

ORDINANCE NO. 101

AN ORDINANCE RELATING TO MOTOR VEHICLES; REPEALING ORDINANCE NO. 78 OF THE CITY OF DONNELLY, IDAHO, PROVIDING FOR THE ADOPTION OF THE MOTOR VEHICLE LAWS OF THE STATE OF IDAHO, PROVIDING FOR PROMULGATION OF TRAFFIC RULES AND REGULATIONS UPON THE STREETS AND ALLEYS OF THE CITY OF DONNELLY, IDAHO, BY THE MAYOR AND PROVIDING A PROCEDURE THEREFOR, MAKING IT UNLAWFUL TO VIOLATE THIS ORDINANCE OR SUCH RULES AND REGULATIONS AND PROVIDING PENALTIES THEREFOR.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Ordinance No. 78 of the City of Donnelly, Idaho, be, and the same is hereby repealed.

Section 2. Declaration of Purpose. That it is hereby declared to be the intent of the Governing Body of the City to aid and assist by whatever means possible, for the utmost consistency in traffic regulations among and between agencies of Idaho having jurisdiction. Toward that end, adoption of the Idaho Motor Vehicle Laws by the cities of Idaho is a necessary means of assuring maximum uniformity within the State.

Section 3. Adoption of State Codes. There are hereby adopted for the purpose of establishing rules and regulations for the use of all streets and public thoroughfares of the city, the following motor vehicle laws:

(a) Title 49, Idaho Code, as the same now is and as it may hereafter be revised by the Idaho Legislature, or amended by the Governing Body; and

(b) Chapter 80, Title 18, Idaho Code, as the same now is or may hereafter be amended by the Idaho Legislature or amended by the Governing Body; which codes are incorporated herein as an ordinance of the City of Donnelly as if set forth at length herein.

In the event that a conflict shall arise between the provisions of this section and the existing laws and ordinances of the City relating to this subject matter, the stricter of the conflicting laws shall apply.

Three (3) copies of the said Title 49 of the Idaho Code, and Chapter 80 of Title 18, Idaho Code, together with any revisions or amendments, duly certified by the Clerk, shall be kept on file in her office for use and examination of and by the general public.

Section 4. Promulgation of Rules and Regulations. The Mayor of the City of Donnelly, Idaho, shall have the power to promulgate traffic rules and regulations upon all streets and alleys within the corporate limits of the City of Donnelly, Idaho, as follows:

(a) Designate by proper signs highways, streets and alleys or parts thereof upon which parking is prohibited or limited.

(b) Prohibit left or "U" turns by vehicles at designated street or alley intersections.

- (c) Mark streets for guidance to vehicle parking.
- (d) Establish parking time limitations.
- (e) Provide safety zones for pedestrians.
- (f) Designate location of "STOP" signs at street and alley intersections.

The Mayor of said City shall have the further power to promulgate any other traffic rule that would be advantageous and desirable; provided, no rules promulgated as herein stated by said Mayor shall become operative unless a copy of said rules shall have been first filed with the Clerk in writing and shall have been approved by the City Council at a regular or special session, and provided also that suitable signs or standards or guides stating the substance of the rule are placed upon conspicuous places in the highway, street or alley or part thereof affected. Such signs or standards or guides shall be of sufficient size to be clearly visible by occupants of motor vehicles.

Section 5. Penalties. (a) It shall be unlawful to violate this ordinance or any such regulations as above provided and any person convicted of a violation thereof shall be guilty of a misdemeanor and shall be punished by being fined in a sum not exceeding three hundred dollars (\$300.00) or confined in the Valley County Jail for not more than thirty (30) days or by both such fine and imprisonment, except as herein set forth;

(b) In those Chapters of Title 49 of Idaho Code wherein violations are declared to be infractions, any person convicted of a violation thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00).

Passed and approved this 20th day of November, 1985.

Dorothy Geshen Ireland  
Mayor

Attest:

Jean S. Allen  
City Clerk

SCALED

ORDINANCE NO. 102

AN ORDINANCE RELATING TO DOG LICENSES; REQUIRING  
A CURRENT RABIES VACCINATION CERTIFICATE AS A  
CONDITION OF ISSUANCE OF SUCH LICENSE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF  
THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. Rabies Vaccination. No City license shall  
be issued for any dog unless the owner or person in charge  
of such dog shall present to the City Clerk at the time of  
payment of the required license fee for such dog, a certifi-  
cate of a licensed veterinarian that such dog has been cur-  
rently vaccinated for rabies.

Passed and approved this 16th day of June, 1986.

Thomas E. Anderson  
Mayor

Attest:

Jean Allen  
City Clerk



SCANNED

ORDINANCE NO. 103

AN ORDINANCE RELATING TO THE SALE OF LIQUOR BY THE DRINK; AMENDING SECTION 7 OF ORDINANCE NO. 7 OF THE CITY OF DONNELLY TO PERMIT THE SALE OF LIQUOR BY THE DRINK EVERY DAY EXCEPT CHRISTMAS AND EXTENDING THE HOURS FOR RETAIL SALE OF LIQUOR BY THE DRINK AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Section 7 of Ordinance No. 7 of the City of Donnelly, Idaho, passed and approved June 26, 1952, be, and the same is hereby amended to read as follows:

Section 7. Sale Prohibited. No liquor shall be sold, offered for sale, or given away upon any licensed premises during the following days and hours:

- (a) ~~Sunday, Memorial, Thanksgiving~~ and Christmas from ± 2:00 A.M. to 10:00 A.M. of the following day;
- (b) On any other day between ± 2:00 A.M. and 10:00 A.M. of said day;
- (c) On the day of any State, primary or general election prior to the closing of the polls.

Section 2. This ordinance shall be in full force and effect from and after July 1, 1986.

Passed and approved this 16th day of June, 1986.

Thomas E. Anderson  
Mayor

Attest:

Jean S. Allen



30 AUG 1986  
CITY OF DONNELLY

CITY OF DONNELLY  
ORDINANCE NO. 104

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" APPROPRIATING SUCH SUMS OF MONEY AS ARE DEEMED NECESSARY TO LEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF DONNELLY, IDAHO, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1987.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. There is hereby appropriated to defray all necessary expenses of the City of Donnelly, Idaho, for the fiscal year commencing October 1, 1986, and ending September 30, 1987, the sum of \$51,385.00, which said sum shall be appropriated to the several funds of said City as follows:

GENERAL FUND

Roads & Streets	\$ 4,000.00
Fire Department	3,200.00
Parks Department	400.00
Heat, Lights & Utilities	150.00
Telephone & Communication	500.00
Professional Services	3,000.00
Office Supplies & Postage	500.00
Airport	250.00
Insurance	2,500.00
Advertising & Legal Publication	300.00
Dues, Subscriptions & Membership	200.00
Travel & Meetings	800.00
Water Department	10,100.00
Salary & Wages	12,900.00
Sewer Department	3,000.00
Fringe Benefits	3,589.00
Solid Waste Fee	36.00
Building Inspections	100.00
Sewer Bond Payment	3,860.00
Federal Revenue Sharing, Safety Equipment	2,000.00

TOTAL GENERAL FUND BUDGET \$51,385.00

Passed and approved this 18th day of August, 1986.

Thomas E. Anderson  
Mayor

Attest:

Jeanette Allen  
City Clerk

SCANNED

ORDINANCE NO. 105

AN ORDINANCE RELATING TO FLOOD DAMAGE PREVENTION: RECITING STATUTORY AUTHORIZATION, MAKING FINDINGS OF FACT, STATING PURPOSE AND OBJECTIVES; PROVIDING DEFINITIONS, PROVIDING GENERAL PROVISIONS, PROVIDING FOR ADMINISTRATION, DESIGNATING A LOCAL ADMINISTRATOR, ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR, PROVIDING PROVISIONS FOR FLOOD HAZARD PROTECTION, PROVIDING SPECIFIC STANDARDS FOR CONSTRUCTION, AND PROVIDING REGULATIONS COVERING FLOODWAYS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT,  
PURPOSE, AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Idaho has in Chapter 65 of Title 67, Idaho Code, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the City of Donnelly, Idaho, hereby adopts this Ordinance.

1.3 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:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.



SECTION 2.0  
DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"BASE FLOOD" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "100-year flood." designation on maps always includes the letters A or V.

"DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"FLOOD or "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"FLOODWAY" means the channel of a river or other water-course 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 one foot.

"LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2).

"MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.



"NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other 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 state 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 on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not at that alteration affects the external dimensions of the structure.

### SECTION 3.0 GENERAL PROVISIONS

#### 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Donnelly, Idaho.

#### 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard indentified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Donnelly, dated April 15, 1977, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The flood Insurance Study is on file at the office of the City Clerk, Donnelly, Idaho.

### SECTION 4.0 ADMINISTRATION

#### 4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

#### 4.1-1 Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".

#### 4.2 DESIGNATION OF THE BUILDING INSPECTOR

The Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### 4.3 DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR

Duties of the Building Inspector shall include, but not be limited to:

##### 4.3-1 Permit Review

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

##### 4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Inspector obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, AND 5.3 FLOODWAYS.

##### 4.3-3 Information to be Obtained and Maintained

- (1) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3-2, obtain and record the actual elevation (in relations to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
  - (i) verify and record the actual elevation (in relation to mean sealevel), and
  - (ii) maintain the floodproofing certifications required in Section 4.1(3).
- (3) Maintain for public inspection all records pertaining to the provisions of this ordinance.



#### 4.3-4 Alteration of Watercourses

- (1) Notify adjacent communities and the Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### 4.3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).

### SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

#### 5.1 GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

##### 5.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

##### 5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.



#### 5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### 5.1-4 Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

#### 5.1-5 Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.3-2), Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

#### 5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3-2, Use of Other Base Flood Data, the following provisions are required:

##### 5.2-1 Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (ii) The bottom of all openings shall be no higher than one foot above grade.
  - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### 5.2-2 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2).
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2).
- (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

#### 5.2-3 Manufactured Homes

All manufactured homes to be placed or substantially improved within Zones Al-30, AH, and AE shall be elevated on

a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 5.1-1(2).

### 5.3 FLOODWAYS

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 5.3(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION.

Passed and approved this 20 day of April, 1987.

Thomas E. Anderson  
Mayor

Attest:

Jean L. Allen  
City Clerk



SCAN

SUMMARY OF  
ORDINANCE NO. 105

AN ORDINANCE RELATING TO FLOOD DAMAGE PREVENTION; RECITING STATUTORY AUTHORIZATION, MAKING FINDINGS OF FACT, STATING PURPOSE AND OBJECTIVES; PROVIDING DEFINITIONS, PROVIDING GENERAL PROVISIONS, PROVIDING FOR ADMINISTRATION, DESIGNATING A LOCAL ADMINISTRATOR, ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR, PROVIDING PROVISIONS FOR FLOOD HAZARD PROTECTION, PROVIDING SPECIFIC STANDARDS FOR CONSTRUCTION, AND PROVIDING REGULATIONS COVERING FLOODWAYS.

A summary of the principal provisions of Ordinance No. 105 of the City of Donnelly, Valley County, Idaho, adopted on April 27, 1987, is as follows:

Section 1.0: Provides statutory authorization for the ordinance; states that the purpose thereof is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas and sets forth specific provisions therefor.

Section 2.0: Provides definitions.

Section 3.0: Provides general provisions covering lands to which the ordinance applies and adopts the flood insurance study and maps prepared by the Federal Flood Insurance Administration on file in the office of the Donnelly City Clerk.

Section 4.0: Provides for administration of the ordinance; requires a development permit; appoints the city building inspector to administer the ordinance; sets forth the duties and responsibilities of the building inspector; requires permit review; provides for use of other data if such data is not available in the Federal Insurance Study; sets forth the information to be obtained and maintained regarding base flood elevations for new and substantially improved structures; provides that all records are open to public inspection; provides regulations and requirements for relocation of water courses; and provides for interpretation of boundaries of flood areas in case of conflict between mapped boundaries and field conditions.

Section 5.0: Provides general standards for anchoring of structures; provides for construction materials and methods to resist and minimize flood damage, and regulates location of electrical, heating, ventilation, plumbing, air conditioning and other equipment; requires that water and sewer systems be designed to minimize flood damage and requires that utilities be located and constructed to minimize flood damage and requires

that subdivision proposals shall minimize flood damage, requires that public utilities be constructed to minimize flood damage, requires that drainage be designed to reduce flood damage exposure and requires that flood elevation data be provided for developments containing at least 50 lots or five acres, whichever is less; provides that when elevation data is not available through authoritative sources in building permit review, assurance must be given that proposed construction is reasonably safe from flooding; provides a test for reasonableness; and provides that failure to elevate at least two feet above grade in such zones may result in higher flood insurance rates; sets forth specific standards required in special flood areas when flood data is available covering residential construction and substantial improvements of residential construction, non residential construction and substantial improvement thereof, and manufactures homes; requires certification of registered professional engineer or architect concerning encroachments, including fill, new construction, substantial improvements and other developments in floodways; requires that such construction and improvements meet all flood hazard reduction provisions of ordinance.

The full text of Ordinance No. 105 is available at the office of the City Clerk and will be provided to any citizen upon personal request during normal office hours.

CITY OF DONNELLY  
Valley County, Idaho

Thomas E. Anderson  
Mayor

ATTEST:

Jean S. Allen  
City Clerk

(SEAL)

CERTIFICATION OF CITY ATTORNEY

SCANNED

I, the undersigned City Attorney for and legal advisor to the City of Donnelly, Valley County, Idaho, hereby certify that I have read the attached summary of Ordinance No. 105 of the City of Donnelly and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 20th day of May, 1987.

  
\_\_\_\_\_  
City Attorney



SCANNED

RESOLUTION NO. 106

A RESOLUTION OF THE CITY OF DONNELLY, OF VALLEY COUNTY, IDAHO, APPROVING, PURSUANT TO SECTION 50-901A, IDAHO CODE, A SUMMARY OF ORDINANCE NO. 105 FOR PUBLICATION.

WHEREAS, the City of Donnelly, Valley County, Idaho (the "City"), on ~~April 27~~ <sup>MAY 18</sup>, 1987, adopted Ordinance No. 105 relating to flood damage prevention.

WHEREAS, the city is authorized, pursuant to Section 50-901A, Idaho Code, to publish, in lieu of the entire ordinance, a summary thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DONNELLY, IDAHO, as follows:

Section 1. That the summary of Ordinance No. 105, adopted by the Donnelly City Council on April 27, 1987, a copy of which Summary is annexed hereto as Exhibit "A", be, and the same is hereby approved.

Section 2. This Resolution shall take effect and be in force from and after its passage and approval.

Dated this 18 day of May, 1987.

CITY OF DONNELLY  
Valley County, Idaho

Thomas E. Anderson  
Mayor

ATTEST:

Jean S. Allen  
City Clerk  
(SEAL)

ORDINANCE NO. 106

SCANNED

AN ORDINANCE RELATING TO CABLE TELEVISION; PROVIDING DEFINITIONS; GRANTING TO SNAKE RIVER VALLEY CABLEVISION LIMITED PARTNERSHIP A TWENTY (20) YEAR NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OWN, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE CITY OF DONNELLY, IDAHO; PROVIDING CONDITIONS ACCOMPANYING THE GRANTING OF SAID FRANCHISE; PROVIDING FOR INDEMNIFICATION OF THE CITY AND LIABILITY OF THE COMPANY; PROVIDING FOR A PERFORMANCE BOND; PRESCRIBING SERVICE STANDARDS; REQUIRING FREE CONNECTIONS TO CITY BUILDINGS; PRESCRIBING RATES AND PROHIBITING DISCRIMINATORY PRACTICES; RESTRICTING ASSIGNABILITY; PROVIDING FOR A FRANCHISE FEE; PROVIDING FOR CANCELLATION OF SUCH FRANCHISE; PROVIDING FOR JOINT USE OF POLES; MAKING IT UNLAWFUL TO INJURE ANY PROPERTY USED IN CONNECTION THEREWITH AND MAKING IT UNLAWFUL TO MAKE OR ATTEMPT TO MAKE UNAUTHORIZED CONNECTION TO SUCH CABLE TELEVISION SYSTEM; PROVIDING FOR SEPARABILITY AND PROVIDING FOR DURATION AND ACCEPTANCE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. Definitions: For the purposes of this Ordinance, the following terms, phrases, words, and their derivation shall have 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 number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. "City" is the City of Donnelly, Idaho.
- b. "CABLE TELEVISION SYSTEM", hereinafter referred to as "CATV System" or "system", means a system of coaxial cables or other electrical conductors and transmission equipment used or to be used primarily to receive television or radio signals directly or indirectly off-the-air or from Satellites, and other related services and transmit them to subscribers for a fee.
- c. "Company" or "Grantee" shall be Snake River Valley Cablevision Limited Partnership, an Idaho limited partnership, or anyone who succeeds it in accordance with the provisions of this Ordinance.
- d. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.



e. "FCC" is the Federal Communications Commission or its successor agency.

f. "Gross Subscriber Revenues" shall mean the grantee's annual gross subscriber revenues derived from monthly cable television service in the City.

g. "Street" shall mean the surface of, and the space above and below, any public street, road, highway, freeway, right-of-way, easement, alley, court, sidewalk, parkway, drive or other public property, now or hereafter existing as such within the City.

h. "State" shall mean the State of Idaho.

i. "Subscriber" shall mean any person or entity receiving for any purpose the cable television services of the Company herein.

i. "Basic Service" shall mean the basic package of cable television service provided by the Company to all subscribers at all locations in the City.

