CITY CODE

of

TWIN FALLS, IDAHO

1978

Code current through:

Ord. 2026-007, passed 6-22-2026

Published by:

American Legal Publishing

525 Vine Street * Suite 310 * Cincinnati, Ohio 45202

1-833-226-3439 * www.amlegal.com

PREFACE

This code of the City of Twin Falls, as supplemented, contains ordinances up to and including ordinance 2026-007, passed June 22, 2026. Ordinances of the City adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the City office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

American Legal Publishing

Cincinnati, Ohio

ORDINANCES PENDING REVIEW FOR CODIFICATION

Listed ordinances have been passed, but they are pending review by the publisher, and they may not affect the code of ordinances. Additionally, ordinances listed in this section may not show the original ordinances in their entirety. Please contact the office of the clerk if there are any questions concerning any listed ordinances.

ADOPTING ORDINANCE

ORDINANCE NO. 1997

AN ORDINANCE FOR REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AN IDAHO MUNICIPAL CORPORATION:

SECTION: 1. From and after the date of passage of this Ordinance, the City Code of the City of Twin Falls, Idaho, prepared by Sterling Codifiers, Inc., under the direction of the governing body of the City, containing all ordinances of a general nature in effect at the time of such codification, shall be accepted in all courts without question as the Official Code and Law of the City as enacted by the Mayor and City Council.

SECTION 2. There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the Official City Code is identified by the proper

catchline and is inserted in the proper place in each of the official copies. Each such new provision shall become effective upon the passage of the ordinance and the insertion of the proper replacement pages in the copies of the Code, three (3) copies of which shall be maintained in the office of the City Clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.

SECTION 3. All ordinances of a general nature included in this Official City Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official City Code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code. Such ordinances are not intended to be included in the Official City Code.

SECTION 4. It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

Any person, firm or corporation violating this Section shall be punished as provided in Section1-4-1 of the City Code of Twin Falls, Idaho.

SECTION 5. All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

SECTION 6. The interim Zoning Code of the City of Twin Falls, Idaho, and its effective date appearing and cited as Title 10 in the newly-codified City Code, and by Chapter 1, Section 10 of said Title 10 effective to and through December 31, 1980, is hereby extended to and through December 31, 1981, or to the date of publication of an ordinance adopting said Title 10 as the final and permanent zoning code of the City of Twin Falls, Idaho, and the first to occur of said events.

SECTION 7. This Ordinance and the Code adopted by the same shall be in full force and effect from and after its passage and the publication of this Ordinance in accordance with law, as printed and published in book form by order of the Mayor and City Council.

PASSED BY THE CITY COUNCIL October 20, 1980

SIGNED BY THE MAYOR October 20, 1980

ORDINANCE NO. 2021-005

AN ORDINANCE FOR REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AN IDAHO MUNICIPAL CORPORATION:

SECTION 1. From and after the date of passage of this Ordinance, the City Code of the City of Twin Falls, Idaho, prepared by American Legal Publishing Corporation, under the direction of the governing body of the City, containing all ordinances of a general nature in effect at the time of such codification, shall be accepted in all courts without question as the Official Code and Law of the City as enacted by the Mayor and City Council.

SECTION 2. There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by American Legal Publishing Corporation, whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the Official City Code is identified by the proper heading and is inserted in the proper place in the official copy. Each such new provision shall become effective upon its passage. An official copy of City Code shall be maintained in the office of the City Manager, certified as to correctness and available for inspection at any and all times that said office is regularly open.

SECTION 3. All ordinances of a general nature included in this Official City Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official City Code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code. Such ordinances are not intended to be included in the Official City Code.

SECTION 4. It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

Any person, firm or corporation violating this Section shall be punished as provided in Section 1-4-1 of the City Code of Twin Falls, Idaho.

SECTION 5. All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

SECTION 6. This Ordinance and the Code adopted by the same shall be in full force and effect from and after its passage and the publication of this Ordinance in accordance with law.

PASSED BY THE CITY COUNCIL, March 8, 2021.

SIGNED BY THE VICE MAYOR, March 10, 2021.

TITLE 1

ADMINISTRATIVE

CHAPTER 1

CITY CODE

SECTION:

1-1-1: Twin Falls City Code

1-1-2: Severability Clause

1-1-1: TWIN FALLS CITY CODE:

This city code is hereby declared to be and shall constitute the official city code of the city of Twin Falls. Any reference made to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter and title heading, and to the general penalty clause relating thereto as well as to the section itself, when reference is made to this city code by title in any legal document. (Ord. 3106, 10-5-2015)

1-1-2: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (Ord. 3106, 10-5-2015)

CHAPTER 2

ADMINISTRATION

SECTION:

1-2-1: Mayor

1-2-2: Vice Mayor

1-2-3: City Manager

1-2-4: Department Heads

1-2-1: MAYOR:

At the time of installing and swearing in the councilmen following each general city election, or special election called for the purpose of electing officials, the council shall elect one of their members to be designated the mayor. He/she shall serve for a period of two (2) years unless sooner removed by the council or becomes disqualified. The mayor shall preside at the

meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He/she shall be entitled to a vote on all matters coming before the council, but shall possess no veto power. He/she shall be recognized as the official head of the city for all ceremonial purposes, by the courts of the purposes of serving civil processes, and by the governor for military purpose. He/she may use the title of mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of this state may so require, but this shall not be construed as conferring upon him/her administrative powers or functions of a mayor under the general laws of the state. (Ord. 3106, 10-5-2015)

1-2-2: VICE MAYOR:

Upon taking office, the mayor shall appoint with the consent of the council any other councilman to act in the absence or disability of the mayor. Said appointed councilman shall be titled vice mayor and shall during the temporary absence or disability of the mayor, have all duties, powers and rights of the mayor. The designated vice mayor's term of appointment shall continue until another councilman is appointed vice mayor. (Ord. 3106, 10-5-2015)

1-2-3: CITY MANAGER:

The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. It shall be the responsibility of the city council and its members to aid and assist in an advisory capacity any department head, individually or collectively, on any phase of policy and/or public relations, such association not to conflict with the administrative duties of the city manager. (Ord. 3106, 10-5-2015)

1-2-4: DEPARTMENT HEADS:

Department heads shall include deputy city managers, chief financial officer, police chief, fire chief, city engineer, public works director, economic development director, and human resource director. (Ord. 3106, 10-5-2015; amd. Ord. 2022-013, 7-18-2022)

CHAPTER 3

RESERVED

(Ord. 3106, 10-5-2015)

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1: General Penalty

1-4-2: License

1-4-3: Application

1-4-1: GENERAL PENALTY:

Any person violating any section of this code for which special penalty be not provided, shall be guilty of the offense defined and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars ($1,000.00) or imprisoned in the county jail for not more than six (6) months or by both such fine and imprisonment.

The city manager shall designate a code enforcement officer who shall have the right of ingress or egress to any premises for the purpose of inspecting for violations of this code, and shall be authorized to enforce this code by issuance of Idaho uniform citations. (Ord. 3106, 10-5-2015)

1-4-2: LICENSE:

When a person is convicted of a violation of any section of this code, any license previously issued to him by the city may be revoked by the council or by the court having proper jurisdiction. (Ord. 3106, 10-5-2015)

1-4-3: APPLICATION:

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

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

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues. (Ord. 3106, 10-5-2015)

CHAPTER 5

EMERGENCY POWERS

SECTION:

1-5-1: Legal Authority

1-5-2: Purpose And Intent

1-5-3: Scope

1-5-4: Definitions

1-5-5: Public Health Emergency Orders

1-5-6: Process For Enacting Public Health Emergency Orders

1-5-7: Exclusions

1-5-8: Suspension And Waiver Of Certain City Services, Ordinances, And Policies And Procedures

1-5-9: Force Majeure

1-5-10: Penalty

1-5-1: LEGAL AUTHORITY:

Idaho Code sections 50-304, 50-811(10), and 50-606 authorize the City of Twin Falls ("City") to pass ordinances granting certain powers to the City Manager related to public health emergencies.

(Ord. 2020-007, 4-6-2020)

1-5-2: PURPOSE AND INTENT:

The City finds that the preservation of public health, safety, and welfare may require immediate action by the City in response to emergency situations. Therefore, the City hereby authorizes the City Manager certain powers for immediate response to foreseeable, imminent, or present public health emergencies.

(Ord. 2020-007, 4-6-2020)

1-5-3: SCOPE:

This chapter sets forth the procedures for activating the emergency powers of the City Manager and the specific powers of the City Manager during a public health emergency.

(Ord. 2020-007, 4-6-2020)

1-5-4: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, 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. Words used throughout this chapter, but not defined herein, shall have their plain, ordinary and common meaning. Words in any gender shall apply to the feminine, masculine, and neuter genders.

ISOLATION: The separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent.

PUBLIC HEALTH EMERGENCY: The foreseeable, imminent, or present threat of any pathogen, agent, vector, or environmental condition, including hazardous materials, which does or may cause illness or injury to humans.

PUBLIC HEALTH EMERGENCY ORDER: An advisory, social distancing, isolation, or quarantine order enacted by the City Manager.

QUARANTINE: The restriction placed on the entrance to and exit from the place of premises where an infectious agent or hazardous material exists.

SOCIAL DISTANCING: Actions taken to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings.

(Ord. 2020-007, 4-6-2020)

1-5-5: PUBLIC HEALTH EMERGENCY ORDERS:

The City Manager, being duly authorized by Idaho Code sections 50-304, 50-811(10), and 50-606, may issue the following orders, as deemed appropriate by the City Manager following consultation with or review of information issued by local, regional, statewide, or nationwide public health authorities.

(A) Advisory Order: Where a public health emergency is foreseeable or imminent, the City Manager may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.

(B) Social Distancing Order: Where a public health emergency is imminent, the City Manager may, with majority approval of the City Council, enact a social distancing order, which order may establish any or all of the following:

1. Appropriate restrictions regarding the operation or occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.

2. Restrictions on travel through or visitation within the community.

3. Postponement or cancellation of public meetings and hearings.

4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.

5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

6. A social distancing order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. A social distancing order shall apply within Twin Falls city limits, and five (5) miles outside Twin Falls city limits.

(C) Isolation Order: Where a public health emergency is present, and poses a clear threat of harm to the public health, the City Manager may, with super-majority approval of the City Council, enact an isolation order, which order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.

2. Geographical areas of restricted or prohibited access.

3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.

4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.

5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

6. Conditions of the isolation order.

7. An isolation order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. An isolation order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal an

isolation order, or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the isolation order, the Fire Chief or designee shall review such appeal and issue a written decision. The Fire Chief's decision shall be final.

(D) Quarantine Order: Where a health emergency is present, and poses a clear threat of harm to the public health, the City Manager may, with super-majority approval of the City Council, enact a quarantine order, which order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.

2. Geographical or other areas of restricted or prohibited access.

3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.

4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.

5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

6. Conditions of the quarantine.

7. A quarantine order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. A quarantine order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal a quarantine order, or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the quarantine order, the Fire Chief or designee shall review such appeal and issue a written decision. The Fire Chief's decision shall be final.

(Ord. 2020-007, 4-6-2020)

1-5-6: PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS:

(A) Advisory Order Enactment: The City Manager shall prepare a written advisory order and publish it pursuant to this section.

(B) Social Distancing Order: When enacting a social distancing order, the City Manager shall present to City Council, at a duly-noticed public meeting, the proposed social distancing order. Public input may be taken at such meeting, but a public hearing shall not be required. Following presentation to the City Council, a roll call vote will be taken. If approved by a majority of the City Council, the City Manager shall prepare a written order and publish it pursuant to this section. Except as may be specifically stated in the social distancing order, such order shall be effective upon posting at Twin Falls City Hall.

(C) Isolation Or Quarantine Order: When enacting an isolation or quarantine order, the City Manager shall present to City Council, at a duly noticed public meeting, the proposed order. Public input may be taken at such meeting, but a public hearing shall not be required. Following presentation to the City Council, a roll call vote will be taken. If approved by a super-majority of the City Council, the City Manager shall prepare a written order and publish it pursuant to this section. Except as may be specifically stated in the order, such order shall be effective upon posting at Twin Falls City Hall.

(D) Council Veto: A majority of Council members may override any action the City Manager takes pursuant to this chapter.

(E) Publication Of Public Health Emergency Order: As possible and prudent under the circumstances, the City Manager shall cause a public health emergency order to be published:

1. Posting the order in a prominent place at Twin Falls City Hall;

2. Posting the order on the City's website;

3. E-mailing the order to all persons subscribed to City e-mail notification services;

4. Posting the order to all City social media accounts;

5. Providing the order to local television and radio broadcast outlets; and

6. Notifying other government agencies, including Twin Falls School District, Twin Falls Highway District, Twin Falls County, and other municipalities.

Except as may be specifically stated in the Public Health Emergency Order, such order shall be effective upon posting at Twin Falls City Hall.

(Ord. 2020-007, 4-6-2020)

1-5-7: EXCLUSIONS:

Unless otherwise specifically prohibited by a Public Health Emergency Order duly enacted by the City Manager, the

following activities shall be exempt from the scope of such order:

1. Any and all expressive and associative activity that is protected by the United States and Idaho Constitutions, including speech, press, assembly, and/or religious activity.
2. Educational institutions, which shall follow the duly adopted policies of their respective governing bodies.
3. Activities necessary to operate critical infrastructure and utilities.
4. Activities necessary to operate and use medical facilities and services.
5. Activities necessary to buy, sell, or otherwise deliver food and necessities.

(Ord. 2020-007, 4-6-2020)

1-5-8: SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, AND POLICIES AND PROCEDURES:

During a public health emergency and upon issuance of a public health emergency order, the City Manager may suspend certain non-essential City government services and functions as deemed necessary and advisable given the specific public health emergency and in consideration of the health of employees and the general public. During such time, the City Manager may also suspend the regular meetings of City boards, commissions, committees created by the City Council of the City of Twin Falls. In order to facilitate such suspension of meetings, the ordinances providing for the regular meetings of these commissions shall be temporarily suspended. Those ordinances providing the timeline for processing applications shall also be suspended. The City Manager is also authorized to waive such internal rules, regulations and procedures as deemed necessary to protect the health and welfare of City employees.

(Ord. 2020-007, 4-6-2020)

1-5-9: FORCE MAJEURE:

In the context of this chapter, a public health emergency is a force majeure. No person shall be entitled to recover from the City of Twin Falls any costs incurred, or profits lost as may be alleged to be attributed to the enactment of a public health emergency order.

(Ord. 2020-007, 4-6-2020)

1-5-10: PENALTY:

It shall be unlawful to violate any provision or directive of a duly enacted social distancing order, isolation order, or quarantine order while such order is in effect. The violation of any provision or directive of a social distancing order, isolation order, or quarantine order shall be a misdemeanor.

(Ord. 2020-007, 4-6-2020)

TITLE 2

BOARDS AND COMMISSIONS

CHAPTER 1

ADVISORY COMMISSIONS MEMBERSHIP ELIGIBILITY

SECTION:

2-1-1: Limitation Of Eligibility

2-1-2: Local Background Checks

2-1-1: LIMITATION OF ELIGIBILITY:

Except as otherwise provided herein, no person shall be eligible to serve more than two (2) consecutive full terms upon any advisory commission of the city and the Twin Falls housing authority, Twin Falls library board and Twin Falls urban renewal agency. A partial term served before the first full term shall not disqualify a person from serving two (2) consecutive full terms. The Council may specifically waive the limit of two (2) consecutive full terms. There shall be no limit on the number of

consecutive terms served by members of the advisory committee to the Twin Falls building inspection department.

The members of all advisory commissions established under this title shall be residents of the city unless this residency requirement is specifically waived by the council.

No person shall be appointed to an advisory commission where a related person serves on the same advisory commission. For purposes of this section, “relative” shall mean any person related by either blood or marriage within the second degree. “Second degree” shall be defined as grandparents, parents, children, brothers or sisters.

(Ord. 2972, 6-15-2009; amd. Ord. 2026-007, 6-22-2026)

2-1-2: LOCAL BACKGROUND CHECKS:

All persons proposed for appointment/election to a city advisory commission, as either a board member or officer, shall first be subject to a local criminal background check by the Twin Falls police department. The results of these background checks shall be made available to the mayor and city council before any such appointment/election.

(Ord. 3080, 11-3-2014)

CHAPTER 2

CITIZEN FINANCE AND PLANNING COMMISSION

(Rep. by Ord. 3046, 1-14-2013)

CHAPTER 3

GOLF ADVISORY COMMISSION

SECTION:

2-3-1: Creation; Purpose

2-3-2: Membership

2-3-3: Removal Of Members

2-3-4: Nonpolitical; No Compensation

2-3-5: Officers; Tenure

2-3-6: Meetings; Quorum

2-3-7: Rules

2-3-8: Expenditures

2-3-1: CREATION; PURPOSE:

There is hereby created the city of Twin Falls golf advisory commission. The purposes of the commission shall be as follows:

(A) To advise and recommend to the city council on matters concerning the city golf program and facilities and the maintenance and operation of the city golf course.

(B) To inform and advise the public on the city golf program and facilities.

(C) To solicit support of the public and organizations in the community in the development, operation and financing of the city golf program and golf course. (Ord. 2853, 3-27-2006)

2-3-2: MEMBERSHIP:

There shall be seven (7) voting members of the golf advisory commission. One member shall be a representative from the Men's Golf Association; one member shall be a representative from the Women's Golf Association; and five (5) members shall be representatives at large to be appointed by the mayor and confirmed by the city council. At the discretion of the mayor and with approval by the council, the parks and recreation commission may be appointed to fulfill the duties of the golf advisory commission.

In addition to the regular members, the following persons shall be ex officio members of the commission: city manager, director of parks and recreation, city golf professional, and a city council member appointed by the mayor. (Ord. 3094, 4-20-2015)

2-3-3: REMOVAL OF MEMBERS:

Any member of the commission may be removed after a public hearing by a majority vote of the city council. (Ord. 2853, 3-27-2006)

2-3-4: NONPOLITICAL; NO COMPENSATION:

The members of the commission shall be selected without regard to political affiliation and shall serve without compensation. (Ord. 2853, 3-27-2006)

2-3-5: OFFICERS; TENURE:

The commission shall elect its chairman and such other offices as it may require.

The tenure of office shall be as follows:

(A) All regular members shall serve a term of three (3) years. Vacancies arising in any member's position would be filled for the remaining term of the member originally appointed.

(B) The ex officio members of the commission shall hold office corresponding to their respective tenures in regular city administration positions. (Ord. 2853, 3-27-2006)

2-3-6: MEETINGS; QUORUM:

The commission shall hold at least nine (9) meetings during the year at a designated time and place, and all meetings shall be open to the public. A majority of the voting members of the commission shall be necessary to constitute a quorum to conduct business at any meeting of the commission. (Ord. 2853, 3-27-2006)

2-3-7: RULES:

The commission shall adopt general rules for the transaction of its business and shall make written records of meetings, resolutions, findings, determinations and of its recommendations, which written record shall be kept as a permanent public record. (Ord. 2853, 3-27-2006)

2-3-8: EXPENDITURES:

The commission shall make no expenditures, exclusive of gifts, except as to those amounts appropriated and set aside by the city council for the purpose of the commission as provided by law, and within such limits the commission is authorized to employ employees and technical advisors as it deems necessary for the promulgation of its work. (Ord. 2853, 3-27-2006)

CHAPTER 4

PARKS AND RECREATION COMMISSION

SECTION:

2-4-1: Establishment And Title

2-4-2: Duties And Purposes

2-4-3: Membership

2-4-4: Vacancies

2-4-5: Removal Of Members

2-4-6: Nonpolitical; No Compensation

2-4-7: Officers

2-4-8: Tenure

2-4-9: Meetings

2-4-10: Quorum

2-4-11: Rules

2-4-12: Expenditures

2-4-1: ESTABLISHMENT AND TITLE:

There is hereby established and created a parks and recreation commission to be known as the Twin Falls parks and recreation commission. (1985 Code, ch. III, art. 2)

2-4-2: DUTIES AND PURPOSES:

The duties and purposes of the parks and recreation commission shall be as follows:

(A) To make a complete and comprehensive study of the city's needs for community recreation programs and projects for persons of all ages.

(B) To learn of the desires of the public as to recreation requirements, and the needs for additional parks and park facilities.

(C) To act in an advisory capacity and recommend to the city council as to the needs for community recreation programs and projects for persons of all ages.

