



## NOTICE OF PUBLIC MEETING

Tuesday, September 8, 2020

City Council Chambers

680 Park Avenue

Idaho Falls, ID 83402

3:00 p.m.

*The public is invited to observe City Council Work Sessions. However, to observe appropriate social distancing guidelines, as recommended by the Centers for Disease Control and Prevention (CDC), the public is encouraged to view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. Citizens are required to wear face masks for the protection of others. The agenda does not include an opportunity for public interaction.*

*This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.*

### CITY COUNCIL WORK SESSION

*Times listed in parentheses are only estimates.*

#### Call to Order and Roll Call

#### Mayor:

- Acceptance and/or Receipt of Minutes
- Action Desired:* To receive recommendations from the Planning and Zoning Commission
- Calendars, Announcements and Reports (10)
- Coronavirus (COVID-19) Update as Needed

#### Council:

- Liaison Reports and Council Concerns (10)

#### Parks and Recreation:

- General Parks and Recreation Summer Activities Update (20)
- Discussion of Proposed War Bonnet Round Up Rodeo Advisory Committee (10)

#### Municipal Services:

- Discussion of Uncollectable Utility Service and Ambulance Accounts (15)

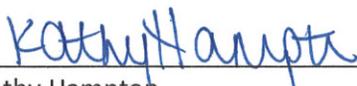
#### Police Department:

- Review of Memorandum of Understanding (MOU) regarding serving in Idaho Falls School District #91 (15)

#### Legal:

- Presentation and Discussion of Amendments to Idaho Falls City Code – General Definitions (15)

DATED this 4<sup>th</sup> day of September, 2020

  
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Kathy Hampton  
City Clerk



# MEMORANDUM

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**TO:** Honorable Mayor and Council

**FROM:** Brad Cramer, Community Development Services Director

**DATE:** September 2, 2020

**RE:** September 1, 2020, Planning Commission Action

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Planning Commission took the following action during the September 1, 2020 meeting.

- 1. RZON20-010: REZONE. Rezone from I&M to R3A, Lots 3, 4, and 5, Block 1 McNeil Business Park Division 2, SE ¼, Sec 25, T 2N R37.** North of W Sunnyside Rd., east of S Yellowstone Ave, south of W 25<sup>th</sup> St., west of Rollandet Ave. On September 1, 2020 the Planning Commission recommended to the Mayor and City Council approval of the rezone from I&M to R3A.
- 2. RZON20-012: REZONE. Rezone from R&D, Research and Development to R3A, Residential Mixed Use, Lot 1, Block 2, Energy Plaza.** Generally located north of Science Center Drive, east of Fremont Ave., South of Energy Dr, west of US Highway 20. On September 1, 2020 the Planning Commission recommended to the Mayor and City Council approval of the rezone from R&D to R3A.
- 3. ANNX20-013: ANNEXATION/INITIAL ZONING. Annexation & Initial Zoning of R3A, Approximately 2.244 acres Section 7, Township 2 North, Range 38 East.** Generally located north of Science Center Drive, east of Fremont Ave., South of Energy Dr, west of US Highway 20. On September 1, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the annexation and initial zoning of R3A.
- 4. ANNX20-012: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of HC for .52 acres NE1/4 SE1/4 Section 8, Township 2 North, Range 38 East, Lot 5, Block 1, Lots 1-5 and a portion of Lots 7 and 10, Block 2, Lots 1-5, Block 4, Hodson Addition and Lots 12-15, Block 2 and Lots 6-7, Block 4, Hodson Addition First Amended..** North of Lincoln Rd, East of N Yellowstone Hwy, South of N Yellowstone Hwy, West of N 25th E. On September 1, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the annexation and initial zoning of HC.
- 5. PLAT20-034: FINAL PLAT. Intermountain Industrial Park.** North of N Yellowstone Hwy, east of Holmes Ave, south of E Iona Rd, west of N 15th E. On September 1, 2020 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the final plat.

**COMMUNITY DEVELOPMENT SERVICES**

**Planning Department**

Office (208) 612-8276

Fax (208) 612-8520

**Building Department**

Office (208) 612-8270

Fax (208) 612-8520

**RECOMMENDED COUNCIL ACTION:** To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).

**PARKS & RECREATION**  
**SHADE TREE COMMITTEE MINUTES**  
**Tuesday, February 25, 2020**  
**Activity Center**  
**12:00 Noon**

**ATTENDEES:**

Hannah Payne, Lee Washburn, Matt Hill, Randy Westergard, Kim Johnson, Ronnie Campbell, Aaron McCracken Gerry Bates, Lyon Johnson, Mason Handke, William Harker, Rich Potter and 6 High School Students, Madilyn Scheffield, Amaya Preunenstiel, Jozie Billings, Alex Lacraix, Lexi Schwartz and Ethen Perttula.

**APPROVAL OF MINUTES:**

Matt Hill Approved, Randy Westergard Second

**PUBLIC COMMENTS:**

Tree code enforcement letters went out in March. Public feels getting the letters means their trees are out of code, neighbors are calling them in, or they are being personally targeted by the City. Public is confused by letter when they do not have trees. Gerry Bates mentioned that he received a letter and he felt he was being targeted, as if someone felt his trees were out of code, which he knows that they are not. Gerry Bates did not know it was a basic letter. There was a suggestion to add to the letter that stipulates; if you do not have trees, please disregard, and rewriting the letter so that the letter is more clear to avoid excessive phone calls. Suggested all scenarios in letter so that individuals know which scenario they fit in.

**ARBOR DAY 2020:**

Lee introduced he would like Arbor Day 2020 to be April 14<sup>th</sup> from 10am – 12pm. Mason indicated Mayor is traveling most of April. If she cannot be present, she will send a councilmember. Edgemont Elementary School 6th grade is participating. Arbor Day will be at Community Park and a presentation at the shelter. There will be 15 to 25 trees planted. Mason came back and said Mayor would be available for the Arbor Day Celebration on April 24<sup>th</sup> or 27<sup>th</sup>. Lee and Ronnie discussed which date would be better but still on hold as to which day we will celebrate our Arbor Day. Ronnie claimed Michelle Ziel-Dingman, can always come out and read the proclamation if Mayor is not available or if we want to do the Arbor Day on a different date. Lee would prefer May and it was suggested May is better because of weather if Mayor is not set on a day in April. Ronnie is going to run possible dates through PJ for Arbor Day Celebration and get back.

**STREET TREE TRIMMING:**

It was asked, “how tree code enforcement is done,” Hannah introduced the process including the TrakIt side. Someone inquired if Lee’s division is responsible for going out and trimming trees. Ronnie specified that as of now yes, but they are hoping to change this process and outsource work.

Statistics and progress:

Stats are pulled from TrakIt. Tree Code Enforcement opened up 306 cases in 2019. Only 150 cases in 2018. Closed 177 cases, which means 177 complied. 44% of homeowners have cut their trees since the initial inspection, request to trim was 143 but it’s actually down to 119. Talked about differences between the Freeman Zone and Community Zone and speculated that the Community Zone would be much like the letter streets. Ronnie answered Gerry Bates trimming question stating “those numbers are months behind to enforce the trees”. Ronnie went to Public Works and Community Development to request funding because those trees are in Public works right of ways. Ronnie said they are going to consider budgeting to have extra help plus equipment. Ronnie said we were considering outsourcing tree trimming. There was a suggestion to have information on licensed trimmers and concerns about or city tree inventory not being up to date. Suggested the tree code enforcement and tree trimming needs to reflect city tree inventory. Concerns about city tree inventory being out of date. Asked if it was possible to make those updates of tree trimming or tree removal maintenance in city tree inventory.