Section 2. Grant of Non-Exclusive Franchise: The City hereby grants to the Company the non-exclusive franchise, right, privilege, authority and easement for a period of twenty (20) years from the effective date hereof, renewable for an additional twenty (20) year period as provided herein, unless sooner terminated pursuant to the provisions of this Ordinance, to construct, erect, suspend, install, renew, maintain, and otherwise own and operate throughout the City, in, upon, along, across, above, over and under the streets, alleys, easements, public ways and public places as now laid out or dedicated, and all extensions thereof, and additions thereto, in the City a system of poles, wires, cables, underground conduits, ducts, trenches, conductors, amplifying equipment, manholes, fittings, and any and all other fixtures, appliances and appurtenances necessary for the installation, ownership, maintenance and operation in the City of a cable television (CATV) system to serve residents and inhabitants of the City. This franchise shall in no way be construed to prohibit extensions of the City system for the purpose of distribution of services to inhabitants outside the limits of the City. Without limiting the generality of the foregoing, this franchise shall and does hereby include the right to make connections to subscribers, and the right to repair, replace and enlarge and extend said lines, equipment and connections.

Section 3. Compliance With Applicable Laws And Ordinances: The Company shall at all times during the life of

this Ordinance be subject to all lawful exercise of the police power by the City and to such reasonable regulation by the City as the City shall thereunder provide. The Company shall comply with all laws, statutes, codes, ordinances, rules, or regulations applicable to its business, including those of the Federal Communications Commission with special reference to Section 76.31 thereof.

Section 4. Effective Date and Term: This Ordinance shall take effect and be in full force after final passage and publication hereof, as provided by law, and said Ordinance shall continue in full force and effect for a term of twenty (20) years upon the terms and conditions set forth herein. An option for renewal, for an additional twenty (20) year period under the terms and conditions mutually agreeable to both parties, may be exercised by the Company by giving the City notice in writing of its election to exercise this option, which notice shall be given not less than one (1) year nor more than five (5) years prior to the expiration of the term of this Ordinance. Renewal shall not be unreasonably denied, and may be granted by the City after consideration of the Company's qualifications and after full public proceedings affording due process, within six months of the Company's written notice. This Ordinance, when accepted by the Company, shall be and become a valid and binding contract, between the City and the Company, but this Ordinance shall be void unless the Company shall, within thirty (30) days after passage and publication of same of the City, file with the City Clerk its unconditional acceptance of the Ordinance, as hereinafter provided.

Section 5. Territorial Area Involved: This Ordinance is related to the present territorial limits of the City and to any area henceforth added thereto during the term of of this agreement; provided, however, that the Company shall not be required to build (a) annexed sections of the City that do not meet a general density standard of fifty (50) homes per mile of cable system including interconnecting trunk, or (b) sections where necessary easements cannot be reasonably obtained. The Company shall be required to provide service at regular rates to all structures within one hundred and fifty (150) feet of its distribution system.

Section 6. Liability of Company-Indemnification: It is expressly understood and agreed by and between the Company and the City that the Company shall hold the City harmless from all losses sustained by the City by reason of any suit, judgment, execution, claim or demand resulting from the construction, operations or maintenance by the Company of its cable television system in the City. The Company shall, prior to the commencement of construction of the system, file with the City



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Clerk and at all times thereafter maintain in full force and effect for the term of this franchise, at Company's sole expense, a general comprehensive liability insurance policy, in protection of the City, its officers, boards, commissions, agents, and employees, in a company authorized to do business in the State, and in a form satisfactory to the City Attorney, protecting the City and all persons against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of the Company under such permit in the minimum amounts of:

\$250,000.00 for property damage to any one person;  
\$500,000.00 for property damage for any one occurrence;  
\$500,000.00 for personal injury to any one person;  
\$1,000,000.00 for personal injury for any one occurrence;

Section 7. Faithful Performance Bond: The Grantee shall, within 90 days of its acceptance of this permit, file with the City Clerk and for three years thereafter maintain in full force and effect at Grantee's sole expense, a corporate surety bond with a responsible Company licensed to do business in the State, in the initial amount of \$5,000.00, renewable annually, and conditioned upon the faithful performance of the Grantee, and upon the further condition that in the event Grantee shall fail to comply with any one or more of the provisions of this Ordinance, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal of any property of the Grantee as prescribed hereby, plus a reasonable allowance for attorneys' fees and costs, up to the full amount of the bond. If the City shall recover any amount from the bond during the initial or subsequent three-year period, then the Company shall provide an identical bond for an additional three-year period. The bond shall provide that at least thirty (30) days' prior written notice of intention not to renew, cancellation, or material change, be given to the City by filing the same with the City Clerk.

Section 8. Service Standards and Requirements:

a. The Company shall maintain its service in accordance with the accepted standards of the industry, so as to provide its subscribers a level of quality and reliability equal to or better than the industry norm for cable television systems of a size similar to that operated hereunder. The Company shall maintain a toll-free number in its Weiser, Idaho office. All subscribers will be informed of the telephone numbers and location of such office so as to make the filing of inquiries and service complaints as easy as possible. A listed full time



telephone service number shall be maintained so as to permit registering of complaints 24 hours daily, seven days a week.

b. Degraded reception shall be corrected within two business days, except in the event of disaster or other conditions beyond the control of Grantee. The Company shall maintain records of all service complaints. Such records shall include the name and address of the subscriber, the date and time at which the complaint was received, the nature of the complaint, the resolution of the complaint and the date and time of such resolution.

Section 9. Time of Construction and Service: Upon the effective date of this franchise, the Company shall diligently commence acquisition of all necessary certificates, permits, licenses and agreements which are required to construct a CATV system in the City. Within six (6) months of the effective date of this franchise, the Company shall commence construction. Thereafter, construction shall proceed so as to make service available throughout the City, as defined in Section 5 within 15 months of the effective date of the franchise. In the event the Company fails to start construction within six (6) months, the City may hold a public hearing on the delays. If construction has not started for reasons within the control of Grantee, then the Grantee shall commence construction within sixty (60) days of the hearing; if construction is not so started, the City may then cancel the franchise without further notice.

If construction is not completed as set forth in this section, the City may proceed to make claims on the performance bond as set forth in Section 7.

Reasonable extensions to the deadlines for commencement and completion of construction shall be granted for delays caused by weather, strike, Act of God, inability to obtain necessary construction permits, or other reasons beyond control of Grantee.

Section 10. Special Services: a. The Company shall furnish, upon request, at no charge, one outlet for each local school, municipal office building or city-owned facility within its service area and not more than one hundred and fifty (150) feet from the Company's existing service facilities.

b. In the case of an emergency or a disaster, the Company shall, upon request of the City, make available its facilities to the City for emergency use during the emergency or disaster period. The Company will also provide a means of interrupting the audio portion of the cable system to present emergency messages by local law enforcement and public officials.



Section 11. Safety Requirements: a. The Company shall at all times employ due care and shall install and maintain in use commonly accepted methods and devices for preventing failure and accidents which may cause damage, injuries, or nuisances to the public.

b. The Company shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the National Electrical Safety Code and local ordinances which are applicable.

c. All structures and all lines, equipment, and connections in, over, under and/or upon the streets, sidewalks, alleys, and public ways or places of the City wherever situated or located, shall be kept and maintained at all times in a safe condition and in good order and repair.