(D) To advise the city council of the wishes of the public in regard to the public's desires as to parks and recreation requirements and the administration of a sound and comprehensive recreational program.

(E) To advise and to recommend to the city council types of facilities required to accomplish the purposes of a sound and comprehensive recreation program.

(F) To inform and educate the public on already established recreational facilities and programs, and to educate the public on the methods of bettering recreational facilities and programs.

(G) To solicit the support of and cooperation among the citizens and various organizations of the community in the development, construction and financing of recreation programs and facilities. (1958 Code, ch. III, art. 2)

2-4-3: MEMBERSHIP:

There shall be nine (9) voting members of the parks and recreation commission to be appointed by the mayor and confirmed by the members of the city council.

There shall be four (4) ex officio members of the commission:

City council member appointed by the mayor

City manager

Recreation director

Superintendent of parks and recreation

(Ord. 2524, 4-8-1996)

2-4-4: VACANCIES:

Any vacancies occurring in the membership of the parks and recreation commission for any reason shall be filled by the mayor, to be confirmed by the city council. (1958 Code, ch. III, art. 2)

2-4-5: REMOVAL OF MEMBERS:

Any member of the parks and recreation commission may be removed by a majority vote of the councilmen of the city. (Ord. 1748, 12-15-1975)

2-4-6: NONPOLITICAL; NO COMPENSATION:

The members of the parks and recreation commission shall be selected without regard to political affiliations and shall serve without compensation. (1958 Code, ch. III, art. 2)

2-4-7: OFFICERS:

The parks and recreation commission shall elect its chairman and vice chairman and fill such other offices as it may determine necessary. (1958 Code, ch. III, art. 2)

2-4-8: TENURE:

The following tenure of office shall be provided for the members of the parks and recreation commission:

(A) Each member shall serve a term of three (3) years. Vacancies arising in any member's position would be filled for the remaining term of the member originally appointed.

(B) The four (4) ex officio members of the parks and recreation commission shall hold office corresponding with their respective tenures in regular city administrative positions. (Ord. 2358, 12-16-1991)

2-4-9: MEETINGS:

The parks and recreation commission shall hold at least one regular meeting each month of the year at the designated time and place, and all such meetings of the said commission shall be open to the public. (1958 Code, ch. III, art. 2)

2-4-10: QUORUM:

A majority of the appointed members of the parks and recreation commission shall be necessary to constitute a quorum and conduct any business at any meeting of the said commission. (1958 Code, ch. III, art. 2)

2-4-11: RULES:

The parks and recreation commission shall adopt general rules for the transaction of its business and shall make a written record of the meetings, its resolutions, findings, determinations and of its recommendations, which said written record shall be kept as a permanent public record. (1958 Code, ch. III, art. 2)

2-4-12: EXPENDITURES:

The parks and recreation commission shall make no expenditures, exclusive of gifts, except as to those amounts appropriated and set aside by the city for the purpose of said commission as provided by law, and within such limits said commission is authorized to employ such employees and technical advisors as it deems necessary for the promulgation of its work. (1958 Code, ch. III, art. 2)

CHAPTER 5

TRAFFIC SAFETY COMMISSION

SECTION:

2-5-1: Establishment And Title

2-5-2: Duties And Purposes

2-5-3: Membership

2-5-4: Expenditures

2-5-1: ESTABLISHMENT AND TITLE:

There is hereby created the Twin Falls Traffic Safety Commission. (Ord. 2674, 11-20-2000)

2-5-2: DUTIES AND PURPOSES:

The duties and purposes of said commission are as follows: to recommend and make suggestions to the City Council for the adoption of plans for traffic safety as recommended by the National Safety Council Study; to coordinate City traffic safety plans into the State of Idaho plan; to make suggestions for projects designated to increase safety in pedestrian and school traffic and to generally improve traffic safety in the City; to recommend the development, study and needs for public streets, highways and transportation facilities in and surrounding the City; to recommend plans for the location, extension and construction and development of public streets within the City and for County, State and Federal highways surrounding the

City or in which the City may be interested or affected; to study and recommend to all governmental bodies and agencies legislation and policies for the improvement, safety and development of public streets and highways; to work with and submit recommendations, studies and advice to the Twin Falls Planning Commission; to solicit the support and cooperation of the citizens and organizations of the community; to promote and obtain street and highway development; to prepare and disseminate information needed by various governmental bodies and agencies; to aid in the development and improvement of the public streets and highways in the City or in which the City may be interested or affected. (Ord. 2674, 11-20-2000)

2-5-3: MEMBERSHIP:

(A) There shall be seven (7) voting members of said commission, all to be appointed by the Mayor and confirmed by the City Council. Members on said commission shall be appointed, one each from the following organizations: School District 411, Twin Falls Chamber of Commerce, and five (5) City residents as members at large.

(B) There shall be five (5) additional ex officio members as follows: City Manager, City Engineer, Police Chief, Police Traffic Supervisor, and a member of the City Council. (Ord. 2674, 11-20-2000)

(C) Tenure of office for the voting members of said commission shall be as follows:

1. The term of each member shall be three (3) years.

2. The five (5) ex officio members shall hold membership corresponding to their tenures of office in the City administration. (Ord. 2932, 4-14-2008)

(D) Vacancies of membership of said commission shall be filled by appointment by the Mayor and confirmed by the City Council.

(E) Any member of said commission may be removed by a majority vote of the City Council.

(F) Members of said commission shall be selected without regard to political affiliation and shall serve without compensation.

(G) Said commission shall elect a Chairman and such other officers as it may deem necessary and shall adopt rules for the transaction of business and make written records of all meetings, resolutions, determinations and recommendations which records shall be kept as a permanent public record. A majority of the appointed members of said commission shall constitute a quorum to conduct business.

(H) Said commission shall hold meetings at designated times and places and at such intervals as it shall deem necessary and all meetings shall be open to the public. (Ord. 2674, 11-20-2000)

(I) With approval from the City Council, the Mayor may appoint the Planning and Zoning Commission to fulfill the duties of the Traffic Safety Commission. (Ord. 2018-022, 11-5-2018)

2-5-4: EXPENDITURES:

The members of said commission shall make no expenditure or incur any indebtedness except as may be authorized and appropriated by the City Council. (1958 Code ch. III, art. 6)

CHAPTER 6

BUILDING INSPECTION DEPARTMENT ADVISORY COMMITTEE

SECTION:

2-6-1: Establishment And Title

2-6-2: Duties And Purposes

2-6-3: Membership

2-6-4: Expenditures

2-6-1: ESTABLISHMENT AND TITLE:

There is hereby created the advisory committee to the Twin Falls building inspection department. (Ord. 2205, 6-1-1987)

2-6-2: DUTIES AND PURPOSES:

2-6-2: DUTIES AND PURPOSES:

The duties and purposes of the committee are as follows:

(A) To make suggestions and recommendations to the Twin Falls building inspection department on issues relating to the international building code, other city adopted building codes, such as the fire, plumbing, mechanical, and electrical codes, and other related matters as requested by the building official of the building inspection department or the applicant for a building permit.

(B) To hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the international building code and other city adopted building codes, such as the fire, plumbing, mechanical, and electrical codes.

1. An application for appeal shall be based on a claim that the true intent of the building code(s) or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the building code(s) do not fully apply, or an equally good or better form of construction is proposed.

2. This committee shall have no authority to waive requirements of the building code(s). (Ord. 2968, 5-4-2009)

2-6-3: MEMBERSHIP:

(A) There shall be nine (9) voting members of the committee, all to be appointed by the mayor and confirmed by the city council. Members on the committee shall be actively engaged in the profession of the building construction industry. Members are more specifically to be appointed from the following organizations or professions: two (2) members from residential construction, one member each from commercial construction, electrical construction, mechanical construction, plumbing construction, the architectural profession, and the engineering profession, and one member at large.

(B) There shall be two (2) additional ex officio members as follows: the building official and a member of the city council.

(C) Tenure of office for the voting members of the committee shall be as follows:

1. The nine (9) members of the advisory committee to the building inspection department are to be appointed on a staggered term basis as follows: the first three (3) members shall be appointed for three (3) years, the next three (3) members shall be appointed for two (2) years, and the last three (3) members shall be appointed for one year.

2. Thereafter, the term of each member shall be three (3) years.

3. The two (2) ex officio members shall hold membership corresponding to their tenures of office or employment in the city administration.

(D) Vacancies of membership of the committee shall be filled by appointment by the mayor and confirmed by the city council.

(E) Any member of the committee may be removed after public hearing by a majority vote of the city council.

(F) Members of the committee shall be selected without regard to political affiliation and shall serve without compensation.

(G) The committee shall elect a chairman and such other officers as it may deem necessary and shall adopt rules for the transaction of business and make written records of all meetings, resolutions, determinations and recommendations, which records shall be kept as a permanent public record. A minimum of five (5) members of the committee shall constitute a quorum to conduct business or pass an issue. A majority vote of the members present will pass any issue decided by the committee.

(H) The committee shall hold meetings at designated times and places and at such intervals as it shall deem necessary, and all meetings shall be open to the public. (Ord. 2968, 5-4-2009)

2-6-4: EXPENDITURES:

The members of the committee shall make no expenditure or incur any indebtedness except as may be authorized and appropriated by the city council. (Ord. 2205, 6-1-1987)

CHAPTER 7

HISTORIC PRESERVATION COMMISSION

SECTION:

2-7-1: Purpose

2-7-2: Definitions

2-7-3: Historic Preservation Commission Created

2-7-4: Organization, Officers, Rules, Meetings

2-7-5: Powers, Duties, And Responsibilities

2-7-6: Special Restrictions

2-7-7: Separability

2-7-1: PURPOSE:

The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public of the city through the identification, evaluation, designation, and protection of those buildings, sites, areas, structures, and objects which reflect significant elements of the city's, the state's, and the nation's historic, architectural, archaeological, and cultural heritage. (Ord. 2543, 3-24-1997)

2-7-2: DEFINITIONS:

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the following meanings:

CITY: The city of Twin Falls.

COMMISSION: The historic preservation commission of the city of Twin Falls.

HISTORIC PRESERVATION: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

HISTORIC PROPERTY: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state or the nation. (Ord. 2543, 3-24-1997)

2-7-3: HISTORIC PRESERVATION COMMISSION CREATED:

(A) There is hereby created a historic preservation commission, which shall consist of five (5) members who shall be appointed by the mayor with the advice and consent of the council.

(B) All members of the commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The council shall endeavor to appoint at least two (2) members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law, or other historic preservation related disciplines.

(C) Initial appointments to the commission shall be made as follows: one 1- year term; two (2) 2-year terms; two (2) 3-year terms. All subsequent appointments shall be made for three (3) year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term.

(D) The members of the commission may be reimbursed by the city for expenses incurred in connection with their duties. (Ord. 2543, 3-24-1997; amd. Ord. 2983, 4-12-2010; Ord. 2024-004, 2-12-2024)

2-7-4: ORGANIZATION, OFFICERS, RULES, MEETINGS:

(A) The commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this chapter. Rules of procedure and bylaws adopted by the commission shall be available for public inspection.

(B) The commission shall elect officers from among the commission members. The chairman shall preside at meetings of the commission. The vice chairman shall, in the absence of the chairman, perform the duties of the chairman.

(C) All meetings of the commission shall be open to the public, and follow the requirements of Idaho's open meeting laws. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.

(D) The commission may recommend to the council, within the limits of its funding, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the commission. (Ord. 2543, 3-24-1997)

2-7-5: POWERS, DUTIES, AND RESPONSIBILITIES:

The Commission shall be advisory to the Council and shall be authorized to:

(A) Conduct a survey of local historic properties.

(B) Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequests, or donation.

(C) Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the City.

(D) Recommend the lease, sale, other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

(E) Contract, with the approval of the Council, with the State or Federal government, or any agency of either, or with any other organization.

(F) Cooperate with the Federal, State, and local governments in the pursuance of the objectives of historic preservation.

(G) Make recommendations in the planning processes undertaken by the County, the City, the State, or the Federal government and the agencies of these entities.

(H) Recommend ordinances and otherwise provide information for the purposes of historic preservation in the City.

(I) Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City.

(J) Commission members, employees or agents of the Commission may enter private property, buildings, or structures in the performance of their official duties only with the express consent of the owner or occupant thereof.

(K) Review nominations of properties to the National Register of Historic Places for properties within the City's jurisdiction. (Ord. 2543, 3-24-1997)

2-7-6: SPECIAL RESTRICTIONS:

Under the provisions of Idaho Code 67-4612, the City may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties. (Ord. 2543, 3-24-1997)

2-7-7: SEPARABILITY:

If any section, subsection, sentence, clause or phrase or portion of this Chapter 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. (Ord. 2543, 3-24-1997)

CHAPTER 8

TREE COMMISSION

SECTION:

2-8-1: Establishment And Title

2-8-2: Purpose

2-8-3: Organization Of Commission

2-8-4: Powers, Duties And Responsibilities

2-8-1: ESTABLISHMENT AND TITLE:

There is hereby created the tree commission. (Ord. 2600, 11-23-1998)

2-8-2: PURPOSE:

The purpose of this chapter is to establish policies, regulations and standards necessary to ensure that the city will continue to realize the benefits of the community forest. The provisions of this chapter are enacted to help coordinate maintenance of public trees; emphasize use of good tree care practices and promote tree diversity; promote education for all citizens on proper tree care practices; and provide guidance to the tree commission. (Ord. 2600, 11-23-1998)

2-8-3: ORGANIZATION OF COMMISSION:

The commission shall be composed of five (5) members and one alternate member appointed by the mayor and approved by the council. The alternate member shall vote only in the absence of a regular member. All members shall serve a three (3) year term. At the discretion of the mayor and with approval by the council, the parks and recreation commission may be appointed to fulfill the duties of the tree commission. (Ord. 2983, 4-12-2010)

2-8-4: POWERS, DUTIES AND RESPONSIBILITIES:

The commission shall perform the following duties:

(A) The commission shall determine rules of conduct and bylaws for the commission, subject to council approval. The commission shall elect officers and establish procedures for conduct of documented business as may come before the commission. The commission, in its discretion, may also appoint nonvoting members to give advice.

(B) The commission shall draft and recommend necessary amendments to the tree ordinance[1] . The commission shall also draft and recommend an arboricultural specifications manual and community forestry plan to the council by June 1, 1999. Should the manual and plan be accepted and codified by the council, the commission shall draft and recommend necessary amendments to those documents. Both the manual and the plan shall be reviewed every five (5) years after the effective date of the documents.

(C) The commission may assist with policies concerning selection, planting, maintenance, and removal of trees, shrubs, and other plants in the city. The commission will promote public education of good arboricultural practices.

(D) The commission shall recommend to the council the community forestry plan and an implementation strategy, for the establishment of educational and informational programs, and for the development of policies and procedures regarding the city's duties.

(E) The commission shall maintain and publish a list of certified arborists.

(F) The commission shall keep the council apprised of its activities. (Ord. 2600, 11-23-1998)

Notes

1 1. See title 8, chapter 4 of this code.

CHAPTER 9

ANIMAL SHELTER ADVISORY COMMISSION

(Rep. by Ord. 3017, 10-3-2011)

CHAPTER 10

BUSINESS IMPROVEMENT DISTRICT BOARD

(Rep. by Ord. 2995, 11-22-2010)

CHAPTER 11

DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE

SECTION:

2-11-1: Establishment And Title

2-11-2: Duties And Purposes

2-11-3: Membership

2-11-1: ESTABLISHMENT AND TITLE:

There is hereby created the city of Twin Falls development impact fee advisory committee. (Ord. 2929, 2-19-2008)

2-11-2: DUTIES AND PURPOSES:

The duties and purposes of said committee are as follows:

(A) Assist the governmental entity in adopting land use assumptions;

(B) Review the capital improvements plan, and proposed amendments, and file written comments;

(C) Monitor and evaluate implementation of the capital improvements plan;

(D) File periodic reports, at least annually, with respect to the capital improvements plan and report to the governmental entity any perceived inequities in implementing the plan or imposing the development impact fees; and

(E) Advise the governmental entity of the need to update or revise land use assumptions, capital improvements plan and development impact fees. (Ord. 2929, 2-19-2008)

2-11-3: MEMBERSHIP:

(A) There shall be nine (9) voting members of said committee, to be appointed by the mayor and confirmed by the city council. Four (4) or more members shall be active in the business of development, building or real estate.

(B) Vacancies of membership of said committee shall be filled by appointment by the mayor and confirmed by the city council.

(C) Any member of said committee may be removed by a majority vote of the city council.

(D) Members of said committee shall be selected without regard to political affiliation and shall serve without compensation.

(E) The term of each member shall be three (3) years, except for the appointments of the initial committee, and except for appointments to fill vacancies.

(F) Said committee shall elect a chairman and such other officers as it may deem necessary and shall adopt rules for the transaction of business and make written records of all meetings, resolutions, determinations and recommendations which records shall be kept as a permanent public record. A majority of the appointed members of said committee shall constitute a quorum to conduct business.

(G) Said committee shall hold meetings at designated times and places and at such intervals as it shall deem necessary and all meetings shall be open to the public. (Ord. 2929, 2-19-2008)

CHAPTER 12

IMPROVEMENT REIMBURSEMENT COMMISSION

SECTION:

2-12-1: Establishment And Title

2-12-2: Duties And Purposes

2-12-3: Membership

2-12-4: Vacancies

2-12-5: Removal Of Members

2-12-6: Nonpolitical; No Compensation

2-12-7: Officers

2-12-8: Tenure

2-12-9: Meetings

2-12-10: Quorum

2-12-11: Rules

2-12-12: Conflict Of Interest

2-12-1: ESTABLISHMENT AND TITLE:

There is hereby established and created an improvement reimbursement commission to be known as the Twin Falls improvement reimbursement commission. (Ord. 2974, 7-13-2009)

2-12-2: DUTIES AND PURPOSES:

The duties and purposes of the improvement reimbursement commission shall be as follows:

(A) Administer the council approved resolution for the amounts, methods and procedures for reimbursement of costs to private initial developers who installed public works improvement(s) by any subsequent developer or property owner that connects to those systems.

(B) With the assistance of the city engineer, prepare and maintain a system to track any public works improvement(s) that are subject to reimbursement.

(C) Accept requests for reimbursement, to include actual receipted costs and plans, from the initial developers that have installed the public works improvement(s), to be paid back by subsequent developers or property owners.

(D) With the assistance of the city engineer, establish the boundaries of properties that will be required to reimburse the initial developer that installed the public works improvement(s), and notify the owners of those properties of the requirement to reimburse when their own properties develop.

(E) Using cost information from the developer that installed the public works improvement(s) or other approved method, determine the proper compensation that any developer or property owner that connects to the public works improvement(s) will pay.

(F) Verify that the reimbursement has been made to the initial developer that installed the public works improvement(s) by any subsequent developer or property owner that connects to those systems, before allowing any subsequent development or property owner to connect to those systems. (Ord. 2974, 7-13-2009)

2-12-3: MEMBERSHIP:

There shall be seven (7) voting members of the improvement reimbursement commission to be appointed by the mayor and confirmed by the members of the city council. Members on the commission shall be actively engaged in the profession of community development. Members are more specifically to be appointed from the following organizations or professions: two (2) members from the development community; two (2) members that are engineers, surveyors or architects; and three (3) members at large. In addition to the seven (7) voting members, there shall be two (2) nonvoting ex officio members of the commission: city council member appointed by the mayor and city engineer or designated representative. The members of the commission established under this section shall be residents of the city unless this residency requirement is specifically waived by the council. At the discretion of the mayor and with approval by the council, the development impact fee advisory committee may be appointed to fulfill the duties of the improvement reimbursement commission, notwithstanding the membership described above. (Ord. 3104, 8-17-2015)

2-12-4: VACANCIES:

Any vacancies occurring in the membership of the improvement reimbursement commission for any reason shall be filled by the mayor, to be confirmed by the city council. (Ord. 2974, 7-13-2009)

2-12-5: REMOVAL OF MEMBERS:

Any member of the improvement reimbursement commission may be removed by a majority vote of the city council. (Ord. 2974, 7-13-2009)

2-12-6: NONPOLITICAL; NO COMPENSATION:

The members of the improvement reimbursement commission shall be selected without regard to political affiliations and shall serve without compensation. (Ord. 2974, 7-13-2009)

2-12-7: OFFICERS:

The improvement reimbursement commission shall elect its chairman and vice chairman and fill such other offices as it may determine necessary. (Ord. 2974, 7-13-2009)

2-12-8: TENURE:

The following tenure of office shall be provided for the members of the improvement reimbursement commission:

(A) The seven (7) members of the improvement reimbursement commission are to be appointed on a staggered term basis as follows: the first two (2) members shall be appointed for three (3) years, the next two (2) members shall be appointed for two (2) years, and the remaining members shall be appointed for one year. Thereafter, the term of each member shall be three (3) years. The limitation of eligibility for successive terms shall be per section 2-1-1 of this title.