## **EARTH DAY 50<sup>TH</sup> ANNIVERSARY:**

50<sup>th</sup> Earth Day anniversary introduction of Mason Handke. Mason introduce that they would like the shade tree committee to have a presence at the 50th Earth Day anniversary Saturday, April 25 from 8 to 4 at Tautphaus Ice Arena. Clarified that it is separate from Arbor Day. Gerry Bates withdrew interest due to preparation of Arbor Day. Horticulture was preparing to have their staff there to talk about what their department does. This withdrew their availability to help out with the booth. Aaron from Sunnyside is going to donate a tree. Ronnie said because of the presence of parks and rec that will shine light on the shade tree committee and what the shade tree committee does and thinks that that would be enough for the Earth Day anniversary. Ronnie suggested bringing information about the Shade Tree Committee for the booth. Gary Bates talked about displays that he can make available for the booth. Mason will take this to the board

## **CHANGES TO ORDINANCE:**

### Right-of-Way and Utility Approved Tree List

Adding and subtracting to the Right-of-Way Tree List and adding and removing from the approved Utility Tree List. Lee asked the committee for input on what trees to add and take away from approved tree list. Lee asked the Shade Tree Committee members to mark up the handout and please bring thoughts to next meeting. There was a suggestion about the medium tree list and them being small and a better definition. Small trees are 20' or below medium or 30' or below large or 40' or below and there is a gray area for the medium trees. Suggested revising heights, moving small tree height up to 25' instead of 20'. There was concern expressed about the Utility Tree List and heights stipulation for utility trees. With the small to medium there's confusion, it looks like it says only these varieties are available for this situation. The gentleman from the IFP said the power company does not trim anything lower than 15'. Primarily when they trim, they want to be on a four (4) year cycle. Suggested that the tree heights keep limbs out 10' around power lines, depending on power line height, 20' to 25', and 20 lateral feet away from power line. Discussed that utility approved trees are columnar and do not grow over 25'. Ronnie brought up the fiber line. Discussed the utilities are moving to the front of homes and underground, this helps with the issue of trees encroaching power lines. Asked if Conifers were okay in the Right-of-Way. Those are generally not wanted. It is harder to see through Conifers than deciduous trees and Conifers usually get taller. Suggested that Rocky Mountain Maple is to be taken off the list. Pointed out that it is not a hearty tree for this area at all. Gerry Bates asked if it would be beneficial if he shared the approved tree list from other cities. Gerry Bates feels like there is not a variety for homeowners to choose from with our current list and the utility approved list really needs to be dialed in. Adding these new heights of 25' and suggesting being columnar will help. Suggested not being so ambiguous with the list and going with what the standard name as class 1, class 2 and class 3 to help buyers at garden centers. Suggested to emphasize spread of the tree. Ronnie said he would really like the committee's involvement before they present the list to legal.

### Private Tree Company Licensing Amendment

Hannah discussed that the current code is a simple infraction and a \$100 fine. Want to change to misdemeanor. Unlicensed tree cutters incorporate this \$100 fine into the bid to the homeowner so the homeowner is paying the fine and not the unlicensed private tree company. Issue with cases being thrown out. Introduced cities in Idaho that the code violation is actually a misdemeanor. City moving forward with tree code a seven-year plan to accomplish all the zones it would be good to mitigate the situation now while we see little things happening before it gets bigger. Give private homeowners a better selection and more competitive market of companies to hire. It was asked what other violations in the city are misdemeanors, gave examples dog at large, not cleaning up litter within 10 days, and signage for your company that is not approved by the city. It is been discussed that some companies (landscaping companies) can cut trees if they are 10' or smaller and that's okay but after the 10' height you have to have a licensed arborist and that is clearly stated. It was discussed that it's unfair for those who have taken the time and money and staff to meet our code that these other peoples will start taking advantage of the increased work as we add the tree code enforcement seven-year plan. Discussed finding that it is actually those individuals who have taken

the time to become ANSI-certified that are calling in these other companies that are not licensed. Asked why the misdemeanor tickets are not being paid, discussed that it takes more money to deal with the issue than the ticket. The gentleman from the power company also said that a lot of these homeowners know they hired somebody with no license and by the time the power company arrives the cutter is already gone and the homeowner doesn't give name. Asked if the fine would go up with each violation: something that we we're going to have to get together and discuss and see what legal thought because that was a push back they've gotten before. Gerry Bates was surprised that it wasn't a misdemeanor and he says that they (State) recommends that these sorts of violations are a misdemeanor. Discussed our lack of knowledge on how the whole system runs, talked about my meeting with Cherise and her suggestion on how to get these violators prosecuted. Basically, it takes more effort on our part to see when the violator is going to court so that we have a presence, before we did not know when people were going to court. There was no presence made by the City in the court. Ronnie suggested taking my current amendment to legal to see what kind of support or pushback we were going to have with this before the effort was done to make changes and present it at our next meeting. Discussed insurance and business license requirements.

**ANNOUNCEMENTS:**

Gerry Bates -Arbor Day Grant goes out this week.

The 6 high school students were thanked and dismissed.

Meeting adjourned.

Next meeting will be held March 31, 2020.

*Recorded by  
Hannah Payne*

Idaho Falls Downtown Development Corp. August 4, 2020 board meeting was held at The DEC (480 Park Ave) at 8:30am

Attendance: Shanon Taylor, Brandi Newton, Steve Fischbach, Emily Fitzpatrick, Jill Hansen, Lisa Farris, Dana Briggs, Cindy Napier

Staff: Catherine Smith, Juan Hernandez, Mala Lyon

Visitors: Chase Martin

Minutes for July 7, 2020 were reviewed – Steve motioned they be approved; Jill seconded, and board approved.

Financial report – Brandi said we are still in a good place; working with the PPP loans and waiting for info on whether they will be forgiven; Brandi motioned that the financial report be approved; Emily seconded and board approved.

Catherine presented the proposed budget for next year Oct 2020 – Sept 2021. It was emailed out to all board members last week. We are dividing out more categories to show profit and loss so we can show true costs of things we are doing like the parking. The goal is not to write tons of tickets, but to manage and keep the flow of parking moving. We are a team of people working to promote the downtown. We should receive the funding from the city at \$45,000 to manage parking per the final vote on the city's maximum budget. Lots of budget cuts happening at the city like the Community Grants are not happening this year. We do have a decrease in validation income as no one has paid for validation since 2019. We are waiting on the software program to be developed to use online validation. California is still in shut-down so the programmers are not working. It will be awhile yet before we have that in place. We have had a few complaints about not offering it the same way as was done in the past, but most merchants are offering some kind of discount that works for them to help people pay for the parking in the lots. Hourly income for the parking meters is good. Yesterday we collected over \$100 with all three lots. The city provided funds to help us do the watering and we will be doing a MOU with the city to make sure those funds keep coming for next year. We are not sure if the city will take the watering back now they have seen we can do it. Oktoberfest and Fall Brew are still being planned at this point, but they may be canceled. Events are expensive to put on and we can make changes depending on whether we have the events or not. Credit Card processing fees are currently 7 cents per transaction. We are applying for funds for more public art for next year. We are working thru the process to work with Lexis Nexis to do collections on unpaid tickets. It will cost us \$1 per address look up, so we are looking at \$2,500 to start. We will not be collecting Social Security numbers as that requires a whole different level of clearance. Greg worked with Catherine to get all the paperwork done. We will need to decide at what point we turn it over to a collection agency down the road. We are looking at those with only one ticket outstanding sending out a printed postcard as that will be cheaper for postage. We have our event equipment stored at Krisi Staten's home and she has told us she will no longer be our event person, so we will need to rent a storage unit. We are hoping that she might change her mind once she gets settled in her new job and still work with us. Brandi said that we need to look at how the BID members want us, the IFDDC staff, using our time and resources in the future. With the new way the budget will be lined out we will be able to see how our time and resources are being used clearly. Brandi made the motion to have the proposed budget for 2020-2021 be approved; Cindy seconded and board approved.

We need to have a process in place concerning towing of vehicles that have unpaid tickets. We would like to recommend a process that is like other cities of 5 unpaid tickets or \$200 in unpaid fines we can tow the vehicle. The city attorney has told us we need to follow a specific process to be able to do this once we have the limits in place. There is no clear policy currently in the city ordinances or at the State level about towing for unpaid tickets. We are not going to do any tire booting. Brandi said that as a member of the Parking Committee she would make the motion that 5 unpaid tickets of fines totaling over \$200 and be subject to an official warning sticker placed on the vehicle and then can be towed the next time it is in violation. Cindy seconded this motion and board approved.

Cindy thanked us for the green zone loading zones in the parking lot and that they have been very helpful.

Lisa reported that we still have CDBG funds from 2018, 2019 and 2020 – just over \$57,000 is available. It was suggested that a notice go out to all property owners letting them know this is available. We had discussed a grant to get improved lighting in the parking lots. Catherine said she had been hesitant to use it not wanting to take money from building owners. Brandi suggest that we look at the leftover money from 2018 and 2019 and have that be our benchmark of funds we can look at using. Catherine will follow up with Lisa on this. This funding needs to be use or we will lose some of it going forward.

Catherine said we will be putting a seal coat on the murals that were painted last summer. The sign language one had some graffiti written on it that we had to clean off. It will be easier to protect them if they are sealed.

Dana updated us on some economic development of new businesses coming to our area – a meat processing plant will be up and running in Iona next year. Department of Energy has put a bid out for new office space. Costco is opening next Friday Aug 14<sup>th</sup>. We are having a meeting with National Realtors in Oct to discuss housing options, increasing choices and needs.

Brandi said we need to watch for the new INL contractors like BEA and Fluor as they like to give to their community.

Catherine said the ‘call to artists’ for the INL mural went out. The deadline for submissions is Aug 26<sup>th</sup> and the artist will have the month of Sept. to get it painted. This new mural will go on Marilyn Manguba’s building in the alley off Park Ave across from Kelly Sheridian’s mural. They are very excited to have it.