Section 12. New Developments: It shall be the policy of the City to amend this Ordinance liberally, upon application of the Company, when necessary to enable the Company to respond to changes in Federal Communications Commission regulation, and to take advantage of any developments in the field of transmission of television signals and related services which will afford it an opportunity more effectively, efficiently, or economically to serve its customers.

Section 13. Conditions on Street Occupancy: a. All transmission and distribution structures, lines and equipment erected by the Company within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners whose land may adjoin any of the said streets, alleys, or other public ways and places.

b. In case of disturbance of any streets, sidewalk, alley, public way, or paved area, the surface shall be repaired at Company expense to at least the state that existed prior to disturbance. All repairs shall be made as agreed between the City and Company, in compliance with all existing City Ordinances.

c. If at any time during the period of this Ordinance the City shall lawfully elect to alter or change the grade or alignment or re-routing of any street, sidewalk, alley, or other public way, the Company, upon reasonable notice by the City shall remove and relocate its poles, wires, cable, underground conduits, manholes and other fixtures at its own expense.

d. Any poles or other fixtures placed in any public way by the Company shall be placed in such manner as not to interfere with the usual travel on such public way.

e. In all areas of the City where the wires, cable and other facilities of the power company and the telephone company are located underground, the Company will locate its facilities underground.

f. The Company shall have the authority, under the supervision of the City's appropriate authority, to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company.

Section 14. Prohibition of Discriminatory or Preferential Practices: The Company shall not, in its rates, charges, service facilities, promotional campaigns, rules, regulations, or in any other respect, make or grant preference or advantage to any subscriber, or other user or potential user of its System, nor subject any person to any prejudice or disadvantage. Connection charges may be discounted during construction and during special promotions on a non-discriminatory basis.

Section 15. Removal of Facilities Upon Request: Upon termination of service to any subscriber, the Company shall promptly remove all its facilities and equipment from the premises of such subscriber upon his or her request.

Section 16. Assignability: The Company shall not at any time sell or assign its rights and privileges under this Ordinance to any other person, firm or corporation without the approval of the City. Such assignment shall be approved when the assignee shall have agreed in writing with the City to become responsible for the full performance of all the conditions, liabilities, covenants and obligations contained in this Ordinance and the City is satisfied with the financial ability of the assignee to fulfill such performance. Nothing in this Section shall be deemed to prohibit a mortgage or pledge of this franchise, the system, or any part thereof, for financing purposes without prior approval.

Section 17. Gross Revenue: Within ninety (90) days following the end of each calendar year, the Company shall file with the City a certified report showing gross subscriber revenues of the Company from subscribers throughout the City since the preceding report.



Section 18. Franchise Fee: The Company shall pay to the City an annual fee equal to 3% of the gross subscriber revenues of the Company in the City. Payment shall be made annually in arrears, simultaneously with the report required by Section 17. The Company shall also purchase all normal fixed-fee permits and licenses required of all businesses in the City.

Section 19. City Rights in Ordinance: a. The right is hereby reserved to the City to adopt, in addition to the provisions contained herein and in existing applicable agreements, such additional regulations as it shall find necessary in the exercise of the police power; provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

b. The City shall have the right, during the life of this Ordinance, to install and maintain free of charge upon the poles of the Company any wire and pole fixtures necessary for a police alarm system, or traffic control system on the condition that such wire and pole fixtures do not interfere with the CATV operation of the Company.

c. The City shall have the right to inspect the maps, plans, and other like materials of the Company at any time during normal business hours.

d. The City shall have the right to review all construction or installation work performed subject to the provisions of this Ordinance and make such inspections as it shall find necessary to insure compliance with the terms of this Ordinance and other pertinent provisions of law.

Section 20. Forfeiture of Ordinance: If the Company shall fail to comply with any of the provisions of this grant or shall default in any of its undertakings of obligations hereunder and shall fail within sixty (60) days after receipt of written notice from the City to correct such default or non-compliance, then the City shall have the right, after a full and complete hearing and finding of fact, to revoke any or all rights and privileges granted hereunder or to invoke lesser penalties; provided, however, that default or noncompliance resulting from factors beyond the reasonable control of the Company shall not be sufficient grounds for revocation. The Company shall have the right to appeal any finding of default or violation and any resultant penalty to any court of competent jurisdiction with the State of Idaho.

In the event the franchise is revoked, and if the System is in operation, the Company may continue to operate the system for a period of up to nine (9) months, during which the Company



shall sell its interest in the System to another qualified operator at fair market value.

Section 21. Signal Carriage: It will be the policy of the Company to provide on the cable a broad selection of television signals consisting of at least the following:

KBCI - 2	Boise
KAID - 4	Boise
KIVI - 6	Boise
KTVB - 7	Boise
KTVR -12	Nampa
WTBS -17	Atlanta
WGN - 9	Chicago
ESPN	
SPN	
CNN	
CNN-Headline	
Home Shopping Network	
HBO	
CINEMAX	
DISNEY	
NICKELODEON	

Should subsequent developments require changes, the Company will, at all times, offer categories of service reasonably comparable to those set forth in this Section 21.

Section 22. Erection, Removal and Joint Use of Poles: a. No poles, or other wire-holding structures shall be erected or installed by the Grantee without prior approval of the City with regard to location, height, type and other pertinent aspects. The locations of any pole, or wire-holding structure of the Grantee shall not be a vested right and such structure, or structures shall be removed or modified by the Grantee at its own expense upon such order of the City.

b. Where poles or other wire-holding structures of any public utility company are available for use by the Grantee, the Grantee shall use such poles and structures if the permission and consent of such public utility company may be obtained by the Grantee and if the terms of the use available to the Grantee are just and reasonable.

c. Where a public utility serving the City desires to make use of the poles or other wire-holding structures of the Grantee, but agreement therefor with the Grantee cannot be reached, the City may require the Grantee to permit such use for such consideration and upon such terms as the City Council shall determine to be just and reasonable, if the use would not unduly interfere with or burden the Grantee's operations.

Section 23. Rates: a. In its rates, charges, service facilities, rules, regulations or in any other respect, the Company shall not make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage with the same classifications of service. The Company shall have the right to establish different classifications of service for residential and commercial users and to adopt charges and rate schedules to which any subscriber within said classifications shall be entitled.

b. The initial schedule of subscriber charges to be paid shall be as follows:

INSTALLATION

Basic Service	\$20.00 new; \$10.00 reconnect
Basic service, initial installation of underground drop	\$35.00
Premium Service	\$10.00
Extra Outlets, each	\$10.00

MONTHLY SERVICE

Basic Service, first outlet	\$14.95 per month
Extra Outlet, each	\$ 1.25 per month
Pay TV Service	
First	\$ 8.50 per month
Second	\$ 7.50 per month
Third	\$ 6.50 per month

DISCOUNTED INSTALLATION AND SERVICE

Promotional discounts on installation and cable service fees may be offered from time to time.

UNIFORMITY OF RATES

All service-area subscribers shall pay the standard rates prescribed by the Grantee. Promotional discounts on installation may be offered from time to time, on a uniform and nondiscriminatory basis, within the service area. Seasonal rates may be established. If so, they will be made available to all residents and inhabitants on an equal basis.

In the event the system is extended to areas outside the city limits, subscribers outside the City shall pay not less than the rates set forth in this Ordinance.



#### SENIOR CITIZEN DISCOUNT

The sum of \$10.00 shall be deducted from normal charges for installation work for all senior citizens.

#### SEASONAL RATES

The Company shall allow persons to subscribe to service provided by it on a seasonal basis at rates per month equal to rates charged to full time subscribers.

#### FREE SERVICE

One cable television outlet will be installed in each nonresidential City-owned building and each public school in the service area, if desired. There will be no charge for a normal aerial installation to these buildings. There will be no charge for normal basic monthly service to these buildings, provided the signals are not resold.

c. The rates as proposed shall remain in effect for one year from the date of first subscriber service.

Thereafter, Grantee shall make annual adjustments to rates as it deems appropriate and reasonable, so long as such rates are in compliance with all other provisions of this Ordinance.

Section 24. System Security: The Company shall have the right at all times to take any and all legal action it deems necessary to preserve the security of its cable television system and to assure appropriate use thereof by its subscribers.