(B) The ex officio members of the improvement reimbursement commission shall hold membership corresponding to their tenures of office or employment in the city administration. (Ord. 2974, 7-13-2009)

2-12-9: MEETINGS:

All meetings will take place at council chambers and shall be open to the public. (Ord. 2974, 7-13-2009)

2-12-10: QUORUM:

At least four (4) of the appointed voting members of the improvement reimbursement commission shall be necessary to constitute a quorum and conduct any business at any meeting of the said commission. Any decision of the commission will require a majority of at least four (4) members' approval for acceptance of the reimbursement. (Ord. 2974, 7-13-2009)

2-12-11: RULES:

The improvement reimbursement commission shall adopt general rules for the transaction of its business and shall make a written record of the meetings, its resolutions, findings, determinations and of its recommendations, which said written record shall be kept as a permanent public record. (Ord. 2974, 7-13-2009)

2-12-12: CONFLICT OF INTEREST:

A member of the commission shall not participate in any proceeding or action when the member, his employer, or his employee, business partner or associate, his business, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any action or potential interest in any proceedings shall be disclosed at or before any meeting, duly entered and recorded in the minutes, at which the action is being heard or considered. (Ord. 2974, 7-13-2009)

CHAPTER 13

PUBLIC ART COMMISSION

SECTION:

2-13-1: Establishment And Title

2-13-2: Purpose

2-13-3: Mission

2-13-4: Definition

2-13-5: Duties And Responsibilities

2-13-6: Membership

2-13-7: Removal Of Members

2-13-8: Officers; Tenure

2-13-9: Nonpolitical; No Compensation

2-13-10: Meetings

2-13-11: Quorum

2-13-12: Rules

2-13-13: Expenditures

2-13-1: ESTABLISHMENT AND TITLE:

There is hereby created the Twin Falls Public Art Commission. (Ord. 2019-009, 9-23-2019)

2-13-2: PURPOSE:

The purpose of the Twin Falls Public Arts Commission (TFPAC) is to establish policies and procedures for the operation, funding and implementation of a public art program in the City of Twin Falls. (Ord. 2019-009, 9-23-2019)

2-13-3: MISSION:

The mission of a public art program is to support a thriving arts community through the activation of public spaces. Expanding the opportunities for Twin Falls residents to experience various genres of art in public places will create a more visually pleasing and culturally rich environment while expanding the public's knowledge of arts and culture. (Ord. 2019-009, 9-23-2019)

2-13-4: DEFINITION:

Public art is any work of art in any media that has been designed, planned, sited or executed in a space accessible to the general public, anywhere from a public square to a wall inside a building open to the public. (Ord. 2019-009, 9-23-2019)

2-13-5: DUTIES AND RESPONSIBILITIES:

The duties and responsibilities of this commission may include but are not limited to the following:

(A) To facilitate the placement of public art in public buildings and public spaces;

(B) To inform City residents and visitors about public art;

(C) To make recommendations to the City Council on a public art policy;

(D) To make recommendations to the City Council regarding the selection of art and artists, the acquisition of works of art, and the acceptance of gifts and loans of art work;

(E) To recommend sites and placement of public art projects;

(F) To raise funds for public art projects;

(G) To maintain an inventory and documentation of the City's collection of public art; and

(H) To survey the City's collection of public art to determine if works require maintenance or other attention. (Ord. 2019-009, 9-23-2019)

2-13-6: MEMBERSHIP:

(A) The TFPAC will represent the City's interests in matters pertaining to public art, and will advise and make recommendations to the City Council concerning public art and public art activities, and will be responsible for carrying out this public art policy.

(B) The TFPAC should be comprised of not more than seven (7) voting members who will serve at the appointment of the Mayor, as approved by City Council. One (1) member shall be a representative from the Magic Valley Arts Council.

(C) In addition to the regular members, representatives from the following city departments shall be ex officio nonvoting members of the TFPAC: City Manager's Office, Parks and Recreation Department, and Planning and Zoning Department. One (1) member of the City Council, appointed by the Mayor, shall also serve as an ex officio member. (Ord. 2019-009, 9-23-2019)

2-13-7: REMOVAL OF MEMBERS:

Any member of the commission may be removed after a public hearing by a majority vote of the city council. (Ord. 2019-009, 9-23-2019)

2-13-8: OFFICERS; TENURE:

(A) The Commission shall elect its chairman and vice chairman and any other such officers as it may require.

(B) The tenure of office shall be as follows:

1. All regular members are appointed at large and will serve a three (3) year term. Vacancies arising in any member's position would be filled for the remaining term of the member originally appointed.

2. Ex officio members of the commission shall hold officers corresponding to their respective tenure in regular city administration positions. (Ord. 2019-009, 9-23-2019)

2-13-9: NONPOLITICAL; NO COMPENSATION:

TFPAC voting members shall be selected without regard to political affiliations and shall serve without compensation. (Ord. 2019-009, 9-23-2019)

2-13-10: MEETINGS:

The TFPAC shall hold at least one regular meeting each month of the year at the designated time and place, and all such meetings of the said commission shall be open to the public in compliance with Idaho's open meeting laws and in accordance with Second Amended Resolution 1912. (Ord. 2019-009, 9-23-2019)

2-13-11: QUORUM:

A majority of the appointed members of the TFPAC shall be necessary to constitute a quorum. A quorum is required to conduct any business of the commission. (Ord. 2019-009, 9-23-2019)

2-13-12: RULES:

The TFPAC shall adopt general rules for the transaction of its business and shall make a written record of the meetings, its resolutions, findings, determinations of its recommendations, which said written record shall be kept as a permanent public record. (Ord. 2019-009, 9-23-2019)

2-13-13: EXPENDITURES:

The commission shall make no expenditures, exclusive of gifts, except as to those amounts appropriated and set aside by the city council for the purpose of the commission as provided by law, and within such limits the commission is authorized to employ employees and technical advisors as it deems necessary for the promulgation of its work. (Ord. 2019-009, 9-23-2019)

TITLE 3

BUSINESS REGULATIONS

CHAPTER 1

CARD ROOMS

SECTION:

3-1-1: License Required; Term

3-1-2: License Fee

3-1-3: Denial of License

3-1-4: Inspection

3-1-5: Liquor Prohibited

3-1-6: Appeal of City Clerk's Decision

3-1-7: Revocation of License

3-1-1: LICENSE REQUIRED; TERM:

It shall be unlawful for any person to conduct or permit the conducting or permit the playing of any game of cards or any game in which playing cards are used, in any place of business, place of amusement or in any room or place open to the public, in his possession or control, without first obtaining from the City a license therefor, signed by the City Clerk.

The license mentioned above shall be a yearly license and must be obtained on July 1 of each year; provided, that when said first day shall fall upon Sunday or a legal holiday, then it shall be obtained on the day following such holiday. The person desiring such license shall file a written application for such license with the City Clerk and pay the license fee hereinafter required. (Ord. 2197, 3-16-87)

3-1-2: LICENSE FEE:

The applicant for a card room license shall pay a license fee at the time of his application of ten dollars ($10.00) for each card table or other paraphernalia, per month, upon which may be conducted a continuous game of cards or game played by means of cards. (1958 Code, Ch. VI, Art. 1)

3-1-3: DENIAL OF LICENSE:

Whenever the person making application for such license has been convicted of a crime involving moral turpitude, or the reputation of such applicant in the City is such that the City Clerk shall believe that such applicant will conduct or permit the conducting of a gambling game or gambling games under such license, either openingly or surreptitiously, the City Clerk shall refuse to issue such license. (Ord. 2197, 3-16-87)

3-1-4: INSPECTION:

Any person conducting or who shall permit the conducting of any game or games under license issued as aforesaid, shall permit any member of the Council and any police officer or officers and any executive officer of the City, or any or either thereof, to freely visit and view such game or games and to remain and view the same at will, and any person or any person acting as an officer or agent thereof or any person having immediate control or conduct of such business, place of amusement, room or place where said game is being carried on, or is being permitted to be carried on, under such license, shall answer in writing any question or questions which may be propounded to him or them by any of the officers aforesaid in regard to such game or games, and shall make a statement in writing under oath when required by any such officer setting forth such information as shall be required by said officer in regard to such game or games and the conduct thereof, and shall exhibit when and as often as required any matter or thing in the possession or under the control of such person conducting or permitting the conduct of such game or games, which is in any way connected with said game or games or which, in the opinion of such officer, would be evidence of the conducting of a gambling game or any improper conduct of said game, and if such person shall refuse or fail, either individually or by or through its officers or agents or person having charge or control, to answer the inquiries or make the statement or statements or exhibit matters and things aforesaid, in the manner and to the extent aforesaid, then the Council may, at a regular meeting or any special meeting called for that purpose, revoke the license issued to such person so offending and the licensee shall forfeit all fees paid thereunder, and the Council shall refuse to issue any further license to the person so offending and when such licensee so offending shall have been notified of the revocation of such license, it shall be unlawful for him to conduct or permit the conducting or permit the playing of any such game or games as in this Chapter mentioned in his place of business or amusement, or any place or room under his possession or control.

3-1-5: LIQUOR PROHIBITED:

No beer, wine, hard liquor or any liquor of any alcoholic content whatsoever, shall be served to anyone at said card tables, and no person shall drink or be permitted to drink such liquor at said tables. (1958 Code, Ch. VI, Art. 1)

3-1-6: APPEAL OF CITY CLERK'S DECISION:

If the applicant is aggrieved by the decision of the City Clerk, the applicant may appeal such decision to the City Council within seven (7) days of notice of the decision of the City Clerk. The applicant must, in writing, appeal to the City Council and set forth the reasons therefor why the applicant should not be denied a license. The City Council shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his last known address, at least three (3) days prior to the date of the hearing. The order of the City Council shall be final.

3-1-7: REVOCATION OF LICENSE:

The City Council may revoke any license issued under this Chapter for violation of any of the provisions of this Code or ordinance of the City or laws of the State of Idaho. Prior to revocation by the City Council, the City Clerk or City Council shall notify the applicant in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be personally served upon the licensee, or mailed postage prepaid to the licensee at his last known address at least three (3) days prior to the date set for the hearing. (Ord. 2197, 3-16-87)

CHAPTER 2

HOTELS AND ROOMING HOUSES

(Rep. by Ord. 2017-007, 2-6-2017)

CHAPTER 3

PUBLIC DANCE HALLS

(Rep. by Ord. 2132, 12-17-1984)

CHAPTER 4

PAWNSHOPS, BROKERS AND SECONDHAND DEALERS

SECTION:

3-4-1: Definitions

3-4-2: License, Application And Procedure

3-4-3: Qualifications

3-4-4: Records

3-4-5: Sales

3-4-6: Restrainment Of Sales; Notice From Police Department

3-4-1: DEFINITIONS:

PAWNBROKER: Every person, firm, association or corporation engaged in conducting, managing or carrying on the business of loaning or advancing money, check or draft for money, for himself or for another, upon deposit or purchase of personal property, personal security, pawns, pledges, bailment or other valuable thing, excluding firearms, or who deals in purchasing articles of personal property or other valuable thing, excluding firearms, on condition of reselling or agreeing to resell such articles to the vendors or their assigns at a stipulated price, or who loans money secured by chattel mortgage or personal property, having possession of the property, or any portion or part thereof mortgaged or who advertises by use of pawnbroker's sign, or by advertising "unredeemed pledges", or by any other expression designating pawnbroker's business, shall, for all intents and purposes under this chapter, be declared to be a pawnbroker within the meaning of this chapter. This section shall only apply to Type 02 Federal Firearms License holders.

FIREARMS: The term "firearms" includes any weapon designed to expel a projectile by explosive action, the frame or receiver of such a weapon, firearm silencers, and destructive devices, excluding antiques 18 U.S.C. § 921(a)(3). This definition shall also include any legal firearm accessory attached to the weapon, regardless of whether it is serialized.

PAWNSHOP: Any room, store or place in which any such business of "pawnbroker" as defined herein is engaged in, carried on or conducted.

SECONDHAND DEALER: Any person, firm, association or corporation who buys, accepts as trade, or otherwise deals in secondhand tools, goods, wares, merchandise or other articles and things usually found in a secondhand store, other than recording media. The following are specifically excluded from the definition of secondhand dealer:

(A) Dealers in new merchandise who do not pay in cash for used property, but allow their patrons an exchange value when making a sale of new goods of the same type.

(B) Dealers in antique goods who do not purchase electronic equipment, tools, coins or precious jewelry.

(C) Rummage sales, garage sales and yard sales conducted on a temporary basis (not more than ten (10) days).

(D) Any person, firm, association or corporation that accepts or receives, as donation only, and does not pay in cash for any property, clothing, furniture, or any other valuable thing.

SECONDHAND STORE: Any room, store or place in which any such business of "secondhand dealer" as defined herein is engaged in, carried on or conducted.

(Ord. 2591, 9-8-1998, eff. 10-1-1998)

3-4-2: LICENSE, APPLICATION AND PROCEDURE:

(A) License Required: It shall be unlawful for any person to engage, conduct, keep, manage or operate any pawnshop or secondhand store without having first obtained a license therefor as provided for in this chapter and which is in full force and effect.

(B) Application: An application for such license shall be made in writing to the city clerk in such form and manner as may be prescribed.

(C) Partnership, Corporation Or Association: When application for a license is made by or on behalf of a partnership, corporation or association, such application shall be made by the manager, officer, agent or other person who will have the direct charge and management of such pawnshop or secondhand store.

(D) Investigation: Upon receipt of an application for a license, the police department shall cause an investigation to be made of the applicant.

(E) Issuance Of License: Upon completion of such investigation, if the police department finds that the license applicant complies with the required qualifications set forth in this chapter, the city clerk shall issue a license. Licenses shall not be transferable either as to person or place.

(F) License Fees:

1. Regular License: The city clerk shall collect before the issuance of any license or renewal thereof an annual fee of five hundred dollars ($500.00). If a license is granted pursuant to an application filed after June 30 of any year, the license fee for the balance of such year shall be two hundred fifty dollars ($250.00).

Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each January 31, shall pay the city clerk five hundred dollars ($500.00) for each license held by him/her as the annual fee for the succeeding calendar year.

2. Limited License: For those secondhand dealers who purchase not more than ten (10) transactions of secondhand goods per month, the annual license fee shall be fifty dollars ($50.00).

(G) Age Requirement: No license shall be issued to any person who is not eighteen (18) years of age or older.

(H) License Denial; Refund: If any license applicant is denied a license for any reason, the required license fee shall be refunded to the applicant. No license fee shall be refunded as result of any suspension, revocation or for any license that is voluntarily surrendered by the holder of such license.

(I) Location Requirements: No license shall be issued to any person for any proposed location that does not comply with the planning and zoning regulations and fire codes established by the city, county and the state.

(J) Criminal History: To determine the suitability of prospective applicants for pawnshop, pawnbroker and secondhand dealer licenses, the police department shall require an applicant to provide information necessary to perform a local Twin Falls city background check, warrant check and a check of the Idaho Courts online records system.

(Ord. O-2025-001, 1-27-2025)

3-4-3: QUALIFICATIONS:

Every applicant and every employee of an applicant shall meet the following minimum qualifications:

(A) Must be over the age of eighteen (18) years.

(B) Must not have had a city pawnbroker's business license or similar permit or license revoked or suspended by the city or any other state or local agency within three (3) years prior to the date of the application.

(C) Must not have been convicted within the preceding five (5) years of:

1. Any felony or crime that would be deemed a felony according to the laws of the state.

2. Theft in any degree.

3. Obscene or lewd conduct.

(D) Must provide all information needed by the police department to perform a background investigation.

(E) The police department shall investigate the aforementioned qualifications pursuant to this chapter and shall report to the city clerk its recommendations. The city clerk shall, if the applicant complies with the licensing requirements, issue a license to the applicant upon the payment of the proper fee.

(Ord. O-2025-001, 1-27-2025)

3-4-4: RECORDS:

(A) Every pawnbroker or secondhand dealer, except dealers of secondhand clothing, shall keep a record of every article pledged, consigned, or traded with him/her, sold to him/her, or received by him/her. The requirements of this provision do not include firearms, though pawnbrokers or secondhand dealers may keep such records of firearms.

(B) This record shall be open to the inspection of any city police officer at any time during the hours of business. Such record shall be completed on a form specified by the city.

(C) Upon the purchase, pledge or receipt of any property or article said record shall be completed. One copy of said record shall be retained by said pawnbroker or secondhand dealer for a period of twelve (12) months from the date said form is completed. One copy of said record shall be provided to the seller, pledger, trader or consignor. No entry on such record shall be altered, erased, obliterated, or defaced, and all property described in the record shall be open to the inspection of any city police officer during business hours. Original records shall be free of any staples, tape or other items that may deface, obliterate, or damage said record. A complete and accurate description of the property shall be reported to "LeadsOnline.com" within twenty-four (24) hours of receipt. While not mandatory, submitting details of firearms transactions into LeadsOnline is highly encouraged. This voluntary submission helps enhance public safety by aiding in the recovery of lost or stolen firearms.

(D) Each record of purchase, pledge, trade, consign or receipt of property or articles shall contain an accurate description of the property or article and the person from whom it was received. Said record shall also contain the following information:

1. Name, address and telephone number of the pawnshop or secondhand store.

2. Last name, first name and middle initial, complete residence address, phone number, date of birth, height, weight, sex, hair color and eye color of the seller, pledger, or any person from whom any property or article was received.

3. The driver's license number and the state of issue, or official state of Idaho identification, or official United States military identification, or passport, with photograph and signature block of the seller, pledger, trader, consignor.

4. The date of the transaction; the amount of loan, purchase, pledge, trade or consign; the interest amount and terms of any loan or pledge.

5. A complete description of the property or article purchased, pledged, traded or consigned, to include, brand name or make, model, serial number, model number, owner applied number or other engravings, vehicle identification number, type and color. (No record shall contain more than six (6) article or property entries).

6. Signature lines or space for the execution by pawnbroker, secondhand dealer and the seller, pledger, trader or consignor, or any person from whom property was received.

7. A space shall be provided and shall bear a legible ink, chemical, or other acceptable impression of the right or left thumbprint of the seller, pledger, trader, consignor, or any person from whom property was received.

(E) Every record shall be completed and signed by the pawnbroker, secondhand dealer or employee and the seller, pledger, trader, or consignor at the time of execution. The pawnbroker or secondhand dealer shall compare the signature upon the required identification with that upon the record. The signature by the seller, pledger, trader, or consignor shall be a certification that the described property or article has not been obtained by illegal means and is free and clear of any encumbrances.

(F) This Section shall apply to all secondhand merchandise, pledges, articles or property for trade or resale, but shall not apply to articles of new merchandise purchased directly from the manufacturers, wholesale dealers or distributors having established places of business or of any purchase in the open market or secured from any persons doing business and having an established place of business in the City. Such goods, however, shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to any City police officer upon request.

(G) Each record issued shall be numbered consecutively, and if stubs are used in connection with such records, such stubs shall be numbered consecutively to conform to the tickets.

(H) Any pawnbroker or secondhand dealer receiving in pledges or otherwise any article, shall affix to said article a tag, and upon such tag shall be written a number in legible characters. Such number shall correspond to the number in the record required to be kept by him/her.

(Ord. O-2025-001, 1-27-2025)

3-4-5: SALES:

No personal article, property or other valuable thing, pledged to, purchased by, received in trade by or deposited with any pawnbroker or secondhand dealer at this place of business shall be sold from such place of business for a period of at least thirty (30) days after being so acquired; provided, this Section shall not apply to firearms or new merchandise purchased from manufacturers or wholesale dealers having established places of business or any purchase in the open market or secured from any person doing business and having an established place of business in the City. Such goods, however, shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to any City police officer upon request.