Waterline main is being replaced on Park Avenue from B Street to Constitution. This will be in the works for about 40 days.

Meeting was adjourned at 9:20am

Our next board meeting will be held September 1, 2020 at 8:30am

Respectfully submitted by Jill Hansen, Secretary and Mala Lyon

# Parks and Recreation - War Bonnet Round Up Rodeo Advisory Committee

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, ADDING TITLE 2, CHAPTER 4, ESTABLISHING AND ORGANIZING A WAR BONNET ROUND UP ADVISORY COMMITTEE, WITH PURPOSE, DUTIES, COMPOSITION, RULES FOR APPOINTMENT, ATTENDANCE, MEETINGS, REMOVAL, AND RULES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, War Bonnet Round Up (“WBRU”) is Idaho’s Oldest Rodeo and a priceless community asset worthy of preservation, promotion, and improvement; and

WHEREAS, WBRU works closely with its cherished and dedicated WBRU associates and supporters, such as the Shoshone Bannock Tribes, livestock and horse breeders, suppliers, and associations, those involved with animal husbandry, pageants, boosters, merchants, educational institutions, and other long-time supporters; and

WHEREAS, the Council desires to ensure that City staff has broad and helpful input from a number of sources who have the WBRU’s interests high in their priorities; and

WHEREAS, the Council also wishes to perpetuate such input in a manner that appropriately balances the City’s and community’s interests with those who may have specific personal or business interests in the WBRU; and

WHEREAS, formation of an Advisory Committee will serve an invaluable interest in sustaining the WBRU beyond the service of any particular City staff member, elected official, or Advisory Committee member so that the WBRU will continue to thrive in the future; and

WHEREAS, the composition of the Advisory Committee is similar to other City Advisory Committees that provide precious input to the City for other community jewels, such as golf, ice rink, recreation, shade trees, Sister Cities, etc.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

**SECTION 1.** Title 2, Chapter 4, of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

2-4-1:           **ESTABLISHMENT:** The War Bonnet Roundup Rodeo Advisory Committee (“Committee”) is hereby established. The Mayor, with the consent of the Council, shall appoint seven (7) voting members to the Committee. Those appointed should be individuals with a demonstrated interest, competence, or knowledge of War Bonnet-related interests, including but not limited to, sponsorship; hospitality; rodeo royalty; Sandy Downs facilities and grounds;

Shoshone-Bannock tribal relations; community youth rodeo events; rodeo-related special events; livestock welfare and husbandry; marketing; advertising; and security. The Committee shall include, as a permanent voting member, not less than one (1) member of the Shoshone-Bannock Tribes, as recommended by that organization and appointed by the Mayor, with the consent of the Council. Members shall be selected without regard to political affiliation, race, color, national origin, gender, family status, sex, handicap, sexual orientation, gender identity/expression or religion. Committee members shall serve without compensation. The Mayor may appoint, with the consent of the Council, additional persons with interest, expertise, and experience to be non-voting ex-officio members of the Committee.

2-4-2: **PURPOSE:** The purpose of the Committee is to advise and assist the Director of Parks and Recreation, the Mayor, and the Council in preserving, developing, planning, promoting, managing, directing, and producing Idaho's Oldest Rodeo, the War Bonnet Roundup ("War Bonnet"), and to suggest improvements to City facilities, properties, and programs related to it.

2-4-3: **DUTIES:** The Committee shall have the following powers, duties, and responsibilities:

A. Advise the Director of Parks and Recreation regarding the preservation, development, planning, promotion, management, directing, and producing of the War Bonnet; and

B. Study the physical condition, maintenance, operation, viability, and use of City rodeo programs and facilities and make recommendations to the Director of Parks and Recreation concerning their improvement and efficient use; and

C. Suggest ways to create, sustain, and enhance the economic viability of the War Bonnet.

2-4-4: **ORGANIZATION:** During the first meeting of each calendar year, the Committee shall elect, by majority vote of the Committee, a person to act as Chair and Vice-Chair from its membership. The Chair and Vice-Chair shall serve until replaced or re-elected.

2-4-5: **TERMS:** Each Committee member shall be appointed to serve a term of three (3) years, except that the terms of the initial Board members may be less than three years as necessary to provide for staggered terms of office. Terms of no more than three (3) members shall expire in any calendar year. Committee members may be reappointed.

2-4-6: **REMOVAL:** A voting Committee member may be removed from the Committee by the Mayor and at the Chair's request, following either two (2) consecutive meeting absences unexcused by the Chair, or two (2) meeting absences in any calendar year, or at any time by the majority vote of the Council.

2-4-7: **VACANCY:** The Mayor, with the consent of the Council, shall appoint a qualified member to fill any unexpired term of a Committee member in the event of a vacancy.

2-4-8: **ATTENDANCE:** A majority of voting Committee members shall constitute a quorum for purposes of conducting the business of the Committee. Non-voting members present at meetings

shall not be considered in determining the number required for a quorum or whether a quorum is present.

2-4-9: OPEN MEETINGS: The Committee shall meet as often as deemed necessary by the Director of Parks and Recreation. All meetings of the Committee shall be open to the public and shall follow the requirements of the Idaho Open Meetings Law. The Director of Parks and Recreation shall keep minutes and other appropriate records pursuant to the Idaho Code.

2-4-10: MINUTES: The Committee shall provide an annual report, as approved by the Director of Parks and Recreation, to the Council in within forty-five (45) days of the conclusion of the annual War Bonnet, which report shall include activities and accomplishments, a financial report, and any recommendations for subsequent War Bonnets. The Mayor or the Council may also require special reports, as deemed necessary.

2-4-11: FUNDING AND DONATIONS: The Committee is authorized to seek outside funding and in-kind donations for City projects, including programs and capital improvements, as may be approved by the Council and in accordance with City budget procedures.

**SECTION 2.** Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**SECTION 3.** Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

**SECTION 4.** Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 5.** Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF IDAHO FALLS, IDAHO

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REBECCA L. NOAH CASPER, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO            )  
  ) ss:  
County of Bonneville        )

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,  
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, ADDING TITLE 2, CHAPTER 4, ESTABLISHING AND ORGANIZING A WAR BONNET ROUND UP ADVISORY COMMITTEE, WITH PURPOSE, DUTIES, COMPOSITION, RULES FOR APPOINTMENT, ATTENDANCE, MEETINGS, REMOVAL, AND RULES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

\_\_\_\_\_  
KATHY HAMPTON, CITY CLERK

# IFPD - School District #91 MOU



# IDAHO FALLS

## SCHOOL RESOURCE OFFICER AGREEMENT

AGREEMENT, made effective the day 31<sup>st</sup> of August 2020, by and between CITY OF IDAHO FALLS, IDAHO, a municipal corporation, P.O. Box 50220, Idaho Falls, Idaho 83405, (hereinafter "CITY"), and IDAHO FALLS SCHOOL DISTRICT NO. 91, a public corporation organized pursuant to the laws of the State of Idaho, 690 John Adams Parkway, Idaho Falls, Idaho 83401, (hereinafter "DISTRICT");

### WITNESSETH:

WHEREAS, CITY operates and maintains a Police Department within CITY limits and employs a trained and certified staff of police officers to provide law enforcement services within CITY;

WHEREAS, DISTRICT has need of qualified and trained personnel to provide security and law enforcement services within the various schools of DISTRICT which are located within the boundaries of CITY;

WHEREAS, it is to the mutual interest of the parties that security and law enforcement services be readily available during school hours within such schools;

NOW THEREFORE, it is hereby agreed as follows:

1. **CITY Police Officers:** Subject to the approval by DISTRICT on an officer-by-officer basis, CITY agrees to provide for the use and benefit of DISTRICT sworn police officers to work as School Resource Officers ("SROs") within the

schools operated by DISTRICT within the CITY provided CITY shall have no obligation to provide a substitute officer during times when an SRO is taking mandatory training, approved vacation, holiday, sick leave or other leave or absences beyond the control of the CITY. Such police officers shall be available during the time when school is in session during the term of this Agreement.

2. **Term of this Agreement.** The term of this Agreement shall commence on August 31, 2020 and shall terminate on August 31, 2021.
3. **Compensation.** In consideration for the services provided herein, the parties agree to the following compensation.

**For Two (2) SRO's.** The DISTRICT agrees to pay CITY an amount equal to seventy percent (70%) of each SRO's wages and seventy percent (70%) of the cost of each SRO's benefits, as hereinafter stated, for the entire term of this Agreement, irrespective of whether school is in session. In particular, DISTRICT shall pay CITY seventy percent (70%) of all compensation paid to all SRO's and seventy percent (70%) of each officer's FICA withholdings, PERSI withholdings and the premiums for workers' compensation, health and accident insurance and life insurance attributable to such SRO.