Section 25. Tampering With CATV Equipment-Misdemeanor: Any person who wilfully or maliciously damages, or causes to be damaged, any wire, cable, conduit, apparatus or equipment of the Company, or who commits any act with intent to cause damage to any wire, cable, conduit, apparatus or equipment of the Company, or who taps, tampers with, or connects any wire or device to a wire, cable, conduit or equipment of the Company with intent to obtain a signal or impulse therefrom without authorization of the Company, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$300.00 or imprisonment in the county jail for a period not to exceed 30 days or by both such fine and imprisonment.

Section 26. Separability: If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.



Section 27. Duration and Acceptance of the Ordinance:  
This Ordinance and the rights, privileges and authority hereby granted shall take effect and be in force from and after final passage and publication hereof, as provided by law, and any franchise permitted or operated hereunder shall continue in force and effect for a term of twenty (20) years, provided that within thirty (30) days after the date of the passage of the Ordinance, the Company shall file with the City its unconditional acceptance of the franchise and promise to comply with and abide by all its provisions, terms and conditions. Such acceptance and promise shall be in writing duly executed and sworn to, by the appropriate officials of the Company before a Notary Public or other officer authorized by law to administer oaths.

Passed and approved this                      day of                      , 1989.

Thomas E. Anderson  
Mayor

Attest:

Robert E. Bennett Council Pres  
City Clerk

RESOLUTION NO. 107

A RESOLUTION APPROVING A LEASE BY AND BETWEEN THE CITY OF DONNELLY, AND THE DONNELLY RURAL FIRE PROTECTION ASSOCIATION, INC.; MAKING CERTAIN FINDINGS OF FACT; AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AND ATTEST SAID LEASE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Donnelly has received a proposal from the Donnelly Rural Fire Protection Association, to lease from the City a certain tract of land for the purpose of erecting a fire station and a quick response emergency ambulance service; and

WHEREAS, the City Council hereby makes the following findings in support of a decision to lease such property for a term of 50 years, to-wit:

(a) That such property is not now or in the foreseeable future needed exclusively for City purposes.

(b) The Association does provide a valuable service to the area and the community by furnishing fire protection service to its members who reside outside of the corporate limits of the City of Donnelly, a substantial portion of which property is in the Donnelly Area of City Impact as established by law and, which area is likely over the term of such lease to be annexed to the City.

(c) The purpose of the lease is to provide land upon which the Association shall build and construct quarters wherein to store fire trucks, fire fighting equipment, house fire fighters for the Association and the City, and to house an emergency quick response ambulance service vehicles and equipment, and provide space for training purposes.

(d) The Association shall construct such structure according to the plans and specifications approved by the City,



a copy of which plans and specifications are on file in the office of the City Building Department.

(e) That the Chief of the City Fire Department shall also serve as Chief of the Association Fire Department so long as the same is agreeable to both parties hereto.

(f) The Association and the City shall both avail themselves of the services of the Donnelly Volunteer Firemen. Each separate entity will pay firemen for calls and fires dependent on the area in which fires occur, with the City paying for fire calls inside the corporate limits of the City and the Association paying for fire calls outside of the corporate limits of the City.

(g) The interchangeable use of vehicles and equipment between City and Rural Fire Departments in the suppression of fires or at any other time it is necessary, shall be left to the discretion of the Fire Chief. PROVIDED, HOWEVER, that the City at no time shall be left without fire protection trucks, equipment and personnel to respond to a fire within its corporate limits.

(h) So far as legally possible for it to do so, the Association shall adopt and enforce all City, County and State fire codes.

(i) The Association shall construct such structure at its sole expense and shall save the City harmless of and from any and all liability therefor.

(j) No indebtedness of the Association shall at any time constitute a debt of the City.

(k) The City Council hereby finds that to lease property that is not needed exclusively for City purposes to an organization in need of said property for the purpose of fighting fire, furnishing quick response ambulance service, to protect life and property at this point in time is the best management

of the property, providing certainty of utilization of the property to its highest and best use.

WHEREAS, the Council upon motion duly made, seconded and carried, approved the content of the proposed lease.

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of Donnelly, Idaho:

Section 1. That the proposed lease by and between the City of Donnelly and the Connelly Rural Fire Protection Association, a copy of which is hereunto annexed and incorporated herein by reference, be, and the same is hereby approved both as to form and content.

Section 2. That the Mayor and City Clerk be and they are hereby respectively authorized to execute and attest to said proposed lease upon behalf of the City of Donnelly.

Section 3. That this RESolution shall be in full force and effect immediately upon its adoption and approval.

Adopted and approved this 15 day of May, 1987.

\_\_\_\_\_  
Mayor

Attest:

Jean L. Allen  
City Clerk



ORDINANCE NO. 108

SCANNED

AN ORDINANCE RELATING TO MANUFACTURED HOMES; DEFINING MANUFACTURED HOMES; ALLOWING FOR MANUFACTURED HOMES; LIMITING OCCUPANCY TO SINGLE FAMILY DWELLINGS; PROVIDING AGE LIMIT FOR MANUFACTURE THEREOF; PROVIDING FOUNDATION REQUIREMENTS AND FOR REMOVAL OF RUNNING GEAR; PROVIDING FOR ATTACHED ACCESSORY STRUCTURES AND STANDARDS THEREFOR; PROVIDING FOR MINIMUM LIVING SPACE; AND PROVIDING TIME LIMITATION FOR COMPLIANCE WITH REQUIREMENTS OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. Definitions-Intent of Ordinance-Standards.  
Manufactured Home. (Formerly Mobile Homes as defined by Section 39-4105(14), Idaho Code). The intent of this ordinance is to establish standards and regulations governing the location and approval of Manufactured Homes in the City and allow a mix of "housing types" and "living styles"; however, this should occur in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of the Manufactured home; allowing those that are acceptable similar in appearance to site-built dwellings.

Section 2. Manufactured Homes Permitted. Manufactured Homes shall be confined to single family dwellings provided such structures meet the development standards for VA (Veteran's Administration) and FHA (Federal Housing Administration) housing minimum standards and are manufactured during and after 1976.

Section 3. Development Standards. Development standards for manufactured home on an individual lot are as follows:

- a. Shall have a minimum floor area of 690 square feet;
- b. Shall have a foundation facia that is similar in appearance to masonry foundation of site-built dwellings or skirting of similar configuration to the siding of the Manufactured Home, which surrounds the entire perimeter of the space between the siding and the finished grade.
- c. Shall be permanently affixed, with the running gear, axles and towing hitch removed, to a foundation base having an anchoring system that is totally concealed under the structure;
- d. Shall comply with all lot size and setback requirements; and

e. Attached accessory structure, if any, shall be similar in material and integrated into the design of the Manufactured Home, and shall conform to the Uniform Building Code.

Section 4. Roofing Requirements. Should a roof be constructed over the Manufactured Home it shall conform to the Uniform Building Code.

Section 5. Time Limitation. The development standards shall be met within forty-five (45) days from the date any Manufactured Home is placed upon the premises.

Passed and approved this 15 day of June, 1987.

Thomas E. O'Donovan  
Mayor

Attest:

Jean L. Allen  
City Clerk



SCANNED

CITY OF DONNELLY  
ORDINANCE NO. 109

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL"  
APPROPRIATING SUCH SUMS OF MONEY AS ARE DEEMED NECES-  
SARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES  
OF THE CITY OF DONNELLY, IDAHO, FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 1988.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE  
CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. There is hereby appropriated to defray all  
necessary expenses of the City of Donnelly, Idaho, for the  
fiscal year commencing October 1, 1987, and ending September  
30, 1988, the sum of \$52,232.00, which said sum shall be  
appropriated to the several funds of said City as follows:

GENERAL FUND

Roads & Streets	\$ 4,000.00
Fire Department	3,500.00
Parks Department	500.00
Community Center Utilities	200.00
Telephone & Communications	600.00
Professional Services	2,600.00
Office Supplies & Postage	450.00
Airport	100.00
Insurance	3,577.00
Advertising & Legal Publications	300.00
Dues, Subscriptions & Membership	260.00
Travel & Meetings	1,000.00
Water Department	9,000.00
Sewer Department	5,000.00
Salary & Wages	12,000.00
Benefits	4,600.00
Solid Waste Fee	30.00
Sewer Bond Payment	3,600.00
Depot Well Water	903.00
Safety Deposit Box	12.00
TOTAL BUDGET	\$52,232.00

Passed and approved this 17th day of August, 1987.