(Ord. O-2025-001, 1-27-2025)

3-4-6: RESTRAINMENT OF SALES; NOTICE FROM POLICE DEPARTMENT:

(A) Whenever the Chief of Police or any City police officer shall notify any pawnbroker or secondhand dealer in writing that certain property is alleged to be stolen, such property (excluding firearms) shall not be sold or permitted to be redeemed or otherwise released for a period of thirty (30) days from the date of such notice, but such notice may be renewed for an additional thirty (30) day period or periods.

(B) Written notice of hold shall bear the date, accurate description of held property, requesting agency case number, name of business where questioned item is held, amount owed to pawnbroker or secondhand dealer, name of person property was received from and the requesting officer's name and agency. A duplicate copy of this information shall be left with the pawnbroker or secondhand dealer at the time an item is placed on hold.

(Ord. O-2025-001, 1-27-2025)

CHAPTER 5

AUCTIONS AND AUCTIONEERS

SECTION:

3-5-1: Auctioneer's License

3-5-2: Jewelry Auctions (Rep. by Ord. 2132, 12-17-1984)

3-5-3: Auction Sales

3-5-4: Exclusions And Exemptions

3-5-5: Fees For Auctions

3-5-6: Appeal Of City Clerk's Decision

3-5-7: Revocation Of License

3-5-1: AUCTIONEER'S LICENSE:

It shall be unlawful for any person to engage in the work of an auctioneer unless said person shall first obtain an auctioneer's license from the City Clerk. The fee for such license shall be twenty five dollars ($25.00) per annum from date of issue, and no such license shall be issued for a period less than one year. (Ord. 2197, 3-16-1987)

3-5-2: JEWELRY AUCTIONS:

(Rep. by Ord. 2132, 12-17-1984)

3-5-3: AUCTION SALES:

(A) It shall be unlawful for any person to sell or offer for sale at public auction any personal property unless said person shall first make application for and obtain an auction sale permit from the City Clerk. (Ord. 2197, 3-16-1987)

(B) Said application shall give the name of the business, business address, owner or manager of business, residence address of the owner or manager, expiration date, name of the applicant along with other pertinent information as prescribed by the City Clerk.

(C) Applicant must post with the City Clerk at the time of application a bond in the amount of twenty thousand dollars ($20,000.00) issued by a surety company authorized to do business in this State assuring that the sale will be conducted in compliance with the requirements of this Chapter and indemnify any person purchasing any personal property at said

auction sale against loss or damage occurring by reason of violation of this Chapter, misrepresentation of merchandise sold or breach of warranty of merchandise sold. (Ord. 2203, 6-1-1987)

(D) It shall be unlawful to hold any auction sales in any section of the City zoned for residential purposes; except churches, schools and service organizations may hold auction sales for charitable purposes, and individuals selling at their own home, their own personal belongings, for one day only may conduct auction sales in the residential areas of the City. No fees shall be collected for holding charitable auctions; no fee shall be charged for individuals selling at their own home their personal belongings.

It shall be unlawful to hold any auction sale upon any City property, sidewalks, streets, alleys, parks or highways.

(E) It shall be unlawful to hold any auction sale heretofore provided for, before nine o'clock (9:00) A.M. and after ten o'clock (10:00) P.M. (Ord. 2132, 12-17-1984)

3-5-4: EXCLUSIONS AND EXEMPTIONS:

This Chapter shall not apply to migratory livestock; the sale at auction under or by virtue of any order of court, Idaho statute or City ordinance; the sale of real property. (1958 Code, ch. VI, art. 7)

3-5-5: FEES FOR AUCTIONS:

At the time of making application for a jewelry auction sale permit or any other auction sale permit, the applicant shall pay a twenty five dollar ($25.00) fee which shall also be the permit fee, and if the permit be not granted, the applicant shall be refunded fifteen dollars ($15.00). The fees provided herein are for preparing the application and policing the auction. (1958 Code, ch. VI, art. 7)

3-5-6: APPEAL OF CITY CLERK'S DECISION:

If the applicant is aggrieved by the decision of the City Clerk, the applicant may appeal such decision to the City Council within seven (7) days of notice of the decision of the City Clerk. The applicant must, in writing, appeal to the City Council and set forth the reasons therefor why the applicant should not be denied a license. The City Council shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his last known address, at least three (3) days prior to the date of the hearing. The order of the City Council shall be final. (Ord. 2197, 3-16-1987)

3-5-7: REVOCATION OF LICENSE:

The City Council may revoke any license issued under this Chapter for violation of any of the provisions of this Code or ordinance of the City or laws of the State. Prior to revocation by the City Council, the City Clerk or City Council shall notify the applicant in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be personally served upon the licensee, or mailed postage prepaid to the licensee at his last known address at least three (3) days prior to the date set for the hearing. (Ord. 2197, 3-16-1987)

CHAPTER 6

SPECIAL EVENTS

SECTION:

3-6-1: Findings And Intent

3-6-2: Definitions

3-6-3: Special Event Permit Required

3-6-4: Permit Application; Fees; Insurance And Indemnification

3-6-5: Issuance Of Permit; Extraordinary Resources; Conditions Of Approval; Grounds For Denial

3-6-6: Revocation Or Suspension Of Permit

3-6-7: Prohibitions And Penalties

3-6-8: Attendance And Participant Good Faith Estimate

3-6-1: FINDINGS AND INTENT:

(A) The Twin Falls city council finds that special events which are offered to the general public or a substantial segment of the public often attract large gatherings of people which may cause adverse public health and safety conditions requiring municipal regulation to ensure adequate protection of public health and safety.

(B) It is the intent of the Twin Falls city council that this chapter be enacted to protect and promote the health, welfare and safety of the citizens of and visitors to the city of Twin Falls and to regulate special events for the benefit and protection of the public health and safety. Special event applicants, promoters and sponsors whose special events require the use of extraordinary city resources as a result of their anticipated attendance or heightened security concerns should pay for those extraordinary resources. It is the further intent of the Twin Falls city council that this chapter be construed liberally in favor of protecting and promoting the health, welfare and safety of the citizens of, and visitors to the city of Twin Falls. (Ord. 2986, 6-21-2010)

3-6-2: DEFINITIONS:

As used in this chapter:

APPLICANT, PROMOTER OR SPONSOR: The person making application for a permit to plan and operate a special event within the city of Twin Falls. As used herein, the applicant, promoter and sponsor may be used interchangeably and the requirements of this chapter and any administrative regulations shall be enforced against the applicant, promoter and sponsor.

EXTRAORDINARY RESOURCES: Government, public health and safety personnel, equipment or other resources which would not, in the absence of the special event, be required or expended.

INSURANCE: A general liability policy and, if necessary, an automobile liability policy for each permitted event in the amount designated within this chapter written by an insurer authorized by the state of Idaho to write insurance policies and kept continuously in force for the full term of the permit.

LICENSING OFFICER: The chief of police or his/her designee.

PARADE: Any parade, march, ceremony, show, exhibition, pageant, walk-a-thon or procession of any kind consisting of persons, animals or vehicles, or a combination thereof, or any similar display, in or upon any street, park or other public place in the city.

PARK: Any and all lands, buildings, reserves, sports complexes, swimming pools, golf courses, trails and other special places that are publicly owned, operated or maintained.

PERMITTEE: A person having a city permit in full force and effect issued hereunder to plan and operate a special event within the city of Twin Falls.

PERSON: Any person, firm, partnership, association, corporation, company or any organization of any kind.

PROJECTED ATTENDEES AND PARTICIPANTS: The estimated number of persons who will attend or participate, are reasonably likely to attend or participate, or are expected to attend or participate in a special event. The number estimate should consider the type and format of the special event, the size and location of the event, any prior events which were similar, including the special event history itself if it is an annual event or part of a series of gatherings or events, and the entertainment, if any, planned.

SIDEWALK: Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

SPECIAL EVENT: A preplanned single gathering, event or series of related consecutive daily gatherings or events of an entertainment, cultural, recreational, educational, political, religious or sporting nature, or of any other nature that:

(A) Is expected to draw five hundred (500) or more persons at any session as participants or spectators and is proposed to be held at a park;

(B) Impacts city streets, sidewalks, parks and common areas, or city resources;

(C) Unless otherwise permitted to do so, propose to sell or serve alcohol publicly; or

(D) Intends to broadcast amplified sound or generate unusual noise.

Examples of special events include, by way of illustration and without limitation, these types of events: concerts, dances, assemblages, processions, parades, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, sports tournaments), other organized activity conducted for a common or collective use.

Excluded from this requirement are venues that are permitted to hold such activities by the property's zoning or through an approved special use permit.

STREET: Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right of way, or median strip thereof. (Ord. 2986, 6-21-2010; amd. Ord. 3092, 3-16-2015)

3-6-3: SPECIAL EVENT PERMIT REQUIRED:

(A) No person shall stage, promote, or conduct any special event in the city without first obtaining a special event permit from the chief of police or his/her designee. With the exception of events at which alcohol is served or sold publicly and events intending to generate amplified sound or excessive noise, no special event permit under this chapter will be required for events to be attended by fewer than five hundred (500) people.

(B) The requirements for permitting under this chapter shall not apply to:

1. Funeral processions;

2. Spontaneous events for the purpose of expressive activity that occur in response to breaking or emerging news;

3. Lawful picketing on sidewalks; and

4. Venues that are permitted to hold such activities by the property's zoning or through an approved special use permit.

In determining whether an event is exempt, no consideration shall be given to the content of any constitutionally protected expression connected with the planned activity. No permit shall be required under this chapter, nor any condition imposed on any permit, if requiring a permit or imposing the condition would violate rights protected by the constitution of the United States or by the constitution of the state of Idaho. (Ord. 2986, 6-21-2010)

3-6-4: PERMIT APPLICATION; FEES; INSURANCE AND INDEMNIFICATION:

(A) All applicants for a special event permit shall submit an application for a special event permit to the chief of police or his/her designee no later than forty five (45) days and no earlier than one year prior to the date of commencement of the special event.

(B) The application for a special event permit shall contain and require information as determined by the chief of police or his/her designee.

(C) Separate application is required for licenses and permits related to, or necessary for the special event, including licenses or permits to sell alcoholic beverages in parks or on streets or sidewalks, as required by Idaho law and this code.

(D) Any event that includes the sale and/or service of alcoholic beverages on public property or public right of way shall require the use of ID bracelets identifying the legal drinking age of anyone purchasing alcoholic beverages, a designated sales area and security approved by the chief of police or his/her designee. Alcohol service and consumption is absolutely prohibited in all city parks during the operating hours of an event except that which is sold, served and consumed in an area specifically designated for such activity.

(E) All applicants shall submit, with the application, and maintain, at least until the conclusion of the special event, a comprehensive general liability insurance policy in the amount of five hundred thousand dollars ($500,000.00) with the city of Twin Falls or Twin Falls County highway district (or both, depending upon the location of the special event) named as a certificate holder, and written by a company authorized to write insurance policies within the state of Idaho, and filed with the chief of police or his/her designee. Applicants must also execute indemnification and hold harmless provisions contained within the application.

(F) A twenty five dollar ($25.00) administrative application fee will be required upon submitting each special event application.

(G) All applications must be completed in their entirety. (Ord. 3092, 3-16-2015)

3-6-5: ISSUANCE OF PERMIT; EXTRAORDINARY RESOURCES; CONDITIONS OF APPROVAL; GROUNDS FOR DENIAL:

(A) Upon submission of the application and items required by this chapter, the chief of police or his/her designee shall review the application for completeness. Chief of police or his/her designee may approve, approve with standard or special conditions, or deny a permit. If additional information is needed by the chief of police or his/her designee, the applicant shall have five (5) business days to submit to the chief of police or his/her designee all requested information.

(B) Special event applicants, promoters and sponsors whose special events require the use of extraordinary city resources as a result of their anticipated attendance or heightened security concerns shall be required to pay for those extraordinary resources, as determined by the chief of police or his/her designee. Full cost recovery for extraordinary resources shall be required no later than sixty (60) days following the conclusion of the event. Any extraordinary resources for which there are additional costs shall be solely dedicated to the special event.

(C) The chief of police or his/her designee shall seek the advice of other relevant city staff members when the review and coordination of a specific special event application is deemed necessary. The applicant may be required, when notified by the chief of police or his/her designee, to attend the meeting and participate in the review of the permit application.

(D) An application for a permit may be denied if the chief of police or his/her designee determines:

1. The applicant has made any false, material representation in the application;

2. The applicant fails to provide any of the items or information required by this chapter;

3. In the opinion of the chief of police or his/her designee, the proposed event fails to provide a safe and secure venue or puts at risk the safety and well being of citizens in the community, or if applicant fails to gain required licenses, permits, or

permissions from the fire chief, parks and recreation director and chief of police or his/her designee;

4. The special event will substantially interfere or conflict with any other special event for which a permit has already been granted or activity already scheduled for a park or with the provision of public safety or other city services in support of such other previously scheduled event;

5. The special event will:

(a) Substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of the special event;

(b) Cause irresolvable conflict with construction or development in public rights of way or at the park or public facility where the special event is held;

(c) Close streets during peak commuter hours on weekdays between seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M. or between four o'clock (4:00) P.M. to six o'clock (6:00) P.M. so as to cause unsafe conditions for the public;

(d) As a result of the expected attendance at the event, the lawful capacity of the facility will be exceeded; and

(e) The parking available at the facility will be inadequate to accommodate the expected attendance at the event; or

(f) The event coordinator, applicant, promoter, or sponsor failed to pay for a previously permitted event. (Ord. 2986, 6-21-2010)

(g) The application packet is incomplete. (Ord. 3092, 3-16-2015)

(E) If a permit is denied, or if the permit is approved on conditions with which the applicant contests, the chief of police or his/her designee shall provide the applicant with the written decision to deny or approve with conditions within ten (10) business days. The applicant, within ten (10) business days after denial or approval with conditions, may appeal the decision to the city council for a final review based upon the documents and circumstances presented. The applicant's appeal will be scheduled for consideration by the city council at a regular meeting within fifteen (15) business days. (Ord. 2986, 6-21-2010)

3-6-6: REVOCATION OR SUSPENSION OF PERMIT:

The chief of police or his/her designee may summarily suspend or revoke a permit issued under this chapter for violation of any provision of this chapter, for violation by the applicant of any federal, state or local laws or ordinances during the special event, for a violation of the conditions of the permit or for making any material false representation in an application for a permit or for an exemption certificate. In deciding whether to suspend or revoke a permit, the chief of police or his/her designee may consult with other relevant members of the city staff. In the event of a suspension or revocation, the appeal provisions above shall apply, commencing upon the date of the suspension or revocation notice. (Ord. 2986, 6-21-2010)

3-6-7: PROHIBITIONS AND PENALTIES:

At all special events, it shall be unlawful for any person to:

(A) Conduct, present, stage or promote a special event without a permit;

(B) Violate any provision of this chapter;

(C) Serve or cause to be served alcohol in violation of Idaho Code; and

(D) Violate any condition of a special events permit.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000.00) or be imprisoned in the Twin Falls County Jail for a period not exceeding one year, or be both so fined and imprisoned.

When a large party or gathering otherwise not requiring a special events permit occurs at a premises and a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person in charge of the premises and the person responsible for the event, or if either of those persons is a minor, then the parents or guardians of that minor, will be held jointly and severally liable for the cost of providing police personnel on special security assignment over and above the services normally provided by the department. If police department personnel respond to a second disturbance call to the same premises within twenty four (24) hours, the person or persons in charge of the premises and the persons responsible for the event, or if either of those persons is a minor, then the parents or guardians of said minors shall be jointly and severally liable for a civil penalty in the amount of five hundred dollars ($500.00) for said incident. The city reserves its legal options to elect any other legal remedies when such costs or damages exceed five hundred dollars ($500.00). The accounting and billing procedures are set forth above. (Ord. 2986, 6-21-2010)

3-6-8: ATTENDANCE AND PARTICIPANT GOOD FAITH ESTIMATE:

The attendance and participant good faith estimate provided by the applicant, promoter, or sponsor shall accompany the special event application. The applicant shall provide a short written statement explaining the basis upon which the estimate is made. The statement shall include all the relevant factors known at the time, including, without limitation, past attendance

at similar functions having the same and similar performers, both in Twin Falls and comparable communities, the price of admission and the extent of advertising and promotion contemplated. (Ord. 2986, 6-21-2010)

CHAPTER 7

BEER

SECTION:

3-7-1: Intent Of Chapter

3-7-2: Definitions

3-7-3: License Required

3-7-4: Application And Qualifications For License

3-7-5: Procedure For Processing And Acting On Applications For Beer Licenses, Transfers Or Renewals

3-7-6: Inspection; Display And Transfer Of License

3-7-7: Termination Date Of License And Fees

3-7-8: Hours Of Sale

3-7-9: Minors, Sales Restricted

3-7-10: Determination To Revoke, Suspend Or Refuse Removal Of License

3-7-11: Notice Of Council Determination To Revoke

3-7-12: Keg Beer In The City Parks

3-7-1: INTENT OF CHAPTER:

This Chapter shall be deemed an exercise of the police powers of the City for the protection of the public health, peace and morals, and all of its provisions shall be liberally construed for the attainment of that purpose. (1958 Code, ch. VI, art. 15)

3-7-2: DEFINITIONS:

The terms used herein shall have the same definitions and meanings as said terms are set forth in chapter 10 of title 23, Idaho Code. (1958 Code, ch. VI, art. 15)

3-7-3: LICENSE REQUIRED:

It shall be unlawful for any retailer to sell, trade, barter or dispose of beer without first having obtained a license therefor from the Board of Commissioners as hereinafter provided. (1958 Code, ch. VI, art. 15)

3-7-4: APPLICATION AND QUALIFICATIONS FOR LICENSE:

(A) Applications for a beer license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the City Clerk. Such application shall be filed by the City Clerk and presented to the Mayor and Council at the next meeting of the Council for their approval, or rejection or further consideration.

(B) The applicant for a beer license shall possess all of the qualifications necessary to obtain a license from the Director of the Department of Law Enforcement of the State, as prescribed by the laws of the State, and maintain such qualifications throughout the period for which such license is issued. The possession of licenses regularly issued by the Department of Law Enforcement and the County shall be prima facie evidence of the applicant's qualifications to receive a license hereunder. (Ord. 2540, 11-18-1996)

3-7-5: PROCEDURE FOR PROCESSING AND ACTING ON APPLICATIONS FOR BEER LICENSES, TRANSFERS OR RENEWALS:

(A) The City Council shall grant or deny an application for a new license or request for transfer of a license within thirty (30) days of the time it is filed with the City Clerk. The applicant shall provide to the City Clerk a current copy of the County and State beer license prior to issuance of the Municipal license.

If the request is for a renewal of a license, the City Clerk's office may forward a notice of the renewal date of the license to

the applicant, informing the applicant that the license is due to be renewed, along with other relevant information. Upon the request of the applicant to renew the license and receipt of the license fee by the City Clerk's office, the City Clerk shall immediately forward the application to the City Council. The City Council shall either approve or disapprove the license in accordance with this Chapter. If the City Council approves the application for the renewal of a license, the license shall not be issued by the City Clerk until the applicant shall provide to the City Clerk a current copy of the County and State beer license.

Prior to any revocation or suspension, the licensee shall be afforded a hearing according to section 23-1016, Idaho Code. Whenever the Mayor and City Council denies an application, they shall specify in writing:

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

2. The reason for the denial; and

3. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof. (Ord. 2194, 12-15-1986)

(B) In all cases where the city council is considering applications for licenses, transfers, or renewals thereof, a transcribable, verbatim record of the proceeding shall be made. If the applicant for a license, transfer or renewal is denied, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter.