**For Two (2) SRO's.** The DISTRICT agrees to pay CITY an amount equal to fifty percent (50%) of each SRO's wages and fifty percent (50%) of the cost of each SRO's benefits, as hereinafter stated, for the entire term of this Agreement, irrespective of whether school is in session. In particular, DISTRICT shall pay CITY fifty percent (50%) of all compensation paid to all SRO's and fifty percent (50%) of each officer's FICA withholdings, PERSI withholdings and the premiums

for workers' compensation, health and accident insurance and life insurance attributable to such SRO.

**All SRO's.** DISTRICT will pay 100% of overtime earned by the SROs for school related activities. Overtime incurred from a criminal investigation or arrest will be paid 100% by CITY. Payment of DISTRICT's share of such wages and benefits shall be due no later than the 30<sup>th</sup> day of June during the term hereof, provided CITY sends an invoice to DISTRICT at least fifteen (15) days prior to such due date. Each invoice shall be for wages and benefits paid since August 31, 2020, or since the date of the last payment.

4. **Work Schedules.** DISTRICT shall have the right to establish and direct the work hours and work days for all SRO's, including the right, if necessary, to require work on holidays established by CITY Personnel Policy and the right to require work in excess of an eight (8) hour day, provided in such event, any overtime compensation paid to or accrued by an SRO and arising from such holiday pay or overtime work, shall be included within the compensation (comp time) in which DISTRICT is required to participate. DISTRICT can change the shift hours of the SRO to accommodate scheduled school-related events that require security or the presence of the SRO. Any overtime compensation for DISTRICT-related activities will be paid by DISTRICT at one hundred percent (100%) of time earned. Overtime earned as part of a criminal investigation or arrest will be paid 100% by CITY.
5. **Supervision and Direction of SROs.** DISTRICT shall have the right to generally assign work tasks to the SROs, provided the manner and means by which such work is performed shall be determined by CITY, in accordance with CITY's

Personnel Policy, ordinances and regulations and any general orders promulgated by the Chief of Police and School District 91 Board policy. The right to make such work assignments shall be limited to the time when school is in session. In particular, CITY will be responsible for the education, training and disciplining of SROs. The SRO's assignments and work ethics will be continually evaluated by the DISTRICT, and concerns or issues will be presented to the Idaho Falls Police Department promptly. Quarterly meetings between the School and Police Administration should also be arranged. CITY will try to make accommodations to provide training outside of school hours. There may be mandatory training in which the officers will have to attend during school time. Officers will notify school principals of such training. It is the desire of CITY to provide DISTRICT with SROs; however, because of possible staffing shortages and officer interest, CITY does not guarantee that all SRO positions will be filled. DISTRICT has the right to reject any SRO candidate and if not satisfied at any time with the current SRO, DISTRICT may request a new SRO. Replacement of any personnel is not guaranteed by CITY. All wages, benefits and all terms and conditions of the SRO's employment shall be in accordance with and subject to the CITY Personnel Policy, regulations and procedures as established by the statute or CITY ordinance. Any transfers are in accordance with the Idaho Falls Police Department transfer policy. School personnel will be involved in the transfer process.

6. **Uniforms and Equipment.** CITY will provide each SRO with all equipment, uniforms, weapons, communications equipment and other accessories as necessary to perform his/her duties and as are customarily supplied for police officers generally. Weapons and munitions that are stored in any SRO office will

be secured in lockers and safes provided by CITY. The control and security of SRO weaponry will be the responsibility of CITY. CITY will provide each SRO with a computer, network interface card and associated software capable of communicating with and through the CITY Records Management System.

7. **Equipment Provided by District.** DISTRICT shall provide an office, desk, telephone and necessary office supplies for use by each SRO. DISTRICT will also provide an internet connection for use by each SRO.
8. **Liability Insurance; Waiver of Indemnification and Contribution Rights.** DISTRICT and CITY shall each be separately responsible to obtain and maintain their own policy of liability insurance for claims arising against either of them as a result of any act or omission by each SRO and neither shall have any obligation or duty to procure liability insurance for the other. To the fullest extent permitted by law and by the terms and conditions of both parties' general, police liability or errors and omissions insurance policies, each party waives, as against the other, any claim for indemnification or contribution arising out of any negligent act or omission by any SRO while acting within the course and scope of his duties whenever such act or omission causes property damage or personal harm, injury or death to a third party. To the extent such waiver is not allowed by any policy of one party, the waiver shall not be applicable to the other party.
9. **Complete Agreement.** This writing evidences the complete and final agreement of the parties and no prior statement, representation or understanding shall be assumed.

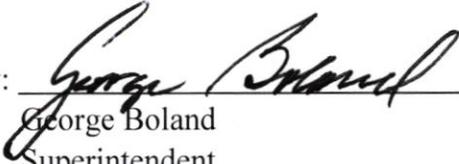
DATED this 13 day of August 2020.

CITY OF IDAHO FALLS, IDAHO

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Rebecca Casper  
Mayor

IDAHO FALLS SCHOOL DISTRICT NO. 91

By:   
George Boland  
Superintendent

# Legal - Ordinance Definitions

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING MULTIPLE CITY CODE PROVISIONS (ESPECIALLY TITLE 1, CHAPTER 3) TO STANDARDIZE DEFINITIONS IN THE CODE AND TO PROVIDE FOR RULES AND STANDARDS OF INTERPRETATION AND CONSTRUCTION OF THE CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City Code sets out expectations regarding health, safety, and welfare of residents and visitors within City limits; and

WHEREAS, regulations should, to the extent possible, be consistent, predictable, clear, and fair; and

WHEREAS, occasional review of the Code is helpful; and

WHEREAS, in the case, review suggests that the rules for construction and interpretation of the City Code and general definitions used throughout the Code could be adjusted; and

WHEREAS, the rules of construction and interpretation will make the City Code more clear and useful; and

WHEREAS, the definitions will also make the Code and its regulations more clear; and

WHEREAS, the Council desires to adopt this Ordinance in order to better serve those regulated by the authority vested in the Council for such purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

**SECTION 1.** Title 1, Chapter 3, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

1-3-1: GENERAL CITY CODE RULES OF GENERAL CONSTRUCTIONAL RULE:

A. Except as expressly stated in this Code, all words shall have their ordinary, generally accepted meaning. All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order to carry out the true intent and meaning of the Code. Code provisions represent the minimum requirements adopted by the Council for the promotion and sustaining of public health, safety, and general welfare. Where any specific provision of this Code imposes greater restrictions upon the subject matter than a general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

A.B. 1-3-2: PLURAL AND SINGULAR WORDS: Except as expressly stated in this Code, all words shall have their ordinary, generally-accepted meaning. Whenever any word in this Code is used in either the singular or in the plural form, then such word shall be deemed to include both the plural and singular forms of such word, unless the context indicates ~~an intent~~ otherwise.

C. 1-3-3: MASCULINE AND FEMININE GENDER USAGE: When any person is referred to in any ~~Section~~ provision of this Code by use of the masculine gender, then such reference shall be deemed to include ~~the all~~ feminine genders ~~unless the context indicates an intent~~ otherwise.

D. 1-3-4: PRIORITY OF ORDINANCES ADOPTED: In the event of any discrepancy or conflict between this Code and any subsequent ordinances ~~passing or~~ amending the same ~~Section~~ provision of this Code, then the provisions of the most recent ordinance shall prevail.

E. REFERENCES TO DAY, MONTH, QUARTER, YEAR: “Day” shall be any twenty-four (24) hour period from midnight to midnight. “Month” shall mean one (1) of any of the twelve (12) Gregorian calendar months. “Year” shall mean one (1) Gregorian calendar year and shall include a leap year, where applicable. Whenever certain hours are named herein, they shall mean current local time (e.g. Mountain Standard Time or Daylight Saving Time) as it is applied to the Code provision.

F. JOB TITLES AND DELEGATION TO SUBORDINATES: Where the title or job position of an elected official, administrative officer, City employee, or Department Director is used in this Code (e.g., Mayor, Clerk, City Attorney, Public Works Director, Fire Chief, Chief of Police, etc.), such shall include all subordinates, employees, agents, designees, and representatives, who are authorized to act in their behalf. Whenever a Code provision requires a Department Director, the Clerk, or some other City officer to do an act or perform a duty, this Code shall be construed to designate, delegate, and authorize their subordinates to perform the required act or perform the duty, unless a Code provision specifies otherwise.

G. LIABILITY AND RESPONSIBILITY OF EMPLOYER OR AGENT: All violations of this Code shall constitute a misdemeanor, unless specified otherwise. Liability of employers and agents occurs/exists when a provision of this Code prohibits the commission or omission of an act regulated by this Code. Not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting the person shall be guilty of the offense described and shall be liable for the penalty set forth in the Code.

H. SEVERABILITY: Should any title, section, subsection, provision, part, or portion of this Code or of any Ordinance which may be hereafter passed, approved, and published as required by law, be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of such title, section, subsection, provision, part, or portion of this Code.