Thomas E. Olsen  
Mayor

Attest:

Jean L. Allen  
City Clerk

SCANNED

CITY OF DONNELLY  
ORDINANCE NO. 119

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL"  
APPROPRIATING SUCH SUMS OF MONEY AS ARE DEEMED NECES-  
SARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES  
OF THE CITY OF DONNELLY, IDAHO, FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 1989.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE  
CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. There is hereby appropriated to defray all  
necessary expenses of the City of Donnelly, Idaho, for the  
fiscal year commencing October 1, 1988, and ending September  
30, 1989, the sum of \$56,292.00, which said sum shall be  
appropriated to the several funds of said City as follows:

GENERAL FUND

Fire Department	\$ 2,000.00
Roads and Streets	639.00
Parks Department	350.00
Airport	100.00
Transfers to Water & Sewer	9,432.00
Maintenance Shop	500.00
Insurance	3,600.00
Safety Deposit Box	12.00
Travel and Meetings	500.00
Dues and Subscription	60.00
Legal Publications	375.00
Office Supplies	700.00
Wages	2,220.00
Professional Services	1,600.00
Telephone & Communications	200.00
Community Center	200.00
TOTAL	\$22,488.00

SEWER REVENUE FUND

Wages and Professional Services	\$12,120.00
Fringe Benefits	3,645.00
Sewer Bond Payment	3,600.00
Solid Waste Fee	36.00
Depot Well Payment	903.00
Water Resources Loan	7,000.00
Sewer and Water Maintenance	6,000.00
Dues and Travel Expense	500.00
TOTAL	\$33,804.00
TOTAL BUDGET	\$56,292.00

Passed and approved this 15th day of August, 1988.

Thomas E. Anderson  
Mayor

Attest:

Jean S. Allen  
City Clerk



SCANNED

ORDINANCE NO. 111

AN ORDINANCE RELATING TO SEWER CHARGES; AMENDING SECTION 16 OF ORDINANCE NO. 56, PASSED AND APPROVED DECEMBER 16, 1974, INCREASING THE CITY OF DONNELLY MINIMUM MONTHLY SEWER USER CHARGE, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Section 16 of Ordinance No. 56, passed and approved December 16, 1974, be and the same is hereby amended to read as follows:

Section 16. ORIGINAL CHARGES: Notwithstanding Section 14 hereof, of Ordinance No. 56, passed and approved December 16, 1974, the minimum monthly sewer user charge shall be ~~\$9.00~~ \$12.00, regardless of the classification of user. Such minimum monthly charge is based upon a 3.7 average number of people per single family connection and all charges and fees imposed under the terms of this Ordinance shall be based upon such minimum monthly fee and population equivalent herein set forth.

Section 2. This ordinance shall be in full force and effect on and after October 1, 1988.

Passed and approved this 19th day of September, 1988.

Thomas E. Anderson  
Mayor

Attest:

Jean S. Allen  
City Clerk

SCANNED

ORDINANCE NO. 112

AN ORDINANCE RELATING TO THE OFFICIAL NEWSPAPER OF THE CITY OF DONNELLY, IDAHO; AMENDING ORDINANCE NO. 5 OF THE CITY OF DONNELLY, IDAHO, TO CHANGE THE DESIGNATION OF THE OFFICIAL NEWSPAPER OF SAID CITY TO THE ADVOCATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO:

Section 1. That ~~t~~The Payette Lakes Star Advocate, a newspaper published and printed in Valley County, Idaho, and having general circulation within the Village City of Donnelly, be and the same is hereby designated as the official newspaper of said Village City, and it is hereby ordered and directed that all ordinances, by-laws, notices, reports, statements and other matters and things that are required by law to be published, shall be published for the time required by law in said Payette Lakes Star The Advocate.

Passed and approved this 17th day of April, 1989.

Thomas E. Anderson  
Mayor

Attest:

Jean L. Allen  
City Clerk



SCANNED

ORDINANCE NO. 113

AN ORDINANCE RELATING TO DOGS: AMENDING SECTION 2 OF ORDINANCE NO. 67 OF THE CITY OF DONNELLY, IDAHO, PASSED AND APPROVED FEBRUARY 20, 1978, TO PROVIDE FOR A \$25.00 PER YEAR LICENSE FEE FOR ALL UN-NEUTERED DOGS; AMENDING SECTION 3 OF SAID ORDINANCE NO. 67, TO PROVIDE FOR A \$25.00 FEE PER YEAR FOR ALL UNNEUTERED DOGS; AND AMENDING SECTION 20 OF SAID ORDINANCE NO. 67, TO PROVIDE FOR A FEE OF \$10.00 PER DAY FOR KEEPING ANY IMPOUNDED DOG.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Section 2 of Ordinance No. 67 of the City of Donnelly, Idaho, passed and approved February 20, 1978, be, and the same is hereby amended to read as follows:

Section 2: LICENSE FEE; TERM: The license for every neutered male dog and every female dog which has been spayed shall be \$5.00 and for every female unneutered dog, male and female not spayed, \$25.00 per year. No license tax shall be paid for less than one year, unless the dog was brought within the City within the year, in which case the license tax shall be proportioned to the time between the date when such dog was brought within said City and the first day of April following.

Section 2. That Section 3 of Ordinance No. 67 of the City of Donnelly, Idaho, be, and the same is hereby amended to read as follows:

Section 3: LICENSE TAG; The owner or person in charge of any dog, male or female, shall before April 1 of each year, pay to the Treasurer the sum of \$5.00 for each neutered male dog and for every female dog which has been spayed, and the sum of \$25.00 for any female unneutered dog, male and female, which has not been spayed as a license tax upon such dog. The Clerk shall furnish with each receipt a metal tag which shall be stamped with the number to correspond with the number of the receipt and the fiscal year for which issued. In case a dog is brought within the City within the dog license year as herein designated, the owner or person having charge of such dog shall pay the Treasurer the amount as specified in Section 2 hereof. The Clerk shall keep a suitable record of the receipts issued under the provisions of this ordinance.

Section 3. That Section 20 of Ordinance No. 67 of the City of Donnelly, Idaho, passed and approved February 20, 1978, be, and the same is hereby amended to read as follows:

Section 20: FEES; IMPOUNDING: (A) The City, or the Poundmaster, shall be entitled to charge a fee for the keeping and selling of any dog, which fee shall be retained by the City as payment toward the cost and expense incurred by it in the keeping and selling of such dog. The fees charged by the City for impounding, keeping and selling any dog to be paid upon redemption or sale of such dog, shall be as follows:

For impounding and keeping any dog, twenty five dollars (\$25.00). and the actual veterinary and hospital expenses incurred in caring for any dog.

For keeping any dog the sum of \$10.00 per day.

The actual veterinary and hospital expenses incurred in caring for any dog.

In addition to the foregoing, any person redeeming any dog shall, prior to or at the time of the redemption, take out a license for the same, unless such dog shall already have a license for the calendar year; and any person purchasing a dog at any sale herein provided for shall promptly take out a license for the same.

A fraction of a day shall be deemed a full day, and a portion of a day in excess of any multiple of twenty four (24) hours, shall be deemed a full day.

(B) All fees imposed for impounding shall be paid to the Poundmaster and shall be by him remitted to the City Clerk on Friday of each week.

Passed and approved this 17th day of April, 1989.

Thomas E. Anderson  
Mayor

Attest:

Janet Allen  
City Clerk



SCANNED

ORDINANCE NO. 114

AN ORDINANCE RELATING TO WATER SERVICE CONNECTION CHARGES AND WATER MAIN EXTENSION CHARGES; AMENDING SECTION 5 OF ORDINANCE NO. 69, PASSED AND APPROVED OCTOBER 16, 1978, TO INCREASE WATER SERVICE CONNECTION CHARGES AND WATER MAIN EXTENSION CHARGES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Section 5 of Ordinance No. 69, passed and approved October 16, 1978, be, and the same is hereby amended to read as follows:

Section 5. SERVICE CONNECTION CHARGES: (A) Water Connections: Any person desiring to connect his house or other premises with the City water system shall pay the City Clerk the following fees:

For a 3/4" connection \$150 450

All of which fees shall be paid into the City Treasury by said City Clerk, which fees shall cover the expenses of tapping said mains and taking the water to the nearest property line, save and except that if it is necessary to extend the main water line along the public streets, alleys and ways of the City to the nearest property line an additional sum equal to five ten dollars (\$5 10.00) per lineal foot of such water main extension shall be paid to the City Clerk at the time of payment of the water connection fee, which additional fee shall be paid by said City Clerk into the City Treasury.