Upon written request and within the time period provided for retention of the record, any person may have a record transcribed at his expense. The city council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

(C) Retailers' licenses shall be granted only for a certain room or building designated in said license, which said room or building shall be well lighted and the view thereof not obstructed by any curtain, blind or partition, and the place of business shall not be changed or moved without the consent of the city council in regular session. (Ord. 2089, 12-19-1983)

3-7-6: INSPECTION; DISPLAY AND TRANSFER OF LICENSE:

Every person to whom a license shall be granted to sell, barter, trade or dispose of beer shall at all times conduct a quiet and orderly place of business which shall be open to the inspection at all times of any police officer or officer of the United States, and that the said officers shall have the right at any and all times to make an examination of the said licensed premises to ascertain if the licensee of such premises is conforming to the provisions of this chapter, the laws of the state, or the laws of the United States applicable thereto, and to check the alcoholic contents of any beer being kept on said premises; all permits or licenses shall be posted in a conspicuous place on the premises and kept so posted during the full period for which said license is issued, and said license shall not be transferred without the consent of the city council. Transfer may be approved after transferee has filed an application for beer license as heretofore provided and has paid to the city a transfer fee of five dollars ($5.00). Transferee shall meet all requirements for issuance of a beer license as is heretofore provided in this chapter; no license transferred by process of law or otherwise shall authorize the transferee, including any executor, administrator or trustee in bankruptcy of the estate of the licensee, to retail beer thereunder until the transferee shall have filed under oath applications therefor containing substantially the same information required of an application for a license, and if the transferee possesses the qualifications and none of the disqualifications for a license as herein provided, the city council shall approve such transfer and amend the licenses to show same. Such transferee shall accompany each such application for transfer with, and shall pay the sum of five dollars ($5.00). (1958 Code, ch. VI, art. 15)

3-7-7: TERMINATION DATE OF LICENSE AND FEES:

(A) All licenses issued under this chapter shall terminate at twelve o'clock (12:00) midnight on June 30 of each year. (Ord. 2708, 12-3-2001)

(B) Retailers' license fees for the sale of beer shall be as follows:

1. Where such retailer sells only bottled or canned beer, none of which is consumed on the premises where sold, the license fee shall be equal to twenty five percent (25%) of the license fee exacted under subsection (B)2 of this section relating to draught beer and bottled or canned beer or draught beer only; and where such bottled or canned beer is consumed on the premises where sold, the license fee shall be seventy five percent (75%) of the fee exacted under said subsection (B)2 of this section. (1958 Code, ch. VI, art. 15)

2. Where such retailer sells draught beer and bottled or canned beer, or draught beer only, the sum of two hundred dollars ($200.00) per year. (Ord. 2027, 9-8-1981)

3-7-8: HOURS OF SALE:

It shall be unlawful and a misdemeanor for any person in any place licensed to sell beer or where beer is sold or dispensed to be consumed on the premises whether conducted for pleasure or profit, to sell or permit to be consumed on the premises beer as the same is defined by law, between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. (1958 Code, ch. VI, art. 15)

3-7-9: MINORS, SALES RESTRICTED:

(A) Controlling Sale To Minors: It shall be unlawful for any person to sell beer to any person under the age of twenty one (21) years. It shall be unlawful for any minor under the age of twenty one (21) years to frequent, loiter in or about or patronize any beer dispensary and it shall likewise be unlawful for any owner of any such beer dispensary or his employee to permit any such minor under twenty one (21) years of age to frequent, loiter in or be employed in such beer dispensary.

(B) Procuring For Or Purchase, Consuming Or Possessing Beer Prohibited: It shall be unlawful for any person to procure beer for any person under twenty one (21) years of age or for any person under twenty one (21) years of age to purchase, attempt to purchase or otherwise procure or to consume or to possess beer. This subsection does not apply to possession by a person under the age of twenty one (21) years making a delivery of beer pursuant to the order of his parents or pursuant to his employment, or when said person under the age of twenty one (21) years is in a private residence accompanied by his parent or guardian and with such parent's or guardian's consent.

(C) False Representation Of Age Prohibited: No person under the age twenty one (21) years shall by any means represent to any person licensed to sell beer at retail or to any agent or employee of such retail licensee, that he is twenty one (21) or more years of age for the purpose of inducing such retail licensee, his agent or employee, to sell, serve or dispense beer to him.

No person shall by any means represent to any such retail licensee, his agent or employee, that any other person is twenty one (21) or more years of age when in fact such other person is under the age of twenty one (21) years, for the purpose of inducing such retail licensee, his agent or employee, to sell, serve or dispense beer to such other person. (Ord. 2400, 1-4-1993)

3-7-10: DETERMINATION TO REVOKE, SUSPEND OR REFUSE REMOVAL OF LICENSE:

In the event of a conviction of any licensee under the provisions of this chapter, or any law of the state or of the United States, or any ordinance of the city regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquors [1], or if the city council shall determine that any such licensee has violated any of the provisions of this chapter or any of the regulations of the director of the department of law enforcement, state of Idaho or of the city council promulgated under the authority of the laws of the state or ordinances of the city, the council may, in its discretion, or in addition to any other penalty imposed, determine to revoke the license of any such licensee, to suspend the same for a period not in excess of six (6) months, or to refuse to grant a renewal of such license after the date of its expiration. (1958 Code, ch. VI, art. 15)

Notes

1 1. See chapter 9 of this title.

3-7-11: NOTICE OF COUNCIL DETERMINATION TO REVOKE:

When the city council shall make a determination to revoke, to suspend or to refuse grant of renewal of license by reason of a licensee's conviction or violation of any law or regulation referred to in section 3-7-10 of this chapter, the city council shall give the licensee involved written notice thereof, which shall be served upon such licensee personally, or by certified mail addressed to such licensee at the premises for which license was issued. If the council's determination is made upon the basis of the licensee's conviction, the notice shall refer to and identify the judgment of conviction, and when made upon any other basis said notice shall contain a statement of the acts with which the licensee is charged and upon which the council's determination is based, which statement shall be in ordinary and concise language so as to enable a person of common understanding to know what is intended, and, in the case of a determination to suspend license, the period of such suspension. In cases where the council has determined to revoke or suspend a license, revocation or suspension shall become effective fifteen (15) days after notice shall have been personally served on or mailed to such licensee, and the notice shall so state. In cases where the council has determined to refuse grant of renewal of license, notice thereof shall be served or mailed not less than fifteen (15) days before the date the license shall expire. (1958 Code, ch. VI, art. 15)

3-7-12: KEG BEER IN THE CITY PARKS:

The use of keg beer in city parks shall be on a permit basis only. Such permit may be issued upon the deposit of fifty dollars ($50.00). This deposit is refundable and shall be refunded unless it is determined by the superintendent of parks that city property was littered or damaged as a result of activity related to the keg beer, in which case the deposit shall be considered payment to the city for repairing and/or cleaning up the city property. It shall be unlawful for any person to possess or use keg beer in city parks without a permit. (Ord. 2074, 7-18-1983)

CHAPTER 8

WINE

SECTION:

3-8-1: Definitions

3-8-2: License Required

3-8-3: Application For License

3-8-4: Qualifications

3-8-5: License Fee

3-8-6: Issuance Of License

3-8-7: License Restrictions

3-8-8: Consumption On Premises

3-8-9: Possession

3-8-10: Misrepresentation Of Age

3-8-11: Revocation Of License

3-8-1: DEFINITIONS:

The following terms as used in this chapter are hereby defined as follows:

DIRECTOR: The director of the department of law enforcement of the state of Idaho.

PERSON: Includes an individual, firm, corporation, association, copartnership or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

RETAIL WINE LICENSE: A license issued by the city council, authorizing a person to sell wine within the city at retail for consumption off the licensed premises.

RETAILER: A person to whom a retail wine license has been issued.

WINE: Any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar.

WINE BY THE DRINK LICENSE: A license to sell wine within the city by the individual glass or opened bottle at retail, for consumption on the premises only. (1958 Code, ch. VI, art. 21)

3-8-2: LICENSE REQUIRED:

It shall be unlawful for any person to sell wine at retail for consumption off the premises without first having issued to said person a "retail wine license" as herein provided. It shall be unlawful for any person to sell wine by the individual glass or opened bottle at retail for consumption on the premises without first having issued to said person a "wine by the drink license" as herein provided excepting for a person having a liquor by the drink license [1] . The license or licenses shall be at all times prominently displayed in the place of business of the licensee. A separate "retail wine license" and "wine by the drink license" shall be required for each premises, provided nothing shall prohibit a retailer or wine by the drink licensee from possessing licenses for more than one premises. (1958 Code, ch. VI, art. 21)

Notes

[1] 1. See section 3-9-3 of this title.

3-8-3: APPLICATION FOR LICENSE:

Application for retail wine license and wine by the drink license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the city clerk. Such application shall be filed by the city clerk and presented to the mayor and council at the next meeting of the council for their approval, rejection or further consideration. (Ord. 2194, 12-15-1986)

3-8-4: QUALIFICATIONS:

The applicant for a retail wine license and wine by the drink license shall possess all the qualifications necessary to obtain a

license from the director of the department of law enforcement of the state, as prescribed by the laws of the state, and maintain such qualifications throughout the period for which such license is issued. The possession of licenses regularly issued by the department of law enforcement and the county, in addition to a city beer license, shall be prima facie evidence of the applicant's qualifications to receive a license hereunder. (1958 Code, ch. VI, art. 21)

3-8-5: LICENSE FEE:

The license fee imposed and collected shall be the sum of two hundred dollars ($200.00) per year for each retail wine license and the sum of two hundred dollars ($200.00) per year for each wine by the drink license. Such license year shall be from one minute after twelve o'clock (12:01) A.M. July 1 through June 30 of the following year; provided, however, should a license be issued for less than a full calendar year, the license fee shall be prorated on a quarterly basis. (Ord. 2708, 12-3-2001)

3-8-6: ISSUANCE OF LICENSE:

Upon filing the application for a license and production of evidence as required by section3-8-4 of this chapter as to the qualifications of the applicant and by the payment of the required license fee, the city clerk shall, upon approval of the city council, issue to the applicant a license to sell wine at retail or wine by the drink, as the case may be, within the city for such calendar year or the remainder thereof. (Ord. 2194, 12-15-1986)

3-8-7: LICENSE RESTRICTIONS:

The assignment or transfer of a wine license shall be the same as provided by section3-7-6 of this title for the assignment or transfer of a beer license. (1958 Code, ch. VI, art. 21)

3-8-8: CONSUMPTION ON PREMISES:

Retailers holding valid licenses for the retail sale of liquor by the drink pursuant to chapter 9, title 23, Idaho Code, may sell wine for consumption on or off the licensed premises. Persons holding a valid wine by the drink license may sell wine for consumption on the premises only. Retailers who do not possess a valid license for the retail sale of liquor by the drink, or retailers who do not have a valid wine by the drink license, shall not permit consumption of wine on the licensed premises and may sell the wine only in its original unbroken container. Wine sold for consumption on the licensed premises may be sold only during hours that beer can be sold pursuant to the laws of this city [1] . Wine sold by the retailer for consumption off the premises of the retailer may be sold only during the hours that beer may be sold pursuant to the laws of this city [2] . (1958 Code, ch. VI, art. 21)

Notes

1 1. See section 3-7-8 of this title.

2 2. See section 3-7-8 of this title.

3-8-9: POSSESSION:

No person may, while operating or riding in or upon a motor vehicle upon a public highway in this city, have in his possession any wine in an open or unsealed container of any kind. (1958 Code, ch. VI, art. 21)

3-8-10: MISREPRESENTATION OF AGE:

(A) No person under the age of twenty one (21) years may purchase, consume or possess wine.

(B) No person shall give, sell or deliver wine to any person under the age of twenty one (21) years.

(C) No person under the age of twenty one (21) years shall by any means represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he is twenty one (21) years or more of age for the purpose of inducing such retailer or distributor or his agent or employee to sell, serve or dispense wine to such person.

(D) No person shall, by any means, represent to any retailer or distributor or the agent or employee of such retailer or distributor that any other person is twenty one (21) years of age, when in fact such other person is under the age of twenty one (21) years, for the purpose of inducing such retailer or distributor or the agent or employee of such retailer or distributor to sell, serve or dispense wine to such other person. (Ord. 2400, 1-4-1993)

3-8-11: REVOCATION OF LICENSE:

The right shall be and remain at all times vested in the mayor and council, and the mayor and council may, as hereinafter provided, revoke or cancel any license for fraud or misrepresentation in its procurement, or for a violation of any of the provisions of this chapter, or for any conduct or act of the licensee or his employees or any conduct or act permitted by him

or them on the premises where such business is conducted, or in connection therewith or adjacent thereto, tending to render such business or such premises where the same is conducted as a public nuisance or a menace to the health, peace, safety or general welfare of the city; provided, that revocation or suspension of the state license by the director of the department of law enforcement shall be deemed prima facie evidence for revocation or suspension of the license issued herein. (1958 Code, ch. VI, art. 21)

CHAPTER 9

LIQUOR

SECTION:

3-9-1: Intent Of Chapter

3-9-2: Definitions

3-9-3: Licensed Liquor Sale

3-9-4: Procedure For Processing And Acting On Applications For Liquor Licenses, Transfers And Renewals; Fee

3-9-5: Qualifications

3-9-6: License Fee

3-9-7: Form Of License; Authority; Limitations

3-9-8: Unlawful Practices

3-9-9: Closing Hours And Days

3-9-10: Premises Requirements

3-9-11: Police Access To Premises

3-9-12: Right Of Revocation

3-9-1: INTENT OF CHAPTER:

This chapter shall be deemed an exercise of the police power of the city for the protection, health, welfare and safety of the people of the city, and for the purpose of promoting and encouraging temperance in the use of alcoholic beverages within the city. (1958 Code, ch. X, art. 2)

3-9-2: DEFINITIONS:

Except as otherwise provided by this chapter, all words and phrases shall be given the same interpretation as is provided by section 23-902, Idaho Code. (1958 Code, ch. X, art. 2)

3-9-3: LICENSED LIQUOR SALE:

It shall be lawful within the city to sell liquor by the drink, as provided in title 23, chapter 9, Idaho Code as amended; provided, that a license shall first be obtained as herein provided, and the rules and regulations and provisions concerning the license and operation of a place of business for the sale of liquor by the drink are adhered to as provided. (1958 Code, ch. X, art. 2)

3-9-4: PROCEDURE FOR PROCESSING AND ACTING ON APPLICATIONS FOR LIQUOR LICENSES, TRANSFERS AND RENEWALS; FEE:

Before there shall be a license for the sale of liquor by the drink issued by the city council, applications therefor by the proposed licensee must be filed with the city clerk, which application shall be verified by the affidavit of the person making the same, before a person authorized to administer oaths. Such application shall provide the name of the applicant, the location of the proposed business, and such other information to show the qualification of applicant for a license as hereinafter provided.

The city clerk shall forthwith cause a thorough investigation to be made of the applicant pertaining to the qualifications for a license and advise the city council of the application and investigation, and if the city council shall find that the applicant complies with all requirements of this chapter and that all qualifications and premises requirements are met, the city council shall issue a license to the applicant.

The city council shall grant or deny an application for a new license or request for transfer of a license within thirty (30) days of the time it is filed with the city clerk. The applicant shall provide to the city clerk a current copy of the county and state liquor by the drink license prior to issuance of the municipal license.

If the request is for a renewal of a license, the city clerk's office may forward a notice of a renewal date of the license to the applicant, informing the applicant that the license is due to be renewed, along with other relevant information. Upon the request of the applicant to renew the license and receipt of the license fee by the city clerk's office, the city clerk shall immediately forward the application to the city council. The city council shall either approve or disapprove the license in accordance with this chapter. If the city council approves the application for the renewal of a license, the license shall not be issued by the city clerk until the applicant shall provide to the city clerk a current copy of the county and state liquor by the drink license.

Every application, except a renewal application for the same premises, shall be accompanied by an application fee in the sum of fifty dollars ($50.00), which said fee shall be retained by the city for the investigation and expense for said license and shall not be returned to the applicant.

The applicant shall also pay to the city clerk the license fee hereinafter provided at the time of filing the application.

In addition to the requirements herein contained, the application must show the date of issuance and license number of a retail beer license issued for said premises by the city. (Ord. 2194, 12-15-1986)

3-9-5: QUALIFICATIONS:

The applicant for a liquor license shall possess all of the qualifications necessary to obtain a license from the director of the department of law enforcement of the state, as prescribed by the laws of the state, and maintain such qualifications throughout the period for which such license is issued. The possession of licenses regularly issued by the department of law enforcement and the county shall be prima facie evidence of the applicant's qualifications to receive a license hereunder. (Ord. 2540, 11-18-1996)

3-9-6: LICENSE FEE:

The license fee hereby imposed and required to be paid to the city clerk shall be a sum equal to the maximum liquor license fee allowed by state law per annum; provided, however, that the license fee for any license issued for only a portion of a year shall be prorated from the date that said licensee commences to operate to the end of the calendar year, but in no event for less than six (6) months. All licenses shall expire at one o'clock (1:00) A.M. on July 1 of the following year. No refund of license fee shall be allowed. Renewals may be granted upon application duly filed accompanied by a true copy of the application for the state license and the license issued by the state for the sale of liquor by the drink at retail if the record of applicant meets the requirements of this chapter and upon payment of the license fee for the ensuing year. Any operation under an expired license shall constitute a violation thereof.

In the event a licensee who has previously been issued a license on a prorated basis under the provisions hereof desires to have such license renewed for the same period for the next succeeding year, he shall file his intention to so apply for such license with the city clerk, accompanied by the required fee and other requirements for renewals herein provided, on or before June 30 of the year preceding. (Ord. 2708, 12-3-2001)

3-9-7: FORM OF LICENSE; AUTHORITY; LIMITATIONS:

Every license issued under the provisions of this chapter shall set forth the name of the person to whom issued, the location by street and number, or other definite designation of the premises. If issued to a partnership, the names of the persons constituting said partnership shall be set forth. If issued to a corporation or association, the names of the principal officers and the governing board shall be set forth. Such license shall be signed by the licensee. Every license issued under this chapter is separate and distinct and no person except the licensee therein named, except as herein provided otherwise, shall exercise any of the privileges granted thereunder. A license may be transferred to another licensee who shall meet all qualifications hereunder provided. To transfer said license to another person, partnership, corporation or association, the licensee shall file application therefor, which application shall contain the same requirements as provided in section 3-9-4 of this chapter and shall be accompanied by an application fee of fifty dollars ($50.00) and the city council shall make the same investigation and determination as in this chapter provided for any other licenses, and if all conditions required of a licensee under this chapter have been met by the proposed transferee, then consent to said transfer shall be endorsed upon said license by the city council, and the said transferee shall be entitled to the rights and privileges granted under this chapter for retail sale of liquor by the drink under said license transferred. In all other cases if licensee shall cease to properly supervise, control, conduct and operate said business described in said license, the same shall be terminated and no part of the fee paid therefor shall be refunded. (1958 Code, ch. X, art. 2)

3-9-8: UNLAWFUL PRACTICES:

(A) It shall be unlawful and punishable as herein provided for any person to sell, deliver or give away, or cause or permit to be sold, delivered or given away any liquor to:

1. Any person under the age of twenty one (21) years.
2. Any person actually, apparently or obviously intoxicated.

3. A habitual drunkard.

4. An interdicted person as defined by the laws of the state.

(B) Any person under the age of twenty one (21) years or other persons who, and any person who shall aid or abet such person to knowingly misrepresent his qualifications for the purpose of obtaining liquor from any licensee shall upon conviction thereof, be guilty of a misdemeanor.

(C) It shall be unlawful for any licensee to sell, keep for sale, dispense or give away or otherwise dispose of any liquor in the original container or otherwise than by retail sale by the drink.

(D) It shall be unlawful for any person to keep or maintain any room or premises in or upon which liquor is received or kept, whether owned by such person or by another, or to which liquor is brought for consumption therein by the public or by members of any club, corporated or unincorporated, or a corporation or association unless such person and the premises are licensed under this chapter.

(E) It shall be unlawful for any licensee to sell, give away, vend or deliver any liquor in any way or manner or device except upon the licensed premises. (Ord. 2400, 1-4-1993)

3-9-9: CLOSING HOURS AND DAYS:

It shall be unlawful to sell, offer for sale, give away, consume or permit or allow to be consumed, any liquor upon any licensed premises during the following days and hours:

(A) Christmas from one o'clock (1:00) A.M. to ten o'clock (10:00) A.M. the following day.