I. CAPTIONS AND HEADINGS: The captions, headings, and titles used at the commencement of each title, provision, heading, section, or subsection of this Code are used only

to indicate general content and shall not limit, modify, or in any manner affect the scope, meaning, or intent of the title, provision, heading, section, or subsection.

1-3-25: GENERAL CODE DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below; ~~unless the context clearly indicates otherwise:~~

AGENT: A person ~~acting~~ authorized to act on behalf of another.

AIRPORT: The Idaho Falls Regional Airport (or “IFRA” or the “Airport” and formally known as “Fanning Field” or “Idaho Falls Municipal Airport”).

BUILDING OFFICIAL: The Director of the Community Development Services Department of the City, or his or her nominee.

CITY: The City of Idaho Falls, County of Bonneville, State of Idaho, established pursuant to the Idaho Constitution.

~~CITY ATTORNEY: An attorney appointed by the Mayor to provide general counsel and legal assistance to the City and to prosecute or defend all civil actions in which the City is a party.~~

~~CITY ATTORNEY PROSECUTING: An attorney appointed by the Mayor to prosecute violations of this Code.~~

CLERK: The person approved by the Council pursuant to Idaho Code Title 50, Chapter 2.

CODE: “The Code” or “this Code” (sometimes referred to as the Idaho Falls City Code or “IFCC”) shall mean the collected current Ordinances of the City, including, but not limited to, the Zoning Code, Sign Code, Subdivision Code, and City-adopted Uniform or International Codes.

COUNCIL: The lawfully elected or appointed members of City Council of the City pursuant to Idaho Code Title 50, Chapter 7.

CRIME: An act in violation of this Code, unless specified otherwise.

FELONY: A crime, as defined under Idaho Code, ~~Section Title 18, Chapter 1-111.~~

HIGHWAY: A travel way, as defined at Idaho Code Title 49, Chapter 1.

IDAHO CODE: The Idaho Code or State law shall mean the Idaho State Constitution and the Idaho Statutes containing the General Laws of Idaho.

INFRACTION: A civil public offense, not constituting a crime, and which is punishable only by a fine for which no incarceration may be imposed.

~~INTERNATIONAL BUILDING CODE: The International Building Code as adopted by Ordinance of the City.~~

~~INTERNATIONAL FIRE CODE: The International Fire Code as adopted by Ordinance of the City.~~

~~INTERNATIONAL RESIDENTIAL CODE: The International Residential Code as adopted by Ordinance of the City.~~

KNOWINGLY: A person acts “knowingly” when they realize what he or she is doing, is aware of the nature of his or her conduct, and did not act through ignorance, mistake, or accident. Imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

LAND, REAL ESTATE, REAL PROPERTY: Land, and everything which is naturally part of the land or permanently added to or built upon land. This definition also includes intangible legal interests in land, such as tenements, hereditaments, water rights, possessory rights, and other legal claims. This includes lands, tenements, hereditaments, water rights, possessory rights or claims.

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

MISDEMEANOR: Every crime except a felony or infraction.

NEGLECT, NEGLIGENCE, NEGLIGENT, AND NEGLIGENTLY: The failure to exercise reasonable care that would protect others against an unreasonable risk of harm. A person acts “negligently” when he or she should be aware of a substantial and unjustifiably risk that harm will likely result from his or her conduct and a reasonable person would have observed the risk in the actor’s situation. To import a want of or lack attention to the nature or probable consequences of an act or omission that a reasonable, prudent person ordinarily bestows in acting in their own concern.

OATH: An act that obligates a person to publically commit to a norm or duty and includes “affirmation”, “swear”, and “affirm”. Every mode or oral statement under oath or affirmation is included in the term “testify” and, if written, included in the term “depose”.

OCCUPANT: Any person who ~~occupies~~ is or has the right to be physically present or to the use, in the whole or any part, of such a building, property, or land whether alone or with others.

OFFENSE: A crime or other violation of this Code.

OPERATOR: The person who is generally in charge of or responsible for conducting any business, profession, or enterprise.

ORDINANCE: A general health, safety, or welfare regulation applicable within City limits, adopted pursuant to the authority delegated to the City by the Idaho Constitution, Idaho Code, and the City Charter.

OWNER: Any person owning or possessing or acquiring a financial or ~~possessor's~~ possessory interest in real or personal property, including any part owner, joint owner, tenant in common, joint tenant, remainderman, or person holding an equitable or a life estate or reversionary interest of any kind. This definition includes part owners, joint owners, tenants in common, point tenants, and lessees of buildings or land, regardless of whether the lease is for the whole or part of such building or land. ~~As applied to building or land, any part owner, joint owner, tenant in common, point tenant or lessee of the whole or part of such building or land.~~

PERSON: A human being or group of individuals and any public or private corporation, firm, partnership, trust, estate, sole proprietorship, joint stock company, cooperative, association, organization, government, body corporate and politic, or any other entity recognized under Idaho law.

PERSONAL PROPERTY: Any movable or intangible thing that is subject to ownership and not classified as real property. This definition includes money, goods, chattels, evidences of debt, and general intangibles, as these terms are defined by the Idaho Uniform Commercial Code, Idaho Code Title 28, as amended. ~~Money, goods, chattels, effects, rights in action and all written instruments evidencing any pecuniary obligation. Includes money, goods, chattels, rights in action, evidences of debt, and general intangibles, as defined in the Uniform Commercial Code, Idaho Code Title 28, as amended.~~

PREMISES: A building and the contiguous land to the building.

PROPERTY: Includes both real and personal property.

RESOLUTION: Council adopted statement of policy or intent but which is not an Ordinance.

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

SIGNATURE: Includes any name, mark, or sign written with the intent to authenticate any instrument of writing.

STANDARD DRAWINGS AND ENGINEERING SPECIFICATIONS: The Standard Drawings and Engineering Specifications as adopted by the Council from time to time by Ordinance or Resolution.

STATE: The State of Idaho.

STREET: All public roads, highways, ways, alleys, and ~~rights~~ rights-of-way ~~way~~ and easements used for the movement of vehicular traffic, including any public sidewalks adjacent thereto.

TENANT: A person who pays rent in exchange for a possessory right to use or occupy another's land, typically under a lease or a similar agreement. Any person who occupies any building or real property for a consideration to the owner.

THOROUGHFARE: Includes highways, streets, alleys, lanes, courts, boulevards, public ways, public squares, public spaces, and sidewalks.

UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS: The Uniform Code for Abatement of Dangerous Buildings as adopted by ordinance of the City.

UNIFORM PLUMBING CODE: The International Plumbing Code as adopted by Ordinance of the City.

WILLFULLY: Some definitions of "willfully" are very closely related with definitions of "knowingly." The United State's Supreme Court distinguishes between "knowingly" and "willfully" by requiring the government to prove that a defendant acted with a "bad purpose" to establish "willfully." "Willfully" requires that the government prove that the defendant knew his or her conduct was unlawful and that the defendant intended to do something that the law forbids. *Bryan v. United States*, 524 U.S. 184 (1998).

This "willful" violation of the law interpretation would run counter to the second sentence of this definition (although I think that the definition ought to control).

I suggest that we go through the City Code and review references to "willfully" and determine whether "knowingly" ought to be replaced.

When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.

WRITING: Includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents.

1-3-6: CAPTIONS: The captions and titles used at the commencement of each section or subsection of this Code are used only to indicate the content of the section and shall not limit, modify or in any manner affect the scope, meaning or intent of the provisions thereafter.

**SECTION 2.** Title 1, Chapter 3, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

1-3-5: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below, ~~unless the context clearly indicates otherwise:~~

...

~~CITY: The City of Idaho Falls, County of Bonneville, State of Idaho.~~

...

**SECTION 2.** Title 3, Chapter 9, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-9: EMS DIVISION

...

~~CITY COUNCIL: The City Council of the City of Idaho Falls, Idaho.~~

...

~~PERSON: Any individual, firm, partnership, association, corporation, trust group of individuals acting together for a common purpose, or organization of any kind, excluding any public corporation or agency.~~

...

**SECTION 3.** Title 4, Chapter 2, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-2-1: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~Certain words and phrases used in this Chapter are defined as follows:~~

...

~~LICENSE: A license issued by the City to a qualified person, under which it shall be lawful for the licensee to sell and dispense liquor by the drink at retail.~~

~~LICENSEE: The person to whom a license to sell and dispense liquor by the drink is issued under the provisions of this Chapter.~~

~~LIQUOR: Any All kinds of liquor which may be sold by and in a State liquor store of the State of Idaho.~~

...

**SECTION 4.** Title 4, Chapter 3, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-3-1: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~Certain words and phrases used in this Chapter are defined as follows:~~

...

