATED BY THIS TITLE
10-18-6 NO LIMIT ON CITY'S EMINENT DOMAIN AUTHORITY
10-18-7 NO LIMIT ON CITY'S POWER TO ANNEX PROPERTY
10-18-8 DISTRICT PLAN OF ALTERNATIVE SOURCES OF REVENUE
10-18-9 DEVELOPMENT APPROVED BY THE CITY PRIOR TO THE EFFECTIVE DATE OF THIS TITLE NOTE SUBJECT TO IMPACT FEES
10-18-10 MONIES IN TRUST FUND NOT EXPENDED CARRIED OVER FROM FISCAL YEAR TO FISCAL YEAR
10-18-11 CAPITAL IMPROVEMENTS PLAN ERROR DISCOVERY
10-18-12 IMPACT FEE PAYMENT MISTAKE OR MISREPRESENTATION

10-18-1 FIRE CODES AND OTHER RULES APPLICABLE TO PROJECT IMPROVEMENTS

Nothing in this title shall prevent the District from requiring a Developer to construct reasonable Project Improvements, as are required by the fire codes and other rules that are adopted by the state fire marshal, in conjunction with a Development. (Ord #302, 06-13-2023)

10-18-2 AGREEMENTS BETWEEN PROPERTY OWNERS AND ITD AND OTHER GOVERNMENTAL ENTITIES FOR CONSTRUCTION OR INSTALLATION OF SYSTEM IMPROVEMENTS

Nothing in this title shall be construed to prevent or prohibit private agreements between property owners or Developers, the Idaho Transportation Department and governmental entities in regard to the construction or installation of System Improvements or providing for credits or reimbursements for System Improvements Costs incurred by a Developer including inter-Project transfers of credits or providing for reimbursement for Project Improvements which are used or shared by more than one (1) Development Project. (Ord #302, 06-13-2023)

10-18-3 NO REQUIREMENT OF THE CITY TO APPROVE EXTRAORDINARY IMPACT DEVELOPMENT

Nothing in this title shall obligate the City to approve Development which results in an Extraordinary Impact. (Ord #302, 06-13-2023)

10-18-4 DISTRICT NOT OBLIGATED TO APPROVE DEVELOPMENT THAT REDUCES LEVELS OF SERVICE

Nothing in this title shall obligate the District to approve any Development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in this title. (Ord #302, 06-13-2023)

10-18-5 NO ADDITIONAL RIGHT TO DEVELOP CREATED BY THIS TITLE

Nothing in this title shall be construed to create any additional right to develop real property or diminish the City in regulating the orderly development of real property within its boundaries. (Ord #302, 06-13-2023)

10-18-6 NO LIMIT ON CITY'S EMINENT DOMAIN AUTHORITY

Nothing in this title shall work to limit the use by the City of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement District or general obligation bond issues. (Ord #302, 06-13-2023)

10-18-7 NO LIMIT ON CITY'S POWER TO ANNEX PROPERTY

Nothing herein shall restrict or diminish the power of the City to annex property into its territorial boundaries or exclude property from its territorial boundaries upon request of a Developer or owner, or to impose reasonable conditions thereon, including the recovery of Project or System Improvements Costs required as a result of such voluntary annexation- (Ord #302, 06-13-2023)

10-18-8 DISTRICT PLAN OF ALTERNATIVE SOURCES OF REVENUE

The District shall develop a plan for alternative sources of revenue, which shall include but not necessarily be limited to plans generated during the District's annual budget process, lobbying efforts, tax increment financing, and implementation of user fees, administrative and regulatory fees and other forms of revenue. (Ord #302, 06-13-2023)

10-18-9 DEVELOPMENT APPROVED BY THE CITY PRIOR TO THE EFFECTIVE DATE OF THIS TITLE NOTE SUBJECT TO IMPACT FEES

Notwithstanding any other provision of this title, that portion of a Project for which a complete application for a building permit has been received by the City, prior to the effective date of this title, shall not be subject to the District Impact Fees imposed by this title. If the resulting building permit is later revised or replaced after the effective date of the ordinance codified in this title, and the new building permit(s) reflects a Development density, intensity, Development size or number of units more than ten (10) percent higher than that reflected in the original building permit, then the District Impact Fees may be charged on the difference in density, intensity, Development size or number of units between the original and the revised or replacement building permit. (Ord #302, 06-13-2023)

10-18-10 MONIES IN TRUST FUND NOT EXPENDED CARRIED OVER FROM FISCAL YEAR TO FISCAL YEAR

Any monies, including any accrued interest not assigned to specific System Improvements within such Capital Improvements Plan and not expended pursuant to chapter 12 of title 10 or refunded pursuant to section 10-10-1 shall be retained in the same account until the next District' fiscal year. (Ord #302, 06-13-2023)

10-18-11 CAPITAL IMPROVEMENTS PLAN ERROR DISCOVERY

A If the District discovers an error in the Capital Improvements Plan which results in assessment or payment of more than a Proportionate Share of System Improvements Costs on any proposed Development, the District Administrator shall:

1. adjust the District Impact Fees to collect no more than a Proportionate Share; or
2. discontinue the collection of any District Impact Fees until the error is corrected by ordinance. (Ord #302, 06-13-2023)

10-18-12 IMPACT FEE PAYMENT MISTAKE OR MISREPRESENTATION

If District Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the District within thirty (30) days after the District' acceptance of the recalculated amount, with interest at the legal rate provided for in I.C. § 28-22-104 from the date on which the fee was paid. Any amounts underpaid by the Fee Payer shall be paid to the District within thirty (30) days after the District Administrator's acceptance of the recalculated amount, with interest at the legal rate provided for in I.C. § 28-22-104 from the date on which the fee was paid. In the case of an underpayment to the District, the District Administrator may request the City and the City may withhold issuance of the building permits or Development Approval for the Project for which the District Impact Fees were paid until such underpayment is corrected, and if amounts owed to the District are not paid within such thirty-day period, the District Administrator may also ask the City to and the City may revoke any building permits or Development Approval issued in reliance on the previous payment of such District Impact Fees and refund such fees to the Fee Payer. (Ord #302, 06-13-2023)

CHAPTER 19
PUNISHMENT

10-19-1: PUNISHMENT

10-19-1: PUNISHMENT
Any person who violates any provision of this title may be cited as a misdemeanor as provided in Greenleaf Code §1-4-1. Knowingly furnishing false information to any official of the City or the District charged with the administration of this title, including without limitation, the furnishing of false information regarding the expected size, use or impacts from a proposed Development, shall be a violation of this title. (Ord #302, 06-13-2023)

CHAPTER 20
CONSTRUCTION OF INTENT

10-20-1: LIBERAL CONSTRUCTION

10-20-1: LIBERAL CONSTRUCTION
All provisions, terms, phrases and expressions contained in this title shall be liberally construed in order that the true intent and meaning of the Act and the City council and the Board of Commissioners may be fully carried out. (Ord #302, 06-13-2023)