(B) On any other day between one o'clock (1:00) A.M. and ten o'clock (10:00) A.M. (Ord. 3110, 12-14-2015)

3-9-10: PREMISES REQUIREMENTS:

Every licensee must conform to all regulations and laws of the state of Idaho and the provisions of this chapter relating to the sale of liquor by the drink. Liquor by the drink shall not be sold by any person except the one duly licensed. All premises shall be subject to periodic sanitary inspection. The general lighting of the interior of every premises shall be a minimum of five (5) foot-candles. The principal entrance to every room within which liquor by the drink is sold or served shall have an area of at least one foot (1') square with a minimum of twelve inches (12") in any direction at approximately eye level through which an unobstructed view of the interior may be had. All entrances shall be located on the street side excepting for emergency and service entrances. No gambling devices shall be maintained thereon. Every premises shall be maintained and controlled by the licensee so that the provisions contained in sections 6-2-3 and 6-2-13 of this code shall not be violated. (1958 Code ch. X art. 2)

3-9-11: POLICE ACCESS TO PREMISES:

The police officers, health officers and city officials of the city and their duly appointed deputies or assistants shall have the right at any time to enter in and upon any licensed premises for the purpose of police control, regulation and inspection. (Ord. 2194, 12-15-1986)

3-9-12: RIGHT OF REVOCATION:

The city council shall have the right to revoke the license of any person for any violation by the licensee or any employee of said licensee of any provisions of this chapter or for any violation of the laws of the state of Idaho as contained in title 23, Idaho Code, and any amendments thereto, or if said licensee shall fail to maintain any of the qualifications for a license or obtains any of the disqualifications herein provided at any time during the license period, and upon any written or oral complaint the city council shall cause notice to be served personally or by mail upon said licensee or by leaving said notice with an adult person employed or apparently employed in the premises, requiring said licensee to appear before said board to be heard upon said complaint and if it shall appear at said hearing that cause exists and there has been a violation by the licensee or any employee of said licensee, of any provisions of this chapter and any amendments thereto or said licensee has failed to maintain any of the qualifications for a license or has obtained any of the disqualifications, said license shall be revoked without further process of law, and no refund of any unused portion of the license fee shall be made. Any revocation by the state of Idaho of the state license for retail sale of liquor by the drink shall automatically revoke the city license. (1958 Code ch. X art. 2)

CHAPTER 10

TAXICABS

SECTION:

3-10-1: Purpose

3-10-2: Definition

3-10-3: Agent

3-10-4: Fare Charged For Services

3-10-5: Taxicab Company And Driver Insurance Requirements

3-10-6: Zero Tolerance For Drug Or Alcohol Use

3-10-7: Taxicab Driver Requirements

3-10-8: No Discrimination; Accessibility

3-10-9: Records

3-10-1: PURPOSE:

It is the intent of the city council to regulate taxicabs within the city of Twin Falls to promote safety, reliability and cost effectiveness of taxicab services, as well as preserve and enhance access to these important transportation options for residents and visitors. (Ord. 2017-008, 2-13-2017)

3-10-2: DEFINITION:

"Taxicabs or motor vehicles used for hire", for the purposes of this chapter, shall be defined to be any vehicle used for transporting passengers for hire within the corporate limits of the city. (Ord. 2017-008, 2-13-2017)

3-10-3: AGENT:

All owners of taxicabs must maintain an agent for service of process in the state of Idaho. (Ord. 2017-008, 2-13-2017)

3-10-4: FARE CHARGED FOR SERVICES:

A taxicab operator shall disclose to passengers the fare calculation, and the option to receive an estimated fare before the passenger enters the taxicab. (Ord. 2017-008, 2-13-2017)

3-10-5: TAXICAB COMPANY AND DRIVER INSURANCE REQUIREMENTS:

Taxicab owners and their drivers shall comply with all applicable requirements for insurance imposed by Idaho statutes pertaining to automobile liability insurance. (Ord. 2017-008, 2-13-2017)

3-10-6: ZERO TOLERANCE FOR DRUG OR ALCOHOL USE:

(A) The owner of the taxicab shall implement a zero tolerance policy on the illegal use of drugs or the use of alcohol while a driver is providing services, and shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(B) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the taxicab owner shall immediately suspend such driver, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(C) The taxicab owner shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received. (Ord. 2017-008, 2-13-2017)

3-10-7: TAXICAB DRIVER REQUIREMENTS:

(A) Prior to permitting an individual to act as a taxicab driver on its digital platform, the owner shall:

1. Require the individual to submit an application to the owner, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the owner;

2. Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(a) Multistate/multijurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(b) National sex offender registry database;

3. Obtain and review a driving history research report for such individual.

(B) The owner shall not permit an individual to act as a driver who:

1. Has had more than three (3) moving violations in the prior three (3) year period, or one major violation in the prior three (3) year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

2. Has been convicted, within the past seven (7) years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror;

3. Is a match in the national sex offender registry database;

4. Does not possess a valid driver's license;

5. Does not possess proof of registration for the motor vehicle(s) used to provide TNC services;

6. Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC services; or

7. Is not at least nineteen (19) years of age. (Ord. 2017-008, 2-13-2017)

3-10-8: NO DISCRIMINATION; ACCESSIBILITY:

(A) The owner shall adopt a policy of nondiscrimination with respect to passengers and potential passengers and notify drivers of such policy;

(B) Drivers shall comply with all applicable laws regarding nondiscrimination against passengers or potential passengers;

(C) Drivers shall comply with all applicable laws relating to accommodation of service animals;

(D) Taxicabs shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities; and

(E) Taxicabs shall provide passengers an opportunity to indicate whether they require a wheelchair accessible vehicle. If a taxicab cannot arrange wheelchair accessible service in any instance, it shall direct the passenger to an alternate provider of wheelchair accessible service, if available. (Ord. 2017-008, 2-13-2017)

3-10-9: RECORDS:

Owners of taxicabs shall maintain:

(A) Individual trip records for at least two (2) years from the date each trip was provided; and

(B) Driver records at least until the one year anniversary of the date on which a taxicab driver's employment has ended. (Ord. 2017-008, 2-13-2017)

CHAPTER 11

SOUND TRUCKS

SECTION:

3-11-1: Definitions

3-11-2: Registration Required

3-11-3: Registration And Identification

3-11-4: Regulations For Use

3-11-5: License Required; Application; Issuance

3-11-6: Appeal Of City Clerk's Decision

3-11-7: Revocation Of License

3-11-1: DEFINITIONS:

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music or any other

sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SOUND TRUCK: Any motor vehicle, or other vehicle having mounted thereon, or attached thereto, any sound amplifying equipment. (1958 Code ch. VI art. 17)

3-11-2: REGISTRATION REQUIRED:

No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation in the city before filing a registration statement with the city clerk in writing, in duplicate, which shall state the following:

(A) Name and home address of the applicant;

(B) Address of place of business of applicant;

(C) License number and motor number of the sound truck to be used by applicant;

(D) Name and address of person who owns the sound truck;

(E) Name and address of person having direct charge of sound truck;

(F) Names and addresses of all persons who will use or operate the sound truck;

(G) The purpose for which the sound truck will be used;

(H) A general statement as to the section or sections of the city in which the sound truck will be used;

(I) The proposed hours of operation of the sound truck;

(J) The number of days of proposed operation of the sound truck;

(K) A general description of the sound amplifying equipment to be used in or on the sound truck. State the following:

1. The wattage to be used.
2. The volume in decibels of the sound which will be produced.
3. The approximate maximum distance for which sound will be thrown from the sound truck. (1958 Code ch. VI art. 17)

3-11-3: REGISTRATION AND IDENTIFICATION:

The city clerk shall return to each applicant under section 3-11-2 of this chapter, one copy of the registration statement duly certified by the city clerk as a correct copy of the application. The certified copy of the application shall be in the possession of any persons operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and the copy shall be promptly displayed and shown to any policeman of the city upon request. (Ord. 2197, 3-16-1987)

3-11-4: REGULATIONS FOR USE:

Use of sound trucks in the city with sound amplifying equipment in operation shall be subject to the following regulations:

(A) The only sounds permitted are music or human speech.

(B) Operations are permitted for four (4) hours each day, except Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of eleven thirty o'clock (11:30) A.M. and one thirty o'clock (1:30) P.M., and between the hours of four thirty o'clock (4:30) P.M. and six thirty o'clock (6:30) P.M.

(C) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic.

(D) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses.

(E) No sound truck with its amplifying device in operation shall be operated in the city except in the business and industrial districts as defined by the zoning ordinance [1] .

(F) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(G) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred feet (100') from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility. (1958 Code ch. VI art. 17)

Notes

[1] 1. See title 10 of this code.

3-11-5: LICENSE REQUIRED; APPLICATION; ISSUANCE:

No person shall operate or cause to be operated any sound truck in the city for advertising purposes with sound amplifying equipment in operation unless a license has been obtained from the city clerk. The fee for the license shall be five dollars ($5.00) per month or five dollars ($5.00) for a fraction of a month or twenty dollars ($20.00) per year if for more than a month.

Persons applying for such license shall file with the city clerk an application in writing setting forth in the application the information required in the registration statement pursuant to section 3-11-2 of this chapter.

If the city clerk determines that the applicant complies with the requirements of this section, the application for the license shall be approved. (Ord. 2197, 3-16-1987)

3-11-6: APPEAL OF CITY CLERK'S DECISION:

If the applicant is aggrieved by the decision of the city clerk, the applicant may appeal such decision to the city council within seven (7) days of notice of the decision of the city clerk. The applicant must, in writing, appeal to the city council and set forth the reasons therefor why the applicant should not be denied a license. The city council shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his last known address, at least three (3) days prior to the date of the hearing. The order of the city council shall be final. (Ord. 2197, 3-16-1987)

3-11-7: REVOCATION OF LICENSE:

The city council may revoke any license issued under this chapter for violation of any of the provisions of this code or ordinance of the city or laws of the state of Idaho. Prior to revocation by the city council, the city clerk or city council shall notify the applicant in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be personally served upon the licensee, or mailed postage prepaid to the licensee at his last known address at least three (3) days prior to the date set for the hearing. (Ord. 2197, 3-16-1987)

CHAPTER 12

DRIVE-IN RESTAURANTS

(Rep. by Ord. 2132, 12-17-1984)

CHAPTER 13

MISCELLANEOUS LICENSES

(Rep. by Ord. 2132, 12-17-1984)

CHAPTER 14

TRANSIENT MERCHANTS, VENDORS, PEDDLERS AND SOLICITORS

SECTION:

3-14-1: Definitions

3-14-2: License Required

3-14-3: Application

3-14-4: Investigation And Issuance; Contents Of License

3-14-5: Service Of Process

3-14-6: Fees, Terms Of License

3-14-7: Bond Requirement

3-14-8: Exhibition Of License

3-14-9: Duty Of Police To Enforce

3-14-10: Records Kept

3-14-11: Letting Of Private Property Restricted

3-14-12: Unlawful Conduct

3-14-13: Appeal Of City Clerk's Decision

3-14-14: Revocation Of License

3-14-15: Penalty

3-14-1: DEFINITIONS:

PEDDLER: Any person, whether a resident of the City or not, traveling by foot, motor vehicle or any other type of conveyance, however propelled, drawn, pushed or moved, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale from a wagon, vehicle, railroad car, or any other type of conveyance. The word "peddler" shall include the words "hauler" and "hucksters".

SOLICITOR OR CANVASSER: Any person, whether a resident of the City or not, traveling either by foot, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take, in person, orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether he is collecting advance payments on such sales or not. Such definitions shall include any person who, for himself, or for another person hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR: For the purpose of this Chapter a "transient merchant, itinerant merchant or itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City and who, in furtherance of such purpose, hires, leases, uses or occupies any public or private place, building, motor vehicle, tent, railroad boxcar, public room in a hotel, lodging house, apartment, shop or any street or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction.

A "temporary business" is one which is expected to be in operation for six (6) months or less within the City. This definition shall not include nor be construed to include:

(A) Public or private auction for the disposal by an established business of its assets or an individual for items of personal and household use.

(B) Any person, partnership or corporation selling or dealing only with retail merchants within the City, and being exclusively wholesale sellers and dealers.

(C) Any religious or charitable corporation or organization engaging in any one or more of the above activities for strictly nonprofit purposes.

(D) Any arts or crafts shows or fairs where the items for sale are exhibited by the person producing the items; and, the exhibitor was invited by the sponsoring party; the names of participants are accumulated by the sponsoring party to be made available to the City Council or Clerk.

(E) Any sales pursuant to court order.

(F) The sale of farm or garden products by the persons producing such products.

(G) The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper.

(H) Political groups seeking funds or memberships.

(I) Sales of Christmas trees and wreaths.

The person, partnership or corporation so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or auctioneer.

Any person, partnership or corporation wishing to engage in any one or more of the activities described above, and not specifically excluded from the definition of the itinerant merchant, peddler, or solicitor as set forth above, may petition the City Council and upon good cause shown, the City Council may exempt the person, partnership or corporation from application of this Chapter.

Notwithstanding the foregoing, any person or business intending to conduct business continuously for at least one year in the City, or having conducted business in the City continuously for the previous year, and can provide proof by way of a written lease, contract or other proof satisfactory to the City Clerk, shall be exempt from the application of this Chapter. (Ord. 2431, 12-6-1993; amd. Ord. 2645, 2-28-2000)

3-14-2: LICENSE REQUIRED:

It shall be unlawful for a transient merchant, itinerant merchant, itinerant vendor, peddler or solicitor, as defined in Section 3-14-1 of this Chapter, to engage in such business within the City without first obtaining a license therefor in compliance with the provisions of this Chapter. (Ord. 2197, 3-16-1987)

3-14-3: APPLICATION:

Application for license under this Chapter, whether a person, firm or corporation, shall be made by filing with the City Clerk a written, sworn application signed by the applicant, if an individual, by all partners if a partnership, and the president if a corporation, showing:

(A) The name or names of the person or persons having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act; (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.

(B) Idaho State sales tax license number and, if applicable, Idaho corporation license number.

(C) The place or places in the City where it is proposed the goods or property is to be sold, or orders taken for the sale of such goods or property, the place where such goods are manufactured or produced, where such goods are located at the time the application is filed, the proposed method of delivery, and the length of time during which it is proposed that the business shall be conducted, together with written permission of the property owner, agent or employee.

(D) The place or places other than the permanent place of business of the applicant within six (6) months next preceding the date of the application conducting the transient business, stating the nature thereof and giving the post office and street address of the location thereof.

(E) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the city.

(F) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers.

(G) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of any crime, misdemeanor or felony, and the place where the conviction occurred, including a statement as to the nature of the offense, the date, the penalty and punishment assessed for the crime. (Ord. 2197, 3-16-1987)

(H) A two inch by two inch (2" x 2") photograph showing the head and shoulders in a clear and distinguishable manner of the applicant and the person selling, delivering, conveying, carrying, transporting goods, wares, merchandise, food or like merchandise of the applicant or offering to perform services in the present or future for applicant. (Ord. 2203, 6-1-1987)

(I) When the applicant proposes to peddle any food or product for human consumption, a certification by the South Central health district shall be required prior to issuance of a license.

(J) Such other reasonable information as the city clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good.

The city clerk shall prepare a suitable application in compliance with this chapter. (Ord. 2197, 3-16-1987)

3-14-4: INVESTIGATION AND ISSUANCE; CONTENTS OF LICENSE:

(A) Investigation And Issuance: Upon receipt of an application for any license under this chapter, the application shall be referred to the Twin Falls police department which shall conduct an investigation to determine the suitability of the applicant

to be licensed. The investigation shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation pursuant to Idaho Code 67-3008 and public law 92-544 (28 CFR part 20). The Twin Falls police department shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho state police bureau of criminal identification for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho state police. The Twin Falls police department is authorized to receive criminal history information from the Idaho state police and from the federal bureau of investigation for the purpose of evaluating the fitness of an applicant for licensure. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. The applicant shall pay, in advance, the fees required by the Idaho state police bureau of criminal identification for the criminal records check.

As a result of the investigation, if the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the city clerk shall so certify in writing and license shall be issued if all of the requirements of this chapter have been met.

(B) Record: The city clerk shall keep a full record in his office of all licenses issued, and each such license shall contain the number of the license, the date the same was issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, and the place where such business may be carried on under said license, the name or names of the person or persons authorized to carry on the same. (Ord. 2016-6, 4-18-2016)

3-14-5: SERVICE OF PROCESS:

Before any license herein provided for shall be issued for engaging in the business of an itinerant merchant, as herein defined, such applicant shall file with the city clerk an instrument nominating and appointing the city clerk his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent. Said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the license under this chapter, according to the law of this or any other state, and waiving any claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service or process upon the city clerk, as herein provided, the city clerk shall send to the licensee at his last known address, by registered mail, a copy of said process. (Ord. 1945, 8-20-1979)

3-14-6: FEES, TERMS OF LICENSE:

The license fee for any peddler, solicitor, canvasser, transient, itinerant merchant or vendor shall be twenty five dollars ($25.00), payable in advance. This license shall be valid for three (3) months and renewable once for an additional three (3) months for an additional fee of twenty five dollars ($25.00). Upon the expiration of the initial license or renewed license, a licensee shall not be eligible to apply for a new license for a period of six (6) months. (Ord. 2016-6, 4-18-2016)

3-14-7: BOND REQUIREMENT:

Before any license as provided herein shall be issued for engaging in the business of "transient merchant, itinerant merchant or itinerant vendor", "peddler", "solicitor or canvasser", as defined in this chapter, each applicant shall file with the city clerk a surety bond or a cashier's check in the amount of five hundred dollars ($500.00). The bond is to be conditioned upon saving the city harmless from any and all liabilities or causes of action or expenses arising due to any claims which might arise by virtue of a grant of a license to applicant and conditioned further that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property. Every business firm, company or corporation, which has one or more employees or agents acting in the capacity of peddler, solicitor, canvasser or transient merchant, shall file with the city clerk a surety bond covering all such employees or agents and running to the city or a cashier's check in the amount of five hundred dollars ($500.00) for each employee and/or agent.

Every bond for those engaging in a business as a "peddler", "solicitor or canvasser", or transient merchant as defined in this chapter shall be executed by the applicant as a principal and at least one surety upon which service of process may be made in the state of Idaho, said bond to be approved by the city attorney, conditioned that the said applicant and all of the applicant's agents and employees, shall comply fully with all of the provisions of this chapter.

Based upon written justification and letters of reference from local citizens, local business firms, local companies or local corporations, or being licensed for one year, the above bonding requirements may be waived when specifically approved by the city council.

Action on the surety bond or cashier's check may be brought directly by any person damaged by a licensee's violation of any provision of this chapter.

After expiration of a license, the city clerk shall, upon application of the licensee, return the bond or cashier's check within six (6) months after receipt of application for return, unless the city clerk has been notified of the pendency of any claim or cause of action by any person upon the bond or cashier's check or that any of the provisions of this chapter have not been complied with. (Ord. 2203, 6-1-1987)

3-14-8: EXHIBITION OF LICENSE:

The license issued under this chapter shall be conspicuously posted at the place of business named therein or exhibited in a conspicuous place if applicant is using a motor vehicle and otherwise kept by applicant and exhibited upon request by a police officer or citizen. In the event that the applicant shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business and shall be conspicuously posted in each place of business. (Ord. 2197, 3-16-1987)

3-14-9: DUTY OF POLICE TO ENFORCE:

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating the same. (Ord. 1945, 8-20-1979)

3-14-10: RECORDS KEPT:

The city clerk shall deposit a copy of the license with the chief of police who shall report to the clerk any complaints against any person licensed under the provisions of this chapter and any conviction for violation of this chapter; the city clerk shall keep a record of all such licenses and such complaints and violations. (Ord. 1945, 8-20-1979)

3-14-11: LETTING OF PRIVATE PROPERTY RESTRICTED:

No property owner, nor his agent or employee, shall sublet, lease, sublease or otherwise permit his property, or property of which he is in charge, to be used by an itinerant merchant or itinerant vendor, as herein defined, unless specifically excluded from application of this chapter or unless the itinerant vendor or itinerant merchant has obtained a license as provided herein. (Ord. 1945, 8-20-1979)

3-14-12: UNLAWFUL CONDUCT:

No licensee hereunder shall:

(A) Make physical contact with the person being solicited unless that person's permission is obtained;

(B) Misrepresent the purpose of the solicitation;

(C) Misrepresent the affiliation of those engaged in the solicitation;

(D) Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor;

(E) Represent the issuance of any license under this chapter as an endorsement or recommendation of the solicitation;

(F) Enter upon any premises when the same is posted with a sign stating "No Peddlers Allowed" or other words to such effect;

(G) Knowingly make any false statement on an application for a license hereunder;

(H) Fraud, misrepresentation or false statement made in the course of carrying on the business. (Ord. 2197, 3-16-1987)

3-14-13: APPEAL OF CITY CLERK'S DECISION:

If the applicant is aggrieved by the decision of the city clerk, the applicant may appeal such decision to the city council within seven (7) days of notice of the decision of the city clerk. The applicant must, in writing, appeal to the city council and set forth the reasons therefor why the applicant should not be denied a license. The city council shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his last known address, at least three (3) days prior to the date of the hearing. The order of the city council shall be final. (Ord. 2197, 3-16-1987)

3-14-14: REVOCATION OF LICENSE:

The permits and licenses issued pursuant to this chapter may be revoked by the mayor, after notice and hearing, for any of the following causes:

(A) Any fraud, misrepresentation or false statement contained in the application for license;

(B) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;

(C) Any violation of this chapter;

(D) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or

(E) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a

menace to the health, safety or general welfare of the public.