**BEER:** Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water and which contains ~~not more than four percent (4%)~~ alcohol, as defined and regulated by the Idaho State Code by weight.

...

**LICENSE:** ~~A license issued by the City authorizing a licensee to sell beer at retail.~~

**LICENSEE:** ~~A qualified person, including a retailer, to whom a license for the retail sale of beer is issued pursuant to this Chapter.~~

...

**SECTION 5.** Title 4, Chapter 7, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-7-2: **DEFINITIONS:** Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~Certain words and phrases used in this Chapter are defined as follows:~~

**BUILDING:** ~~Any structure used or intended to support or shelter any use or occupancy as defined by the International Building Code.~~

...

**BUILDING OFFICIAL:** ~~An officer or employee of the City charged with the administration of this Chapter and the International Building Code.~~

...

**SECTION 6.** Title 4, Chapter 9, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-9-2: **DEFINITIONS:** ~~For the purposes of this Chapter, the following terms, phrases, and words, and derivations thereof, shall have the meanings given in this~~ Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~section:~~

...

**CITY:** ~~The City of Idaho Falls, Idaho.~~

**EMERGENCY:** ~~Any condition which requires or is expected to require a response of police or public safety personnel.~~

...

~~PERSON: Any individual, partnership, association, corporation, limited liability company, trust, or organization of any kind, including a government entity or political subdivision thereof.~~

...

**SECTION 7.** Title 4, Chapter 12, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-12-2: GARAGE SALE DEFINED: As used in this Chapter, a "garage sale" is a sale of new or used personal property, not more than three (3) consecutive days in duration and conducted not more frequently than once every six (6) months at the same location.

**SECTION 7.** Title 4, Chapter 16, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-2: DEFINITIONS: ~~Certain terms used in this Chapter shall have the meaning ascribed below~~ Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

...

~~ZONING ORDINANCE: The Zoning Ordinance of the City of Idaho Falls, Idaho (Ordinance No. 1941) as presently constituted or as may be amended hereafter.~~

**SECTION 8.** Title 5, Chapter 1, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

~~5-1-2 DEFINITION OF CRIME. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and for which any person may be punished by imprisonment or fine.~~

5-1-~~32~~ PUNISHMENT OF CRIMES. Every person committing a crime, other than an infraction, is punishable by imprisonment for a term not exceeding six (6) months, or by a fine in an amount set from time to time by Resolution of the Council, or by both, or by any other fine, imprisonment or combination thereof, permitted by Idaho Code Section 50-302. Any person committing an infraction is punishable only by a penalty in an amount set from time to time by Resolution of the Council.

5-1-~~43~~ PROSECUTIONS AGAINST CRIMES. The City may prosecute any corporation for violation of this Criminal Code. In any such prosecution, it shall be sufficient to make the corporation in its corporate name a defendant and service may be procured against the corporation in the same manner as permitted under the Criminal Code of the State of Idaho. Any judgment

imposed by the court against a corporation, shall have the force and effect of a judgment in a civil action, and execution against a corporation may issue in the same manner as in civil actions. Any summons served upon a defendant corporation shall contain a statement that the corporation shall appear forthwith and defend said action, and in the event of its failure to do so, a plea of not guilty will be entered by the court, and the trial will proceed as if the corporation had appeared. A copy of the Complaint shall be attached to and served with the Summons.

5-1-54 UNION OF ACT AND INTENT. In every crime there must exist a union, or joint operation, of act and intent, or criminal negligence.

5-1-65 MANIFESTATION OF INTENT. The intent to commit a crime is manifested by the circumstances connected with the crime and the sound mind and discretion of the accused.

5-1-76 TERRITORIAL JURISDICTION. Any person who commits a crime within the City is punishable as set forth in this Criminal Code. A crime is committed for the purposes thereof when all elements of the crime have occurred; however, a person is punishable under this Code whenever any element of the crime is committed within the City.

**SECTION 8.** Title 5, Chapter 5, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-5-1 DEFINITIONS: ~~For the purposes of this Chapter, certain terms shall have the meanings ascribed below~~ Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

...

~~At large. An animal shall be deemed to be at large when found to be located off the property of the owner and not under restraint or control.~~

...

Enclosure. A fence or structure suitable to prevent the escape of ~~the~~ an animal, or the entry of young children.

...

~~Person. An individual, corporation, partnership, limited liability company, or other organization commonly recognized by law.~~

...

**SECTION 9.** Title 5, Chapter 6, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-6-1: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~Certain terms used in this Chapter shall have the meaning ascribed below:~~

...

(F) ENCLOSURE: A fence or structure suitable to prevent the escape of the an animal, or the entry of young children.

...

(I) OWNER: ~~A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied, owned, or controlled by that person.~~

(J) PERSON: ~~Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.~~

(K) RESTRAINT: A dog shall be considered under restraint if it is confined within a structure or fenced yard, is secured by a leash, lead or chain or is confined within a vehicle in a manner that prevents escape.

(L) UNLICENSED DOG: A dog for which a license has not been issued for the current year, or to which the tag provided for in this Chapter is not attached.

(M) VACCINATION: The inoculation of an animal against rabies in accordance with state law and the "Compendium of Animal Rabies Prevention and Control" published by the National Association of the State Public Health Veterinarians and published annually in the Journal of the American Veterinary Medical Association.

**SECTION 10.** Title 5, Chapter 8, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-8-2 DEFINITIONS. ~~For the purposes of this Chapter, certain terms shall have the meanings ascribed below:~~ Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

...

Owner. ~~Any person having a fee ownership in real property.~~

...

**SECTION 11.** Title 5, Chapter 9, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-9-1 DEFINITIONS. ~~For the purposes of this Chapter, certain terms shall have the meanings ascribed below: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:~~

...

~~Operate. To navigate or otherwise use a motorboat or vessel.~~

~~Owner. A person, other than a lien holder, having an interest in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.~~

~~Person. An individual, partnership, firm, corporation, association or other entity.~~

...

**SECTION 13.** Title 6, Chapter 3, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-3-2: DEFINITIONS: ~~For the purposes of this Chapter, Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~certain words and phrases are defined as follows:

~~(A) Applicant:~~APPLICANT: A person making an application for a Child Care Facility license or Child Care Worker Certification or the renewal of such certification, under the provisions of this Chapter.

~~(B) Building Official:~~BUILDING OFFICIAL: The Building Official of the City as designated under the International Building Code adopted by the City.

~~(C) Certified Child Care Worker:~~CERTIFIED CHILD CARE WORKER: A person having obtained a Child Care Worker Certificate from the City for working in a Child Care Facility.

~~(D) Chief of Police:~~CHIEF OF POLICE: The Chief of Police of the City, or his or her nominee.

~~(E) Child:~~CHILD: An individual less than twelve (12) years of age who receives or is receiving Child Care at a Child Care Facility. Children seventeen (17) years or younger shall be considered a "Child" if they are mentally or developmentally disabled or delayed.

~~(F) Child Care Center:~~CHILD CARE CENTER: A Child Care Facility that provides child care for thirteen (13) or more children at any given time upon the Premises of a Child Care Facility.

~~(G) Child Care Facility:~~CHILD CARE FACILITY: The generic term for any child care facility, whether it is a Child Care Center (for thirteen or more children), Group Child Care Facility (for six (6) to twelve (12) children), or Family Child Care Facility (for one (1) to five (5) children).

~~(H) Child Care:~~CHILD CARE: Care or supervision of a child for monetary compensation where such child is not related by blood or marriage within the second degree of consanguinity to the person or persons providing the care, in a place other than the child's own home.

~~(I) Child Care Facility License:~~CHILD CARE FACILITY LICENSE: Any child care facility license required by this Chapter.

~~(J) Child Care Worker:~~CHILD CARE WORKER: A person who provides child care at a Child Care Facility.

~~(K) Child Care Training:~~CHILD CARE TRAINING: Preparation, instruction and education related to child care that increases the knowledge, skill and abilities of a Child Care Worker or Volunteer and which is part of an educational/technical curriculum.

~~(L) City:~~ The City of Idaho Falls, Idaho.

~~(M) City Council:~~ The duly elected City Council of the City.

~~(N) Contact:~~CONTACT: Verbal communication with and in the presence of a child or the act of being in immediate physical proximity to a child.

~~(O) Criminal Background Investigation:~~CRIMINAL BACKGROUND INVESTIGATION: A background investigation performed pursuant to Idaho Administrative Code, Section 16.05.06.

~~(P) Department:~~DEPARTMENT: The Idaho Department of Health and Welfare.

~~(Q) Director of the Community Development Services Department:~~DIRECTOR OF THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT: The Director of the Community Development Services Department of the City, or ~~his or her~~their nominee.

~~(R) EIPHD:~~ Eastern Idaho Public Health District. EIPHD will be responsible for health and safety inspections of Child Care Facilities.

