

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE CITY OF DIETRICH, IDAHO PROVIDING FOR THE DEFINITION OF NUISANCES; PROVIDING FOR ABATEMENT OF THE SAME; PROVIDING REMEDIES FOR FAILURE TO ABATE; REPEALING CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; AND AN EFFECTIVE DATE.

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

Section 1: Definitions

The following conditions, or any combination thereof are hereby found and declared to constitute a detriment, danger or hazard to the health, safety, and general welfare of the inhabitants of the City of Dietrich, Idaho and are declared to be a public nuisance where the conditions may exist.

- A. Weeds and grass *not* on Idaho's noxious weed list within five feet of sides of roads shall not be allowed to exceed one foot in height and are the responsibility of the occupant or agent in charge of the property whose property borders the roads to maintain.
- B. Weeds *on* Idaho's noxious weed list, such as, but not limited to, puncturevine (goathead), scotch thistle, Canadian thistle, knapweed, and wild buttercup shall not be allowed anywhere on any property within the City Limits and are the responsibility of the occupant or agent in charge of the property to maintain.
- C. Lines of sight at intersections shall not be obscured by weeds or other obstacles and are the responsibility of the occupant or agent in charge of the property to maintain.
- D. Storage of old tires or any items that can collect and retain water which can breed mosquito larva shall not be allowed and are the responsibility of the occupant or agent in charge of the property whose property to maintain.
- E. Junk¹ shall not be placed upon any property, streets or other public grounds of the city within 15 feet of the edge of the road.

¹Junk defined: "Junk" is defined to be any used material or any parts of material units which have become useless which includes, but is not limited to, the storage of unlicensed automobiles, and any unsightly accumulation of garbage, rubbish, or debris.

Section 2: Penalties

- A. It shall be an illegal nuisance for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit any of the conditions to exist as set forth in Section 1.
- B. That if the nuisance is not abated within thirty (30) days, as set forth in Section #3 of this Ordinance, the owner or agent in charge of the property will be issued an infraction citation payable to the City Clerk in the amount of One Hundred Dollars (\$100.00).

Section 3: Notice

The City Council hereby designates the City Superintendent or Public

Works Director or his/her staff with the responsibility for issuing notices pursuant to this section. The City staff shall notify in writing, by mail or personal service, the occupant, or agent in charge of any premises located in the City, that such violation exists. Such notice shall advise as follows:

- A. How the owner, occupant, or agent in charge of the property is in violation of the ordinance.
- B. That the owner, occupant, or agent in charge of the property has thirty (30) days to abate the nuisance.
- C. That the owner, occupant, or agent in charge of the property may request a hearing before the governing board within fifteen (15) working days after receipt of a Notice.
- D. That if the nuisance is not abated within thirty (30) days, the owner or agent in charge of the property will be issued an infraction citation payable to the City Clerk in the amount of One Hundred Dollars (\$100.00).
- E. If the infraction fine is not paid within ten (10) working days, the owner, occupant, or agent in charge of the property will be issued an infraction citation and a hearing will be scheduled pursuant to the infraction Rules of the State of Idaho.

Section 4:

All provisions of the Dietrich Municipal Code or Ordinances of the City of Dietrich, or Resolutions that conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict.

Section 5:

It is the intention of the Mayor and Dietrich City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City of Dietrich that should any provision of this Ordinance be declared invalid all other provisions thereof shall remain valid and enforceable.

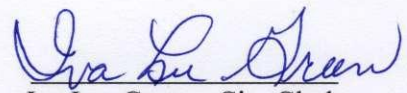
This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR,
CITY OF DIETRICH, COUNTY OF LINCOLN, STATE OF IDAHO on this 1st day of
August, 2016.

CITY OF DIETRICH

By: 
Don Heiken – Mayor

ATTEST:


Iva Lee Green - City Clerk