Passed and approved this 19th day of June, 1989.

s/Thomas E. Anderson

Mayor

Attest:

s/Jean I. Allen

City Clerk

SCANNED

CITY OF DONNELLY  
ORDINANCE NO. 115

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL"  
APPROPRIATING SUCH SUMS OF MONEY AS ARE DEEMED NECES-  
SARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES  
OF THE CITY OF DONNELLY, IDAHO, FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 1990.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE  
CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. There is hereby appropriated to defray all  
necessary expenses of the City of Donnelly, Idaho, for the  
fiscal year commencing October 1, 1989, and ending September  
30, 1990, the sum of \$60,138.00, which said sum shall be  
appropriated to the several funds of said City as follows:

GENERAL FUND

Fire Department	\$ 2,360.00
Roads and Streets	2,000.00
Parks Department	479.00
Airport	100.00
Transfer of Funds	10,000.00
Maintenance Shop	500.00
Insurance	3,600.00
Safety Deposit Box	12.00
Travel and Meetings	500.00
Dues and Subscription	160.00
Legal Publications	375.00
Office Supplies	800.00
Wages	2,500.00
Professional Services	1,600.00
Telephone & Communications	200.00
Community Center	200.00
TOTAL	\$25,386.00

SEWER REVENUE FUND

Wages and Professional Services	8,945.00
Wage & Vehicle Allowance	2,220.00
Fringe Benefits	4,000.00
Sewer Bond Payment	3,600.00
Solid Waste Fee	36.00
Depot Well Payment	903.00
Water Resources Loan	7,000.00
Sewer and Water Maintenance	7,548.00
Dues and Travel Expense	500.00
TOTAL	\$34,752.00
TOTAL BUDGET	\$60,138.00

Passed and approved this 21st day of August, 1989.

Thomas E. Anderson  
Mayor

Attest:

Jeanne L. Allen  
City Clerk



SCANNED

ORDINANCE NO. 116

AN ORDINANCE RELATING TO CITY OF DONNELLY WATER SUPPLY SYSTEM; MAKING CERTAIN FINDINGS, AMENDING SECTION 6 OF ORDINANCE NO. 69 DATED OCTOBER 16, 1978, OF THE CITY OF DONNELLY, IDAHO, MAKING IT UNLAWFUL TO CAUSE TO BE CONNECTED, CONNECT OR PERMIT ANY WATER COOLED MECHANICAL EQUIPMENT TO REMAIN CONNECTED TO THE WATER SUPPLY SYSTEM OF THE CITY OF DONNELLY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Donnelly finds as follows: that the water system of the City of Donnelly has a limited capacity and provides water only for inside domestic use, and it cannot supply water for the purpose of cooling mechanical equipment of any kind.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Section 6 of Ordinance No. 69 of the City of Donnelly, Idaho, dated October 16, 1978, be, and the same is hereby amended to read as follows:

Section 6. WATER SERVICE RESTRICTIONS: (A) It shall be unlawful for any person to dig up, tear up, break, cut, plug, injure or destroy any part or parts of the tanks, mains, laterals, hydrants, pipe lines or other parts or appurtenances of said water system, and any person violating any provision of this subsection shall be guilty of a misdemeanor.

(B) It shall be a misdemeanor for any person to drop, place or throw any rubbish, dirt, filth, or other thing into the tank or any other part or parts of said water system, or cause anything to go or get therein, or to in any manner defile or injure the quality of the water in said water system.

(C) It shall be a misdemeanor for any person to draw or use the water from any hydrant or tap without permission of the user who pays for the water used through such water hydrant or tap; and, in any event, it shall be a misdemeanor for any person to draw water from the hydrant or tap of another with or without his permission, to be used off or out of the occupancy where such tap is located.

(D) It shall be a misdemeanor for any user of water to permit or allow any other person to draw water from any tap belonging to or used by such user, where the water so drawn by such other person is used off or out of the occupancy in which such tap is located.

(E) It shall be a misdemeanor for any person to open or in any manner tamper with any fire hydrant in the City without permission of the City Council.

(F) It shall be a misdemeanor for any person to cause to be connected, connect, or permit to remain connected, any water cooled mechanical equipment of any kind or nature, to the water system of the City of Donnelly, Idaho.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Dated this 19th day of <sup>MARCH</sup>~~February~~, 1990.

Kipton C. Hanes  
Mayor

ATTEST:

Dorothy Ireland  
City Clerk

acting



SCANNED

ORDINANCE NO. 117

AN ORDINANCE RELATING TO PLANNING AND ZONING; AMENDING SECTION 2 OF ORDINANCE NO. 82 OF THE CITY OF DONNELLY, IDAHO, REDUCING THE NUMBER OF MEMBERS OF THE DONNELLY PLANNING COMMISSION AND PROVIDING THAT 2 MEMBERS MAY BE APPOINTED FROM THE DONNELLY AREA OF CITY IMPACT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Section 2 of Ordinance No. 82 of the City of Donnelly, Idaho, passed and approved the 19th day of October, 1981, be, and the same is hereby amended to read as follows:

Section 2. QUALIFICATIONS; TERM OF OFFICE: Said Planning Commission shall consist of ~~seven~~ five (7 5) members to be appointed by the Mayor without respect to political affiliation. All members shall be residents and taxpayers of the City, except that ~~one~~ two members may be appointed from the Donnelly Area of ~~without City limits~~ Impact. At the first meeting of the Planning Commission the members shall choose their term of office by lot as follows: ~~three~~ two (3 2) for three (3) years, two (2) for four (4) years, ~~two~~ one (2 1) for five (5) years, and shall immediately thereafter notify the Mayor and Council of such terms. Thereafter their successors shall be appointed for and shall hold office for a term of six (6) years. Members may be removed by a majority vote of the Council. In the event of the death, resignation or any vacancy in said Commission, the Mayor is hereby authorized and empowered to fill such vacancy by appointment for the unexpired term of such member or members.

Passed and approved this 16 day of ~~March~~ <sup>APRIL</sup>, 1990.

Kipton C. Hanes  
Mayor

ATTEST:

Jeanette Allen  
City Clerk

CITY OF DONNELLY  
ORDINANCE NO. 118

SCANNED

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL" APPROPRIATING SUCH SUMS OF MONEY AS ARE DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF DONNELLY, IDAHO, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1991.

BE IT ORDAINED BY THE MAYOR, AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. There is hereby appropriated to defray all necessary expenses of the City of Donnelly, Idaho, for the fiscal year commencing October 1, 1990, and ending September 30, 1991, the sum of \$63,786.00, which said sum shall be appropriated to the several funds of said City as follows:

GENERAL FUND

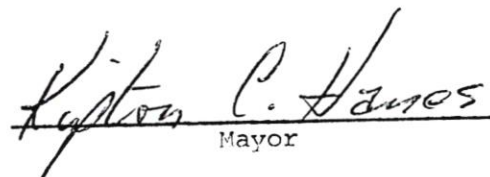
Fire Department	\$ 2,360.00
Roads & Streets	4,000.00
Park Dept.	1,000.00
Airport	2,000.00
Maintance Shop	500.00
Safety Deposit Box	12.00
Travel & Meetings	500.00
Dues & Sub.	160.00
Legal Publications	500.00
Office Supplies	300.00
Wages	2,500.00
Professional Services	1,800.00
Telephone & Comm.	300.00
Cmty Center	500.00
Dog Control Fund	500.00
Transfer of Funds	13,495.00
Dump Truck Pmt. & Vehicle Fund	2,000.00
TOTAL	<u>32,127.00</u>

SEWER REVENUE FUND

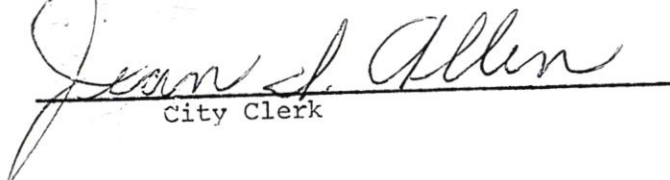
Wages	\$ 9,000.00
Professional Services	900.00
Wage & Vehicle Allowance	2,200.00
Fringe Benefits	5,020.00
Sewer Bond Pmt.	3,600.00
Solid Waste Fee	36.00
Depot Well Pmt.	903.00
Water Resources	7,000.00
Sewer & Water Maintance	3,000.00
TOTAL	<u>\$31,659.00</u>

TOTAL BUDGET \$63,786.00

Passed and approved this 20th day of August, 1990.