~~(S) Facility:~~FACILITY: The generic term referring to a Child Care Center Facility, Group Child Care Facility, or Family Child Care Facility.

~~(T) Family Child Care Facility:~~FAMILY CHILD CARE FACILITY: A home, place, or facility that provides child care for no more than five (5) children at any given time upon the Premises of a Child Care Facility.

~~(U) Fire Marshal:~~FIRE MARSHAL: The Fire Marshal of the City of Idaho Falls, or ~~his or her~~their nominee.

~~(V) Group Child Care Facility:~~GROUP CHILD CARE FACILITY: A home, place, or facility that provides child care for at least six (6), but no more than twelve (12) children at any given time upon the Premises of a Child Care Facility.

~~(W) Immediate Family Member:~~IMMEDIATE FAMILY MEMBER: A person related by blood or marriage within the second degree of consanguinity to an owner or operator of a Child Care Facility.

~~(X) Licensee: A person having a City Child Care license in full force and effect, issued hereunder for ownership or operation of a child care facility.~~

~~(Y) Mayor: The duly elected Mayor of the City.~~

~~(Z) Member of the Household:~~MEMBER OF THE HOUSEHOLD: Any person who resides in, or on the property of, a facility providing Child Care.

~~(AA) Multi-Use Facility:~~MULTI-USE FACILITY: A Child Care Facility which is owned by a person who conducts business or engages in commercial functions for pecuniary gain in addition to child care upon the Premises of a Child Care Facility.

~~(BB) Occasional Care:~~OCCASIONAL CARE: Care provided for compensation on an infrequent or intermittent basis by neighbors or family members that does not exceed forty (40) days in a calendar year.

~~(CC) On-Site Non-Provider:~~ON-SITE NON-PROVIDER: A person who is not a Child Care Worker or a Child Care Operator and who is either:

(1) A Resident of a Child Care Facility including immediate family members of the operator/director, and who has or may have unsupervised contact with children, or

(2) Janitorial or lunch room staff, a bookkeeper, office manager, secretary, receptionist or other person employed at a Child Care Facility and who may have regular unsupervised contact with children, exclusive of child care operators or child care workers.

(3) Any friend, significant other or neighbor who regularly visits the Child Care Facility.

~~(DD) Operator:~~OPERATOR: A person who is physically present at a Child Care Facility and whose primary responsibility is the supervision and operation of the Child Care Facility during any time when Child Care is being provided upon the premises.

~~(EE) Owner:~~OWNER: A person who owns any interest in, possesses or operates a Child Care Facility. Such interest may, without limitation, include an interest as a sole proprietorship, a partnership interest, shareholder of a corporation, a beneficiary or trustee of a trust or a member of a limited liability company.

~~(FF) Person~~ **PERSON**: Any individual, partnership, association, corporation, limited liability company, or private organization of any kind.

~~(GG) Premises~~ **PREMISES**: For commercial buildings, the part of the building owned or leased for daycare facility, including parking areas and outside play areas. For home daycares, "Premises" means, the entire home, including outside play areas.

~~(HH) Regular~~ **REGULAR**: A frequency of at least once each calendar week.

~~(II) Relative~~ **RELATIVE**: Individuals related to a child by blood, marriage, or adoption within the second degree of consanguinity.

~~(JJ) Resident~~ **RESIDENT**: Any individual twelve (12) years of age or older who resides in a Child Care Facility.

~~(KK) Visitor~~ **VISITOR**: An individual who is a guest or invitee at a Child Care Facility on a random or infrequent basis.

~~(LL) Volunteer~~ **VOLUNTEER**: A person who intermittently provides care for children or other personal services to a Child Care Facility without pay or remuneration of any kind.

**SECTION 14.** Title 7, Chapter 9, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-12: **DEFINITIONS:** The words and terms used in this Sign Code shall have the meanings indicated below.

...

~~**BUILDING:** Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or property of any kind.~~

...

~~**OFFICER:** Includes officers and boards in charge of departments and the members of such boards, and such references as to the Clerk or City Treasurer, as the case may be applicable.~~

~~**PERSON:** A person, association, partnership or corporation, trust or any other entity recognized by law.~~

...

~~**SIGN, BUILDING:** Any sign that is permanently attached to a building including: wall signs, awning signs, projecting sign, window signs, and roof signs.~~

**SECTION 15.** Title 8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

8-2-6: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~The following words and phrases shall have the meaning defined herein:~~

~~AIRPORT: The Idaho Falls Regional Airport (or "IFRA" or the "Airport" and formally known as "Fanning Field" or "Idaho Falls Municipal Airport".)~~

...

**SECTION 5.** Title 8, Chapter 3, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-3-4: ALCOHOLIC BEVERAGES ON CITY PROPERTY:

(A) Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~The terms defined below shall have the following meanings when used in this section:~~

...

WINE: Any alcoholic beverage containing not more than ~~fourteen~~ sixteen percent (164%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

...

**SECTION 5.** Title 8, Chapter 4, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-2: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~Certain terms used in this Chapter shall have the meanings ascribed below:~~

...

FAST FOOD RESTAURANT: A restaurant which possesses all three (3) of the following characteristics: 1) all food orders are placed at a counter, 2) drive-thru window service, and 3) meals are served in paper, plastic, or other types of disposable materials.

...

**SECTION 5.** Title 8, Chapter 9, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-9-2: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

~~(A) Terms used in this Chapter shall have the meanings ascribed below:~~

~~1-ANSI A300: That certain standard tree, shrub and other woody plant maintenance standard practice as set forth in ANSI A300 (Part I)—2001, as published by the American National Standards Institute, Inc., May 22, 2001 Edition. TITLE 8,~~

~~2-ANSI Z133.1: That certain safety standard regarding the planting and maintenance of trees in proximity to utility lines as published by the American National Standards Institute, Inc. May 22, 2001, Edition.~~

~~3-CITY FOREST: The sum of all trees and shrubs within the City.~~

~~4-CITY FORESTER: The person appointed by the Director to carry out the duties and functions set out in the Chapter.~~

~~5-CRITICAL ROOT ZONE: The area under a tree extending from the base of a tree in all directions to a line ten (10) feet outside of the drip-line.~~

~~6-DIRECTOR: The duly appointed Director of City Parks and Recreation Department or designee.~~

~~7-MEMORIAL TREE: A tree that has been specifically approved by the Urban Forester to be planted as a special commemorating memorial.~~

~~8-PARK TREE: Any public tree, shrub, bush and woody vegetation located in or upon any public park owned by the City, but excluding trees in the public right-of-way.~~

~~9. PERSON: Any individual, firm, partnership, corporation, association, company, or other governmental entity or organization of any kind.~~

~~10-PRIVATE TREE: Any tree that is not a public tree.~~

~~11-PRIVATE TREE SERVICE COMPANY: Any company or person engaged in the business of tree pruning, trimming, removal within or without the City, whose gross receipts are more than five hundred dollars (\$500) in any calendar year.~~

~~12-PUBLIC RIGHT-OF-WAY: Improved or unimproved public property owned by, dedicated to, or deeded to, the public or the public's use for the purpose of providing vehicular, pedestrian and other public use. Such public property includes, but is not limited to, streets, alleys, sidewalks, public utility.~~

~~13-PUBLIC TREE: Any tree located upon public property owned or managed by the City, including a street tree.~~

~~14.~~ SHRUB: A woody perennial plant, branched at or near the base and which at maturity is expected to grow less than fifteen (15') feet in height.

~~15.~~ STREET TREE: Any tree, shrub, bush, and all other woody vegetation whose critical root zone is located on or encroaches into any public right-of-way or whose branches overhang any public right-of-way owned or managed by the City, or an adjacent property owner.

~~16.~~ TOPPING: The severe cutting back of limbs to stubs larger than three (3") inches in diameter within the tree's crown or the removal of the top part (trunk and limbs) of a coniferous tree, thereby removing the normal canopy and disfiguring the tree.

~~17.~~ TREE: A woody and perennial plant, usually having one main stem or trunk and many branches and which, at maturity is expected to exceed fifteen (15') feet in height and two (2") inches in diameter. The failure to achieve such height at maturity shall not preclude its consideration as a tree.

...

**SECTION 5.** Title 8, Chapter 10, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

**8-10-10 SIDEWALK, HAIL, SNOW, SLEET AND/OR ICE REMOVAL REQUIRED.**

(A) Definitions:

~~(1) Agent. Any person under a legal or contractual obligation to remove hail, snow, sleet and/or ice on a Sidewalk for an owner or lessee of property within the City, whether or not for compensation.~~

~~(21) Precipitation Event. Any product of the condensation of atmospheric water vapor (including hail, snow, sleet, and ice) that falls under gravity within City limits, as determined by the National Weather Service Station at the Idaho Falls Regional Airport.~~

~~(32) Sidewalk. Any concrete, asphaltic paving or brick material adjacent to a City street, easement, right-of-way or other public way, whether within a public right-of-way or on private property, designated and/or used by pedestrians for travel.~~

...