The city council may revoke any license issued under this chapter for violation of any of the provisions of this code or ordinance of the city or laws of the state of Idaho. Prior to revocation by the city council, the city clerk or city council shall notify the applicant in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be personally served upon the licensee, or mailed postage prepaid to the licensee at his last known address at least three (3) days prior to the date set for the hearing. (Ord. 2197, 3-16-1987)

3-14-15: PENALTY:

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in section 1-4-1 of this code. (Ord. 2132, 12-17-1984)

CHAPTER 15

PRIVATE SECURITY SERVICE

SECTION:

3-15-1: Definitions

3-15-2: Licenses Required And Exemptions

3-15-3: Uniforms And Emblems

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3-15-1: DEFINITIONS:

For the purpose of this chapter, the following terms, phrases, words and derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

APPLICANT: The person making application for a license or the renewal of a license for:

(A) Private security service; or

(B) Private security officer.

PERSON: Any individual, firm, copartnership, corporation, company, association or joint stock association.

PRIVATE SECURITY OFFICER: Any person employed by a private security service, or who performs individually the functions of a private security officer or private security service.

PRIVATE SECURITY SERVICE: Any service which purports to furnish, or does furnish, for a consideration, or otherwise,

any watchman or guard, either uniformed or otherwise, to patrol any district in the city, or to guard or watch any property, or which employs any person to perform any type of duty to guard, protect or maintain peace and order at any public function, or any other place of public business, amusement or entertainment open to and frequented by the general public. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-2: LICENSES REQUIRED AND EXEMPTIONS:

(A) It shall be unlawful for any person to conduct, operate or maintain, or permit to be conducted, operated or maintained, or to participate in the conduct, operation, maintenance or monitoring of, a private security service or private security officer, unless a valid license therefor has been issued as provided for in this chapter and which is in full force and effect.

(B) It shall be unlawful for any person to act or to offer to act as a private security officer within the city unless a valid license therefor has been issued as provided for in this chapter and which is in full force and effect.

(C) It shall be unlawful for any private security service to employ or hire the services of a private security officer until and unless said private security officer has been duly licensed as required by this chapter.

(D) This chapter shall not apply to or include: regularly appointed police officers of Twin Falls city or to any regularly appointed police officer or law enforcement agent of the United States and of this state, or any political subdivision thereof while acting as their agent, or persons who are directly employed by a business, other than a private security service, and who perform the functions of a "security officer" or "loss prevention officer" solely on the premises of their employer.

(E) Any owner/operator of a validly licensed private security service may act as a private security officer for their private security service without additional bond or fee and be issued a license accordingly. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-3: UNIFORMS AND EMBLEMS:

(A) Uniform And Identification Required: It is unlawful for any private security service, or for any private security officer, to omit the use of a uniform with insignia, badge, or identification emblem which has stitched, printed, or screen printed thereon words such as "private security", "security", "security officer", or other title indicia of security services to be affixed upon the uniform or clothing worn when engaged in the performance of private security service duties.

(B) Uniform Distinct From City Police Uniform: It shall be unlawful for any private security service, or for any private security officer, to use or authorize the use of any uniform, clothing, uniform emblems or shoulder patches having a color, design and/or shape making any of them individually, or some or all of them in the aggregate, appear indistinguishable from any uniform, uniform emblems and/or shoulder patches of the Twin Falls city police department.

(C) Approval Of Uniforms And Emblems: Every private security service and every private security officer who performs individually the functions of a private security service, prior to being licensed under this chapter, shall obtain approval and authorization of any color, design or shape of any uniform, clothing, uniform emblems, badges and/or shoulder patches to be utilized by such licensee.

Application for such approval shall be made to the chief of police, or his/her designee. Approval and authorization, if any, shall be made by that officer in writing, in accordance with guidelines issued by the Twin Falls city police department. The written approval and authorization shall be attached to the application for license and shall describe the color, design and shape of the uniform, patches, badges and/or emblems, as the case may be.

(D) Photographs: Every private security service, and every private security officer who individually performs the functions of a private security service, prior to being licensed under this chapter, shall submit color photographs of a size no less than three and one-half inches by three and one-half inches ($3\frac{1}{2}$" x $3\frac{1}{2}$") depicting the following:

1. A full figure view showing:

(a) The entire uniform, front side facing without coat to depict badge, emblem, or other identifying insignia worn.

(b) The entire uniform, left side or right side facing without coat to depict shoulder patches or other identifying insignia worn.

2. If a coat or other outer garment is to be worn at any time:

(a) The entire uniform, front side facing with coat or garment to depict badge, emblem, or other identifying insignia worn.

(b) The entire uniform, left side or right side facing with coat or garment to depict shoulder patches or other identifying insignia worn.

3. A close up view of each and every badge, patch, or emblem to be worn by a private security officer, of sufficient clarity and detail to permit reading all wording on the badge, patch, or emblem from the photograph.

These photographs shall be filed with the application.

(E) Frequency Of Approval: Approval and authorization of uniform clothing, uniform emblems, badges, and/or patches shall be obtained from the chief of police, or his/her designee, before the addition, deletion, or change of any previously approved and authorized item, or every three (3) years whichever comes first.

(F) Grandfather Rights: Every private security service, and every private security officer, licensed and operating within the corporate city limits of Twin Falls as of December 31, 2007, shall be granted grandfather rights in the use of only the uniform, patches, badge, and emblems approved for each company as of that date, and allowed until June 1, 2008, to meet the guidelines set forth by the Twin Falls city police department.

(G) Uniform Requirement Exemption: Any private security service, and every private security officer, licensed and operating within the city limits of Twin Falls engaged in a covert or "undercover" private security service in which the use of a uniform would compromise the operations thereof shall be provided an exemption from the uniform requirement provided the following provisions are satisfied:

1. All covert or undercover operations shall be reported to the Twin Falls police department prior to engagement in such operations.

2. The report shall include the date(s), location, and hours of such operation and the names of such private security service personnel, or private security officer(s), to be engaged in such activity.

3. Private security service personnel, or any private security officer, engaged in a covert or undercover operation shall have identification in his/her possession at all times while engaged in such operation and shall, upon demand, surrender the identification into the hands of a peace officer for inspection. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-4: VEHICLE IDENTIFICATION:

(A) Vehicle Identification Required: It is unlawful for any private security service and every private security officer utilizing a vehicle in the performance of such duties to omit the use of an insignia, label, emblem, or placard displaying thereon the words "private security", "security", "security officer", or other title indicia of security services. Such insignia shall be displayed horizontally, in a minimum font of four inches (4"), of a reflective material, upon the right, left, and rear side of such vehicle.

(B) Vehicle Distinct From City Police Vehicles: It shall be unlawful for any private security service, or for any private security officer, to use or authorize the use of:

1. Any vehicle having a painted design, insignia, label, emblem, or placard making any of them individually, or some or all of them in the aggregate, appear indistinguishable from any vehicle painted design, insignia, label, emblem, or placard of the Twin Falls city police department.

(C) Vehicle Approval: Every private security service, or every private security officer, prior to being licensed, shall obtain approval and authorization of any paint design, insignia, label, emblem, or placard to be utilized by such licensee. Application for such approval shall be made to the chief of police, or his/her designee. Approval and authorization, if any, shall be made by that officer in writing, in accordance with guidelines issued by the Twin Falls city police department. The written approval and authorization shall be attached to the application for license and shall describe the paint design, insignia, label, emblem, or placard, as the case may be.

(D) Photographs: Every private security service, and every private security officer who individually performs the functions of a private security service, prior to being licensed under this chapter, shall submit color photographs of a size no less than three and one-half inches by three and one-half inches ($3\frac{1}{2}$" x $3\frac{1}{2}$") depicting the following:

1. A full figure view showing:

   (a) The entire vehicle, left side, or right side facing.

   (b) The entire vehicle, rear side facing.

2. A close up view of each and every insignia, label, emblem, or placard to be utilized by a private security service, or private security officer, of sufficient clarity and detail to permit reading of all wording on the insignia, label, emblem, or placard from the photograph.

These photographs shall be filed with the application.

(E) Frequency Of Approval: Approval and authorization of any painted design, insignia, label, emblem, or placard shall be obtained from the chief of police, or his/her designee, before the addition, deletion, or change of any previously approved and authorized design or insignia, or every three (3) years, whichever comes first.

(F) Grandfather Rights: Every private security service, and every private security officer, licensed and operating within the corporate city limits of Twin Falls city as of December 31, 2007, shall be granted grandfather rights, in the use of only the paint design, insignia, label, emblem, or placard approved for each company as of that date, and allowed until June 1, 2008, to meet the guidelines set forth by the Twin Falls city police department.

(G) Vehicle Identification Exemption: Any private security service, and every private security officer, licensed and operating within the city limits of Twin Falls engaged in covert or "undercover" private security services in which the use of "marked", labeled, or placarded vehicle would compromise the operations thereof shall be provided an exemption from the vehicle identification requirement provided the following provisions are satisfied:

1. All covert or undercover operations shall be reported to the Twin Falls police department prior to engagement in such operations.

2. The report shall include the date(s), location, and hours of such operation, vehicle make, model, color, and license plate number, and the names of such private security service personnel, or private security officer(s), to be engaged in such activity.

3. Private security service personnel, or any private security officer, engaged in a covert, or undercover operation shall have identification in his/her possession at all times while engaged in such operation and shall, upon demand, surrender the identification into the hands of a peace officer for inspection. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-5: APPLICATION FOR LICENSE:

An application for a license, whether for private security service or private security officer, shall be made to the chief of police, or his/her designee. Applications for such licenses may be made by mail. At the time of filing an application, a nonrefundable application fee of twenty five dollars ($25.00) shall be paid to the city of Twin Falls. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-6: QUALIFICATIONS:

No person shall be issued a license who:

(A) Is not over eighteen (18) years of age.

(B) Has been convicted in any jurisdiction of a felony offense, or equivalent offense, for which the tenth anniversary of the date of conviction has not occurred before the date of application, unless a full pardon has been granted for reasons relating to a wrongful conviction.

(C) Has been convicted, paid any fine, placed on probation, received a deferred sentence, received a withheld judgment, or completed any sentence of confinement for a misdemeanor offense, or equivalent offense, involving theft or dishonesty, for which the fifth anniversary of the date of conviction has not occurred before the date of application, unless a full pardon has been granted for reasons relating to a wrongful conviction.

(D) Has any outstanding warrants issued for their arrest.

(E) Is required by law to register as a sexual offender.

(F) Has been found by a court to be incompetent by reason of mental defect or disease and has not been restored to competency. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-7: INVESTIGATION:

The chief of police, or his/her designee, shall examine all applications and shall make, or cause to be made, such further investigation of the application and the applicant as it shall deem necessary. An applicant who was not licensed by this chapter for the year immediately preceding the current application shall be required to be fingerprinted and photographed by the Twin Falls police department, or an appropriate agency designated by the chief of police, or his/her designee. Cost of taking and processing such fingerprints and photographs shall be borne by the applicant. The chief of police, or his/her designee, is authorized to perform or request criminal history checks of any applicant, including a national background check by the federal bureau of investigation. Pursuant to Idaho Code section 67-3008, the chief of police, or his/her designee, may forward an applicant's fingerprints through the Idaho department of law enforcement to the federal bureau of investigation identification division for a national background check. Unless otherwise provided for by law, criminal history records shall not be disseminated to a private entity. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-8: STANDARDS:

(A) The chief of police, or his/her designee, shall approve the issuance of a license whenever the chief of police finds that the applicant has complied with the provisions of this chapter and is otherwise qualified. In the event an application is denied, the chief of police, or his/her designee, shall notify the applicant in writing, specifying the reason(s) said application is denied.

(B) A provisional license may be issued for a period not to exceed sixty (60) days pending completion of the required investigation.

(C) Denial of license may be appealed to the city council provided the request for appeal is made, in writing, to the chief of police within sixty (60) days of denial. The chief of police, or his/her designee, shall submit a staff report requesting the appeal be placed upon the city council agenda and shall notify the applicant of the date and time the appeal is to be heard. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-9: INSURANCE REQUIRED:

Before any license shall be issued to any applicant:

The applicant shall carry general and personal liability insurance for bodily injury, sickness, disease or death sustained by persons and arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with property and contract rights. The minimum limits for such insurance

shall be two hundred fifty thousand dollars ($250,000.00) per incident or occurrence. Said policy shall be issued by an insurance carrier duly authorized to do business in the state of Idaho, and a current certificate of insurance shall accompany each application. (Ord. 3071, 5-27-2014)

3-15-10: LICENSE FEES:

The licensing officer, or his/her designee, shall collect, before the acceptance of an application for a private security service, or private security officer, the annual license fee of fifty dollars ($50.00). The license fee shall be refunded to the applicant if no license is issued. The license fee shall not be refunded upon the revocation of any issued license. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-11: LICENSE EXPIRATION:

Licenses issued under the provisions of this chapter shall expire on the issuance date of the following year. Any person holding a license under the provisions of this chapter must renew such license for the following succeeding year by making payment to the city of Twin Falls for the license fees required by this chapter on or before the expiration date. (Ord. 3011, 9-19-2011)

3-15-12: LICENSE FORM:

The license for a private security service shall be in the form of a certificate. The license shall bear the private security service name and numerals designating the year in which such license is in force and effect. Any loss, theft, or damage of any license shall be reported immediately to the chief of police, or his/her designee.

The license for a private security officer shall be in the form of an identification card which shall contain the words "Private Security Officer" and shall also bear personal identifying information, a photograph of the license holder, and numerals designating the year in which such license is in force and effect. Any loss, theft, or damage of any license shall be reported immediately to the chief of police, or his/her designee. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-13: LICENSE REVOCATION:

Any license issued under this chapter may be revoked by the chief of police, or his/her designee, for any of the following reasons:

(A) A violation of any provision of this chapter.

(B) Failure to maintain compliance with the qualifications for license.

(C) Obtaining the license under any false or fraudulent pretense or statement.

(D) Cancellation or termination of the bond or insurance required by this chapter, unless the licensee posts a new comparable bond or obtains comparable insurance and files a certificate of such insurance with the chief of police, or his/her designee, prior to the original bond or insurance being canceled or terminated.

Revocation of license may be appealed to the city council provided the request for appeal is made, in writing, to the chief of police within sixty (60) days of revocation. Upon receipt of written request for appeal, the chief of police, or his/her designee, shall submit a staff report requesting the appeal be placed upon the council agenda and shall notify the applicant of the date and time appeal is to be heard. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-14: SURRENDER AND RETURN OF LICENSE:

(A) Upon cancellation or revocation of a license, the chief of police, or his/her designee, shall require that the license be surrendered to and be retained by the Twin Falls city police department.

(B) If any person shall fail to return to the chief of police, or his/her designee, the license as required, the department may direct any peace officer to secure its possession and return the license to the chief of police, or his/her designee. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-15: DISPLAY OF LICENSE:

Every private security officer shall have his/her license in his/her immediate possession at all times when acting in the capacity of a private security officer and shall, upon demand, surrender the license into the hands of a peace officer for inspection. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-16: UNLAWFUL DISPLAY OF LICENSE AND PROHIBITED CONDUCT:

(A) It shall be unlawful for any person to wear or display any license required or provided for by this chapter unless such person is duly licensed therefor.

(B) It shall be unlawful for any person or license holder:

1. To display or cause or permit to be displayed or possess any mutilated or illegible, canceled, revoked, disqualified, fictitious or fraudulently altered license;

2. To lend a license to any other person or knowingly permit the use of a license by another;

3. To display or represent as one's own a license not issued to him/her;

4. To fail or refuse to surrender to the chief of police, or his/her designee, upon his/her lawful demand, any license which has been revoked, disqualified or canceled;

5. To use a false or fictitious name in any application for a license, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in any application;

6. To permit any unlawful use of an issued license;

7. To manufacture, produce, sell, offer for sale or transfer to another person any document purporting to be a license;

8. Use a title, an insignia, a security license, or identification card, or wear a uniform, or make a statement with the intent to give an impression that the person is connected with the federal government, a state government, or a political subdivision of a state government, employed by the city of Twin Falls; or

9. Use a title, an insignia, a security license, or identification card or wear a uniform containing the designation "police".

Subsection (B)9 of this section does not prohibit private security officers, private security services, or other persons employed by the federal government, a state government, or a political subdivision thereof from using a title, insignia, license, or identification card, wearing a uniform, or making a statement indicating the employment of that individual by such entity. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-17: AUTHORITY:

The granting or issuance of any license under the provisions of this chapter shall not be construed in any manner as granting or providing any additional or further power of arrest than that granted under the provisions of the statutes of the state and the provisions of this code, nor shall the provisions of this chapter be construed in any manner as authority or power to carry weapons contradictory to the statutes of the state. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

3-15-18: PENALTIES:

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and shall be assessed a fixed penalty of one hundred dollars ($100.00) excluding court costs and fees. A second and any subsequent conviction for a violation of the provisions of this chapter within five (5) years shall constitute a misdemeanor, punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars ($1,000.00), or by both. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 2924, 12-17-2007, eff. 1-1-2008)

CHAPTER 16

GOING-OUT-OF-BUSINESS SALES

SECTION:

3-16-1: Definitions

3-16-2: License Required

3-16-3: Application of Regulations

3-16-4: Application for License

3-16-5: License Fee, Term and Bond

3-16-6: Appeal of the City Clerk's Decision

3-16-7: Duties of Licensee

3-16-8: Revocation of License

3-16-9: Penalties

3-16-1: DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases, words and derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

APPLICANT: A person making application for a license or the renewal thereof.

COUNCIL: The City Council of Twin Falls.

FIRE AND OTHER ALTERED GOODS SALES: A sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water or other like causes or means.

GOING-OUT-OF-BUSINESS SALE: A sale held out in such a manner as to reasonably cause the public to believe that upon disposal of the stock of goods on hand the business will cease and be discontinued, such sale including but not limited to the following kinds of sales: adjuster's; adjustment; alteration; administrator's; assignee's; bankruptcy; benefit of administrator or executor; benefit of creditors; benefit of trustees; building coming down; closing; creditor's committee; creditors; end; executor; final days; force out; forced out of business; insolvence; insurance; last days; lease expires; liquidation; loss of lease; mortgage; receivers; trustees; and quitting business.

GOODS: Includes any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

REMOVAL OF BUSINESS or CLOSING-OUT SALE: A sale held in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the City or will then continue business from other existing locations in the City; provided, however, that the sale closing out of a line or type of goods not resulting in the cessation of the entire business shall not be deemed a removal of business or closing out sale.

3-16-2: LICENSE REQUIRED:

Except as to sales under judicial process and prior to obtaining a license to hold or conduct a sale pursuant to the provisions of this Chapter, it shall be unlawful for any person to sell or offer to sell any goods at a sale to be advertised or held out by any means constituting any one of the following kinds:

(A) Fire, distress and other altered stock sale;

(B) Going-out-of-business sale; and

(C) Removal of business or closing out sale. (Ord. 2197, 3-16-87)

3-16-3: APPLICATION OF REGULATIONS:

Except as to an application for a fire and other altered goods sale made within thirty (30) days from the date such goods were damaged by fire, smoke, water or other like causes or means.

(A) Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least six (6) months prior to the date of the proposed sale shall not be granted a license, except that on the death of a person doing business in this City, his or her heirs, devisees or legatees shall have the right to apply for a license hereunder. Proof of ownership may be required before issuance of the license.

(B) Any person who has held a sale, as regulated hereunder, at the location stated in the application within one year last past from the date of such application shall not be granted a license.