  
Mayor

Attest:

  
City Clerk



SCANNED

CITY OF DONNELLY  
ORDINANCE NO. 119

AN ORDINANCE TERMED "THE ANNUAL APPROPRIATION BILL"  
APPROPRIATING SUCH SUMS OF MONEY AS ARE DEEMED NECES-  
SARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES  
OF THE CITY OF DONNELLY, IDAHO, FOR THE FISCAL YEAR  
ENDING SEPTEMBER 30, 1992.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE  
CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. There is hereby appropriated to defray all  
necessary expenses of the City of Donnelly, Idaho, for the fiscal  
year commencing October 1, 1991, and ending September 30, 1992,  
the sum of \$87,809.00, which said sum shall be appropriated to the  
several funds of said City as follows:

GENERAL FUND

Fire Department	\$ 2,360.00
Roads and Streets	8,600.00
Parks Department	2,500.00
Airport	2,500.00
Vehicle Maintenance	2,000.00
Maintenance Shop	2,000.00
Insurance & Bonds	1,490.00
Safety Deposit Box	15.00
Travel and Meetings	1,000.00
Dues and Subscription	645.00
Legal Publications	1,000.00
Office Supplies	800.00
Wages	3,000.00
Professional Services	3,500.00
Liability Insurance	5,858.00
Community Center	500.00
Building Inspection	400.00
Utilities	760.00
Dog Control	500.00
Election	500.00
TOTAL	\$39,928.00

SEWER AND WATER FUND

Wages and Professional Services	\$10,760.00
Vehicle Allowance	2,220.00
Fringe Benefits	2,600.00
Sewer Bond Payment	3,300.00
Solid Waste Fee	50.00
Depot Well Payment	903.00
Water Resources Payment	7,000.00
Sewer and Water Maintenance	4,067.00
Capital Outlay-Sewer	16,981.00
TOTAL	\$47,881.00
TOTAL BUDGET	\$87,809.00

Passed and approved this 19th day of August, 1991.

Kipton C. Hanes  
Mayor

Attest:

Louise A. Roberts  
City Clerk

Ordinance #120  
was repealed by  
Ordinance 136

SCANNED

ORDINANCE NO. 120

AN ORDINANCE RELATING TO WATER AND SEWER SERVICE OF THE CITY OF DONNELLY, IDAHO; REPEALING SECTION 1 OF ORDINANCE NO. 69, PASSED AND APPROVED OCTOBER 16, 1978, AMENDING SECTION 2 OF SAID ORDINANCE NO. 69, TO PROVIDE THAT WATER SERVICE CHARGES SHALL BE FIXED FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL, TO PROVIDE THAT SUCH CHARGES SHALL BE PAID TO THE CITY CLERK, AND TO PROVIDE THAT WATER AND SEWER SERVICE CHARGES SHALL BE PAID ON THE FIRST DAY OF EACH MONTH; AMENDING SAID ORDINANCE NO. 69 BY THE ADDITION OF A NEW SECTION 2A OF SAID ORDINANCE NO. 69 TO PROVIDE FOR WHEN WATER SERVICE SHALL BE DISCONTINUED FOR NONPAYMENT OF WATER AND SEWER SERVICE CHARGES, TO PROVIDE IT IS UNLAWFUL TO RECONNECT WATER SERVICE UNTIL AUTHORIZED BY THE CITY CLERK, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO TAMPER WITH OR INJURE THE CITY WATERWORKS AND SUPPLY SYSTEM AND THE CITY SEWER SYSTEM, TO PROVIDE A PROCEDURE FOR DISCONTINUANCE OF WATER SERVICE, TO PROVIDE FOR WRITTEN NOTICE OF INTENTION TO DISCONTINUE WATER SERVICE, TO PROVIDE FOR HEARINGS IF REQUESTED, TO PROVIDE FOR AN APPEAL, TO PROVIDE THAT A COPY OF THIS SECTION SHALL BE GIVEN WITH EACH NOTICE OF DELINQUENCY, TO PROVIDE FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DONNELLY, IDAHO, AS FOLLOWS:

Section 1. That Section 1 of Ordinance No. 69, as amended by Ordinance No. 92, passed and approved July 18, 1983, be, and the same is hereby repealed.

Section 2. That Section 2 of Ordinance No. 69, passed and approved October 16, 1978, be, and the same is hereby amended to read as follows:

Section 2. IMPOSITION AND PAYMENT OF CHARGES:

(A) Water service charges shall be established from time to time by resolution of the City Council.

(B) All water charges established by this ordinance and all sewer charges established by the City of Donnelly pursuant to Ordinance No. 56, passed and approved the 16th day of December, 1974, shall be paid to the City Clerk and deposited by said City Clerk in the City treasury.

Each water and/or sewer user shall pay the charges as herein provided imposed by the City on the tenth day of each month, and in the event said charges are not paid by the tenth day of each month, the City Clerk shall cause such user to be disconnected from the City water mains without notice. Water and Sewer charges shall appear upon the same bill to the users.

Section 3. That ordinance No. 69, passed and approved October



16, 1978, be, and the same is hereby amended by the addition thereto of a new section to be known and designated as Section 2A of said Ordinance No. 69, and to read as follows:

Section 2A. DISCONTINUANCE OF WATER SERVICE:

(A) A bill for water and sewer service to any premises shall become delinquent if not paid by the thirtieth day of the month in which such bill is rendered and water service shall not be restored until a fee of thirty dollars (\$30.00) therefor and all delinquent bills and charges for water and sewer service have been satisfied.

(B) When water has been shut off from any premises, either upon the application of the owner thereof or for nonpayment of water and sewer charges, or for any other cause, it shall be a misdemeanor for any person to again connect such premises with the City water supply system except when specifically authorized so to do by the city clerk.

(C) It shall be unlawful for any person not authorized by the City to tamper with, alter or injure any part of the City waterworks or water supply system or any water meter or any part of the sewer system of the city.

(D) For nonpayment of water and sewer charges, water service to any premises shall not be discontinued until the following procedure has been followed:

1. After a water bill or sewer bill becomes delinquent as provided by subsection (A) of this Section, the City Clerk shall notify the owner of the premises to which such water service was furnished and the tenant thereof, if any, in writing of such delinquency and if such water and sewer bill is not paid in full within twenty (20) days thereafter, such water service shall be discontinued unless such owner or tenant requests a pretermination of service hearing.

2. In the event a pretermination hearing is requested, such hearing shall be held before the City Council after timely notice to such owner and tenant, if any, who shall have the right to be represented by counsel and present witnesses in his behalf. A recorded record of such hearing shall be kept by the City and a written decision stating the reasons therefor shall be rendered by the City Council within a reasonable time.

3. Water service shall not be discontinued pending such hearing, but in the event of a decision requiring payment of such water and sewer bill or any portion thereof, the same must be paid within ten (10) days after service or mailing of such decision to the owner and tenant, if any, or water service shall be discontinued.

4. All notices required hereunder shall be in writing and shall be mailed by U.S. certified mail, return receipt requested, with postage prepaid thereon or personally served upon the owner of

such premises and tenant, if any. Service shall be deemed complete upon date of service or mailing.

5. The owner or tenant of the premises involved shall have the right of appeal to the District Court from any adverse decision of the City Council.

6. A copy of this Section shall accompany each notice of delinquency in payment for water service and sewer service given under the provisions of this Section.

Section 4. REPEALING CONFLICTS HEREWITH. That all ordinances or parts thereof in conflict herewith, be, and the same are hereby repealed.

Section 5. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this ordinance.

Section 6. EFFECTIVE DATE. This ordinance shall be in full force and effect on and after September 25, 1991.

Passed and approved this 16 day of September, 1991.

Kipton C. Hanes  
Mayor

Attest:

Louise A. Roberts  
City Clerk