**SECTION 5.** Title 8, Chapter 12, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-12-2: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below~~For the purposes of this Ordinance words and phrases used herein shall have the meanings ascribed below:~~

...

~~AIRPORT: The City of Idaho Falls Regional Airport.~~

...

**SECTION 16.** Title 9, Chapter 5, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

9-5-2: DEFINITIONS: ~~Certain terms used in this Chapter shall have the meanings herein given to them~~ Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

...

~~VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.~~ As used in this Chapter, "vehicle" shall have the same meaning as under Chapter 1, Title 49 of the Idaho Code.

...

**SECTION 16.** Title 10, Chapter 1, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-1-3: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

ACCESS PRIVATE: Any street, road, drive, alley, or other privately-owned way used to obtain direct vehicular access to a public street or alley.

ACCESS PUBLIC: Any street, road, highway, alley, or other publicly dedicated and accepted way designed for movement of vehicular traffic.

ALLEY: A public way designed to serve as secondary access to the side or rear of lots that have principal access on some other street.

AGRICULTURAL LAND: Land used strictly for the cultivation of crops or for animal husbandry and which is held in tracts or parcels no smaller than ten (10) acres in area.

AMENDED PLAT: A change in the plat of an approved or recorded subdivision that affects the layout of any street or area reserved for public use or that creates any additional lots.

**AREA OF CITY IMPACT:** The agreement between the City and Bonneville County, as amended, adopted pursuant to Idaho Code 67-6526 and on file with Community Development Services Department.

**BLOCK:** A tract of land bounded by streets, alleys, parks, cemeteries, rights of way, or other public boundary lines.

**BUILDING:** Any structure built for the protection, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**CITY:** ~~The City of Idaho Falls.~~

**COMMISSION:** The Planning and Zoning Commission of the City.

**COMPREHENSIVE PLAN:** The current, legally adopted and amended Comprehensive Plan of the City.

**COUNCIL:** ~~The lawfully elected City Council of the City.~~

**CUL-DE-SAC:** A local street with only one (1) outlet and having a safe and convenient circuit for traffic reversal.

**DEDICATION:** The setting apart and acceptance by the Council of land or an interest in land for use by the public.

**DEVELOPER:** A person who subdivides or proposes to subdivide land, whether as an owner or an agent of an owner.

**DEVELOPMENT AGREEMENT:** A contract between the subdivider or developer and the City that sets forth the rights, duties, and obligations of all parties regarding the development of a subdivision or tract of land located within or proposed for annexation into the City.

**DIRECTOR:** The Director of the Community Development Services Department of the City.

**EASEMENT:** A right of use that is less than ownership, usually for a certain stated purpose.

**FRONTAGE:** Any side of a lot which abuts a public street.

**GRADE:** The slope of a road or street expressed as a percentage amount.

**IMPROVEMENT:** Any alteration to, or construction upon real property, which increases the value or utility of the land.

**INDIVIDUAL SEWAGE:** A septic tank, seepage tile sewage disposal system, or any other sewage treatment device not connected or intended to serve more than one (1) building, or connected to any other public or private sewage system.

**LONG-TERM LEASE:** Any transfer of a possessory interest in land for a period greater than ~~thirty~~thirty-five (35) years, subject to a reversionary interest in the transferor.

**LOT:** A tract, plot, or portion of a subdivision or other parcel of land of sufficient dimension and area to meet applicable City zoning requirements for lot size.

**LOT, CORNER:** A lot situated at the intersection of two (2) streets.

**MODEL HOME:** A dwelling unit used for display purposes which typifies the type of units to be constructed in a subdivision.

**OWNER:** Any person, group of persons, partnership, association trust, corporation, or other legal entity having legal title to, or an interest in, the land proposed to be subdivided.

**PLAT, FINAL:** The final drawing of the subdivision, including all dedication and acknowledgments thereon, which conforms to the provisions of this Chapter and to Idaho Code.

**PLAT, PRELIMINARY:** The preliminary drawing or drawings, indicating the proposed manner or layout of the subdivision, including but not limited to, street and utility layout and design, lots, blocks and proposed zoning.

**PLAT, SKETCH:** A sketch prior to the preparation of a preliminary plat, or final plat in the case of a short subdivision, used for the purpose of generally discussing the proposed subdivision and any applicable requirements.

**PUBLIC IMPROVEMENT:** Any drainage system, road, curb, gutter, sidewalk, off-street parking area, sewer or water system, or any other facility for which the City may assume responsibility, or which may affect improvements which are presently the responsibility of the City.

**RE-PLAT:** A change in the plat of an approved or recorded subdivision that affects the layout of any street or area reserved for public use, or which creates any additional lots.

**RE-SUBDIVISION:** Same as RE-PLAT.

**RECORD OF SURVEY:** A field survey and a map that is drawn according to the requirements of Idaho Code, Title 55, Chapter 19, as amended.

**RIGHT-OF-WAY:** Land occupied or intended to be occupied by a street, sidewalk, railroad, public utility, or other similar public use.

**RURAL STREET STANDARD:** A typical rural street section as shown in the Standard Drawings and Specifications.

**SALE:** Any transfer of ownership in land, including a contract of sale, whether by deed, contract, plat, or other agreement.

**SETBACK:** The minimum distance between a building and a property line.

**SPITE STRIP:** Any strip of land located within or adjacent to a subdivision the primary purpose of which is to allow the owner or developer of any subdivision to control access to a dedicated street or other public facility.

**STANDARD DRAWINGS AND SPECIFICATIONS:** Standard Drawings and Specifications.

**STREET:** The entire width between the boundary lines of a public way.

**STREET, DEAD-END:** A street or portion thereof, with only one (1) point of ingress and egress.

**STREET STANDARDS:** The cross sections and construction standards for typical street sections, as set forth in the City Standard Drawings and Engineering Specifications.

**SUBDIVISION:** The division of land into two (2) or more lots, for the purpose of sale or development, including any re-subdivision of land.

**SUBDIVISION, REGULAR:** The subdivision of land into five (5) or more lots.

**SUBDIVISION, SHORT:** The subdivision of land into four (4) or fewer lots.

**VARIANCE:** A modification of the strict application of this Chapter.

**SECTION 17.** Title 10, Chapter 2, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

~~10-2-2: DEFINITIONS: Words and phrases used in this Chapter shall have the meanings ascribed in the Subdivision Ordinance, and as ascribed below: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:~~

**ARTERIAL STREET:** Any U.S. or state numbered route, controlled access street, or other major radial or circumferential street or highway designated by the City as part of a major arterial system of streets or highways.

~~**CITY:** The City of Idaho Falls.~~

**COLLECTOR STREET:** A street primarily intended to provide for traffic movement between arterial streets and local streets.

**COMMERCIAL ZONE:** The I&M, LM, R&D, CC, HC, LC, PB, R3, and R3A zones as established by the Zoning Ordinance of the City or with respect to property located outside the

City, any other zoning classification substantially similar to any of the foregoing zoning classifications.

**CONTROLLED ACCESS HIGHWAY:** Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points and in such manner as may be determined by the City.

**DEVELOPER:** Any person owning fee simple title to any parcel of real property, subject to this ordinance.

**LOCAL STREET:** A street into which private access is freely allowed, and which is less than sixty (60) feet in width measured from the back of the curbs.

~~**PERSON:** Any individual, partnership, corporation, trust or lawful organization.~~

**PRIVATE ACCESS:** Any roadway, drive, or other privately-owned way used to obtain direct vehicular access to a public street or alley.

**PUBLIC ACCESS:** Any street, road, highway, alley or other publicly dedicated and accepted way designed for movement of vehicular traffic.

**RE-SUBDIVISION:** A change in any plat of an improved or recorded subdivision that affects the layout of any street or area reserved for public use, or which creates any additional lots.

**SUBDIVISION:** The division of land into two (2) or more lots for the purpose of sale, lease or development by a Developer, including any re-subdivision of land.

**SUBDIVISION ORDINANCE:** The Subdivision Ordinance of the City of Idaho Falls, as the same now exists or as modified hereafter.

**SECTION 2.** Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**SECTION 3.** Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

**SECTION 4.** Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 5.** Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF IDAHO FALLS, IDAHO

\_\_\_\_\_  
REBECCA L. NOAH CASPER, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO            )  
  ) ss:  
County of Bonneville     )

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING MULTIPLE CITY CODE PROVISIONS (ESPECIALLY TITLE 1, CHAPTER 3) TO STANDARDIZE DEFINITIONS IN THE CODE AND TO PROVIDE FOR RULES AND STANDARDS OF INTERPRETATION AND CONSTRUCTION OF THE CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

(SEAL)

\_\_\_\_\_  
KATHY HAMPTON, CITY CLERK