(C) Where a person applying for a license hereunder operates more than one place of business, the license issued shall apply only to the one store or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale. (Ord. 2385, 7-6-92)

3-16-4: APPLICATION FOR LICENSE:

Application for a license to conduct a sale regulated by this Chapter shall be made to the City Clerk at least ten (10) days prior to such sale in such form and manner as prescribed by the City Clerk, but containing at least the following information:

(A) The name and address of the person for which an application is made and the name and address of the owner or owners (if a partnership or corporation, the names and addresses of partners, officers and managers) of the goods to be the object of the sale;

(B) The length of time the person has been in business in the City of Twin Falls and the length of time the person has been in business at the address at which the sale is to be held;

(C) Whether, and when, any sales enumerated by this Chapter have previously been held by the applicant including the date and location of such sales;

(D) A statement explaining the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;

(E) The dates of the period of time within which the sale is to be held;

(F) A description of the place where said sale is to be held; and,

(G) An inventory describing generally the goods to be offered for sale at the sale. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder, and any goods purchased within thirty (30) days before the filing of an application hereunder shall be deemed to have been goods ordered in contemplation of a sale regulated by this Chapter.

3-16-5: LICENSE FEE, TERM AND BOND:

(A) An applicant for a license hereunder shall submit to the City Clerk with his application a license fee of twenty five dollars ($25.00).

(B) The license, if the application is approved by the City Clerk, shall authorize the sale described in the application for a period of not more than sixty (60) consecutive days, Sundays and holidays excluded, following the date of issuance thereof.

(C) Upon payment of an additional license fee of twenty five dollars ($25.00), the City Clerk may renew or extend a license for one period of time only, such period to be in addition to the period of time permitted in the original license, and such renewal shall not exceed thirty (30) consecutive days, Sundays and holidays excluded, when the City Clerk finds:

1. That the facts existing justify the license renewal;

2. That the licensee filed an application for renewal;

3. That the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included on the original application and inventory.

4. The license or renewal thereof shall authorize only the type of sale described in the application at the location named therein.

5. The license shall authorize only the sale of goods described in the inventory attached to the application.

6. The applicant for a license hereunder shall tender with the application a bond in the sum of one thousand dollars ($1,000.00) conditioned upon the observance of this Chapter and for the indemnification of any purchaser at such sale who suffers a loss by reason of misrepresentation.

3-16-6: APPEAL OF CITY CLERK'S DECISION:

If the applicant is aggrieved by the decision of the City Clerk, the applicant may appeal such decision to the City Council within seven (7) days of notice of the decision of the City Clerk. The applicant must, in writing, appeal to the City Council and set forth the reasons therefor why the applicant should not be denied a license. The City Council shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his last known address, at least three (3) days prior to the date of the hearing. The order of the City Council shall be final.

3-16-7: DUTIES OF LICENSEE:

A licensee hereunder shall have the duty to:

(A) Make no additions whatsoever during the period of the licensed sale to the stock of goods set forth in the inventory attached to the application for license.

(B) Refrain from employing any untrue, deceptive or misleading advertising, and conduct the licensed sale in conformity with any advertising or holding out incident thereto.

(C) Keep available at the place of sale a copy of the inventory submitted with the application and shall present such duplicate to the City Clerk, his representative or any police officer upon request.

(D) Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction to the public by placing tags on all the inventoried goods in and about the place of sale apprising the public of the status of all such goods. Combining any additional or other goods with the goods inventoried shall cause the goods inventoried to lose its identity for the purpose of the sale and any such license issued shall cause to apply to the sale of such goods.

3-16-8: REVOCATION OF LICENSE:

The City Council may revoke any license issued under this Chapter for violation of any of the provisions of this Code or Ordinance of the City or laws of the State of Idaho. Prior to revocation by the City Council, the City Clerk or City Council shall notify the applicant in writing, setting forth specifically the grounds of the complaint and the time and place of the

hearing. Such notice shall be personally served upon the licensee, or mailed postage prepaid to the licensee at his last known address at least three (3) days prior to the date set for the hearing.

3-16-9: PENALTIES:

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more three hundred dollars ($300.00), or by imprisonment in the City jail for not more than six (6) months, or by both such fine and imprisonment. (Ord. 2197, 3-16-87)

CHAPTER 17

DAYCARE FACILITIES

SECTION:

3-17-1: Definitions

3-17-2: Purpose

3-17-3: Application, Inspection, Issuance Of Licenses

3-17-4: International Building Code And International Fire Code

3-17-5: Fire Safety Standards

3-17-6: Revocation Of License

3-17-7: Penalties

3-17-1: DEFINITIONS:

For the purposes of this chapter, the following terms shall have the meaning given herein:

CHILD: Any person less than twelve (12) years of age.

DAYCARE: Care and supervision provided for compensation during part of a twenty four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home.

DAYCARE FACILITY: A place or facility providing daycare for compensation for more than six (6) children. (Ord. 2229, 3-7-1988)

3-17-2: PURPOSE:

The purpose of this chapter is to protect the safety of children cared for in daycare facilities while, at the same time, relieving daycare facilities from certain potentially prohibitive requirements of the international building code which are not related to life safety issues. This chapter is not intended to replace the state daycare license law contained in Idaho Code section 39-1101 et seq., but is intended to supplement that law and to exempt certain daycare facilities from certain provisions of the international building code that are not related to life safety issues. (Ord. 2229, 3-7-1988; amd. Ord. 2765, 11-10-2003)

3-17-3: APPLICATION, INSPECTION, ISSUANCE OF LICENSES:

(A) Application For License: Applications for licenses issued hereunder shall be made upon forms prepared and made available by the public safety department.

(B) Inspections: Upon receipt of a completed application, the public safety department shall inspect the facility for compliance with the requirements of this chapter, and shall issue such license upon establishing compliance and upon payment of a fee of twenty five dollars ($25.00).

(C) Continued Compliance: Daycare facilities shall at all times maintain compliance with the requirements identified in this chapter, and shall consent to reinspection at any time during any license period.

(D) Renewal: The license shall be valid for two (2) years and shall be posted in a conspicuous place at the main entrance of the daycare facility.

(E) Appeal Of Denial Of License: If an applicant is denied a license under this chapter, the applicant may appeal the decision to the city council by filing an appeal in writing with the city of Twin Falls, setting forth the basis for the appeal. The

city council, upon receipt of the written notice of appeal, shall set a time and place for a hearing on the appeal, which notice shall be served personally on the applicant or mailed postage prepaid to the applicant at the last known address, at least three (3) days prior to the hearing. (Ord. 2229, 3-7-1988)

3-17-4: INTERNATIONAL BUILDING CODE AND INTERNATIONAL FIRE CODE:

(A) New Construction: New construction for use as a daycare facility shall comply with all requirements of the international building code and international fire code as adopted by the city of Twin Falls.

(B) Existing Approved Daycare Facilities: All daycare facilities in existence on January 1, 2003, with prior approved fire inspections issued by the city of Twin Falls shall comply with all codes under which they were approved. (Ord. 2765, 11-10-2003)

3-17-5: FIRE SAFETY STANDARDS:

In addition to the fire safety standards set forth in Idaho Code section 39-1109, and regulation 55 promulgated by the state fire marshal pursuant to Idaho Code section 39-1111, the following additional items will be inspected and shall be complied with by daycare facilities:

(A) If there is a private garage attached to the facility, the common wall between the garage and the facility shall be protected by at least one hour, fire resistive materials on the garage side; and any door within the same wall shall be self-closing, tight fitting, solid wood core, and a minimum of one and three-eighths inches ($1\frac{3}{8}$") in thickness or equivalent. For daycare use in conjunction with other occupancy classifications, consult the international building code for specific occupancy separation. (Ord. 2765, 11-10-2003)

(B) Oil and gas unvented room heaters are not permitted. All fuel burning appliances are to be vented.

(C) Chimneys and heating equipment are to be in good condition and installed properly.

(D) If a stove or combustion heater is installed, it shall be so located that it will not block escape in case it malfunctions.

(E) Flammable liquids storage is prohibited except for quantities not exceeding ten (10) gallons for maintenance purposes and operation of equipment if stored in a private garage or other approved locations in approved containers.

(F) All electrical appliances, fixtures, panel boxes, receptacle outlets, switches, and wiring shall appear to be in good condition. All electrical violations shall be reported to the state electrical inspector.

(G) Extension cords are permitted only with short term use and shall not be used as a substitute for permanent wiring.

(H) The facility shall be free of an excess of readily combustible materials such as oily rags, wastepaper, boxes, rubbish, or other waste materials.

(I) The landing on required exits shall not be more than four and one-half inches ($4\frac{1}{2}$") lower than the threshold of the doorway.

(J) The occupant load of the facility shall be posted along with a statement that daycare is prohibited on any upper floor beyond the first floor or on a story below the level of exit discharge (basement) unless there is an exit directly to the outside. (Ord. 2229, 3-7-1988)

3-17-6: REVOCATION OF LICENSE:

The city council may revoke any daycare license issued under this chapter for violation of any of the provisions of this code or chapter or laws of the state of Idaho. Prior to revocation, the licensee shall be notified in writing, setting forth the grounds for the revocation and the time and place of the hearing. Such notice shall be personally served on the licensee or mailed postage prepaid to the licensee at his last known address at least three (3) days prior to the date set for hearing. (Ord. 2229, 3-7-1988)

3-17-7: PENALTIES:

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars ($300.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Each day of violation of the provisions of this chapter shall be a separate violation and punishable as such. (Ord. 2229, 3-7-1988)

CHAPTER 18

COMMERCIAL VENDING

SECTION:

3-18-1: Purpose

3-18-2: Definitions

3-18-3: License Required

3-18-4: General Regulations

3-18-5: Commercial Vending On Public Property

3-18-6: Commercial Vending On Private Property

3-18-7: License Issuance Process

3-18-8: License Revocation Process

3-18-1: PURPOSE:

The creation and intent of this chapter is to promote and ensure the public health, safety, and welfare of the residents and visitors of the City of Twin Falls. Specifically, this chapter provides proper regulations and best practices for operating and maintaining a safe, clean, and appealing temporary business operation within the City. (Ord. 2020-017, 10-19-2020)

3-18-2: DEFINITIONS:

The following words are defined as follows for this chapter only:

ADJOINING PROPERTY:	Any property immediately adjacent to the Vending Area, as measured from the right-of-way centerline towards shall be the dividing line in determining adjacency.
COMMERCIAL VENDING:	Peddling, vending, selling, displaying, or offering an item or items for sale from a temporary location. "Parking lot sales" approved per Twin Falls City Code, and temporary children's vending stands are excluded from this definition.
DISCHARGE LOCATION:	The location where graywater/wastewater from the vending cart/vehicle is taken to for discharge or treatment.
FOOD PREPARATION AREA:	Any area or location where food is prepared for human consumption.
PRIVATE PROPERTY VENDING:	Commercial vending where all aspects of the activity take place on property that is not public property.
PUBLIC PROPERTY:	Parks, parking lots, rights of way, and sidewalks owned or maintained by the State of Idaho, the City of Twin Falls, or any political subdivision thereof.
SIDEWALK VENDING:	Commercial vending from a vending cart or vending area to persons on the public right-of-way, any sidewalk, or pedestrian access.
STREET VENDING:	Commercial vending from a vending vehicle situated on the public right-of-way between the curb lines, or edges of pavement, to persons within the right-of-way or the public sidewalk.
VENDING AREA:	Any area used or anticipated to be used for commercial vending, including preparation, display, transactions, customer queuing, customer seating areas, and other associated activities.
VENDING CART:	A movable push-cart that is operated by a vendor standing on public property.
VENDING VEHICLE:	A vehicle operated by a vendor standing on or within the frame of the vehicle.

(Ord. 2020-017, 10-19-2020)

3-18-3: LICENSE REQUIRED:

It is unlawful for any commercial vendor, or licensee, agent, or employee of that Vendor to operate in an unauthorized location; without a City license; without a valid health department permit; and/or in violation of health department regulations.

A violator of any section of this chapter may be subject to criminal prosecution, revocation of the license, and/or denial of a future license for a period of up to three (3) years. (Ord. 2020-017, 10-19-2020)

3-18-4: GENERAL REGULATIONS:

(A) Exclusive Rights: No commercial vendor shall have exclusive right to any location on public property. Special event permits, or any other permit issued by the City, for the use of any public property will take precedence for the duration of The event, or time, associated with the use of public property.

(B) Location And Site Restrictions:

1. Commercial vending is prohibited within fifty (50) feet of residential uses, unless otherwise permitted within this city code.

2. Commercial vending activities are prohibited in any congested area where their operations might impede or inconvenience the public

3. Commercial vending activities are prohibited on public property adjacent to Main Avenue between Fairfield Street and Idaho Street, unless approved through the special event permit process.

4. Commercial vending activities shall not be located in the following areas:

(a) Where clear pedestrian passage on the public sidewalk is five (5) feet wide or less;

(b) Crosswalk areas;

(c) Within the clear vision triangle area (TFCC 9-9-16) on corners of intersections, alleyways or driveways;

(d) Within ten (10) feet of any doorway, except that this distance may be decreased to five (5) feet with written consent of property owner or agent of the affected permanent business or residence.

(e) In any area which obstructs the movement or visibility of vehicles or bicycles using the appropriate public right-of-way, access easement, or drive aisle.

(f) Within five (5) feet of utility boxes and/or vaults, handicap ramps, emergency call boxes, or fire hydrants

(g) Within any area that impedes, endangers, or interferes with pedestrian or vehicular traffic.

5. Unless otherwise provided in this chapter, or through a special event permit obtained under Twin Falls City Code, vending areas shall be spaced a minimum of ten (10) feet apart.

6. Vendors shall not use or attach any items to public amenities (trees, street lights, street furniture, railings, etc.) for any reason, without prior authorization.

7. The area within twenty-five (25) feet of the vending area shall be kept free of discarded beverages, debris, food, and trash at all times.

8. All food vendors shall operate in such a manner that prevents the spilling or splattering of grease, water, food, or trash on any public property. The food vendor shall be responsible for the cleaning and/or repair of any public property which is soiled, stained, or damaged by the placement or operation of the commercial vending business.

(C) Operating Hours And Other Time Limitations:

1. Permitted operating hours shall be between 7:00 a.m. and 10:00 p.m.

(a) Commercial vendors associated with special event permits may be open for the approved hours of the event.

(b) Commercial vendors on private property may be open for the approved hours of the primary business, including locations with extended hours approved through the special use permit process.

2. No vending area shall be unattended for more than fifteen (15) consecutive minutes.

3. All items associated with commercial vending shall be removed from public property when not in operation. Special event permit holders may request for this requirement to be waived during multi-day events.

(D) General Operation Restrictions And Requirements:

1. Each person or entity intending to engage in commercial vending shall submit a site plan and/or declaration of operation location meeting the requirements of a license application provided by the City Clerk.

2. Drive-thru operations shall not be permitted.

3. City water and sewer service connections are not permitted.

4. Audio amplification of any kind is prohibited, unless otherwise permitted within this City Code.

5. Overhead electrical lines are not permitted. Electrical lines shall not lay across any pedestrian access portion of the sidewalk. Any permanent electrical fixtures shall be approved prior to use by the City Electrical Inspector.

6. Each food preparation area shall be required to contain a fire extinguisher approved by the Fire Marshal.

7. Each vending cart/vehicle containing a food preparation area shall provide a discharge location approvable by the City Engineer.

8. Commercial vendors shall display, in a readily visible location, the following items at all times when in operation:

(a) City license

(b) Health permit

(c) "Open Sign" no smaller than 4x6 inches and no larger than 12x12 inches.

9. Signage: Vendors may receive a permit for one (1) temporary sign, with a maximum size of four (4) square feet. Temporary signage shall be wholly located within the vending area. All other signage is subject to regulations found in Title 10.

10. The dumping of any ice, trash, gray or wastewater, or any other items associated with commercial vending, into public waste receptacles, private dumpsters, public planter boxes, gutters, or the street is prohibited without prior authorization from the City or private property owner.

11. Each commercial vendor shall provide proof of liability insurance in the minimum amount of five hundred thousand dollars ($500,000.00), with expiration no less than one (1) year from the date of application approval, and shall agree in writing to hold the City harmless from any injury or damage resulting from the operation of the commercial vending operation. Additionally, each commercial vendor shall carry workers' compensation insurance as required under Idaho law.

12. The use of any tent, structure, or building, whether permanent or temporary, may require separate licenses or permits from a separate authority (i.e. tents over 400 square feet require a tent permit from the Fire Department). (Ord. 2020-017, 10-19-2020)

3-18-5: COMMERCIAL VENDING ON PUBLIC PROPERTY:

The following regulations apply to all commercial vending operations which take place on public property.

(A) Each commercial vendor operating on public property shall receive written permission from the appropriate governing authority. For public property owned by the City of Twin Falls, the City Manager or its designee shall make decisions on authorization.

(B) Each commercial vendor operating on public property shall carry a commercial general liability policy naming the City as an additional insured entity for any damage to public property. The policy shall be in the minimum amount of five hundred thousand dollars ($500,000.00). Expiration shall be no less than one (1) year from the date of application approval.

1. If the damage exceeds this amount the City may use any and all means to collect the amount needed to clean, repair, or replace the damaged property.

(C) In addition to the general regulations set forth in CC 3-18-4, the following regulations shall also apply:

1. Sidewalk And Street Vending:

(a) Each commercial vending operation shall obtain written consent of each adjoining property owner or agent of the owner (business manager, property manager) prior to operation.

2. Street Vending:

(a) Vending vehicles shall follow all traffic regulations, including but not limited to: speed limits, parking locations, parking time limits, obstructing traffic, and noise limitations.

(b) Vending vehicles shall carry additional insurance coverage for the vehicle in case of accident or damage to property. The policy shall be in the minimum amount of five hundred thousand dollars ($500,000). Expiration shall be no less than one (1) year from the date of application approval. (Ord. 2020-017, 10-19-2020)

3-18-6: COMMERCIAL VENDING ON PRIVATE PROPERTY:

Commercial vendors may operate on private property under the following conditions and are subject to the following standards:

(A) Commercial vending on private property is not permitted in residential zones, or on residential property.

(B) Each applicant intending to establish a private property vending operation shall provide to the City written permission from the property owner or authorized agent prior to beginning operation. (Ord. 2020-017, 10-19-2020)

3-18-7: LICENSE ISSUANCE PROCESS:

(A) All licenses shall be issued on an annual basis. Application for such license shall be made upon a form supplied by the City Clerk. The City Clerk shall charge the appropriate fee identified on the City fee schedule.

(B) Licenses shall be issued or denied within ten (10) business days after receipt of a complete application. (Ord. 2020-017, 10-19-2020)

3-18-8: LICENSE REVOCATION PROCESS:

Any public safety officer, city licensing officer, or other city staff member authorized by the City Manager is authorized to enforce this chapter.

Prior to the revocation or denial of any license, or renewal thereof, written notice of the reason(s) therefor shall be served on the applicant or licensee in person or by certified mail at the address on the license application. Revocation shall become final within ten (10) days of service unless the applicant or licensee appeals the action to the City Council. The applicant or licensee shall make his appeal in writing to the City Council within ten (10) days of receipt of the notice.

Should the applicant or licensee request an appeal within such ten (10) day period, the applicant shall be notified in writing by the City Clerk of the time and place of the public meeting where the appeal will be heard. Should an emergency exist that constitutes an immediate danger to life or health, a license may be summarily revoked pending the notice and public meeting herein provided. (Ord. 2020-017, 10-19-2020)

CHAPTER 19

ALCOHOL BEVERAGE CATERING PERMITS

SECTION:

3-19-1: Permit; Application

3-19-2: Filing Of Application; Approval

3-19-3: Winery License

3-19-1: PERMIT; APPLICATION:

An alcohol beverage catering permit is a permit issued pursuant to this section which authorizes the permittee to serve and sell liquor by the drink, beer and wine, or beer, or wine, at a party or convention, and not to exceed five (5) consecutive days, with an option to request one permit extension on the same terms and conditions as the original permit, which extension may be issued or denied at the sole and absolute discretion of the original issuing entity, or at a party for a time period not to exceed two (2) consecutive days. An alcohol beverage catering permit shall be limited to authorization to sell liquor or beer or wine, or any combination thereof, based upon the type of license which the applicant possesses. Applications for such permit shall be made to the city clerk, on such form as prescribed by the city, which shall contain at a minimum, but not limited to, the following information:

(A) The name and address of the applicant and the number of his state liquor, beer or wine license.

(B) The dates and hours during which the permit is to be effective, not to exceed five (5) consecutive days.

(C) The names of the organizations, groups, or persons sponsoring the event.

(D) The address at which the liquor, beer or wine is to be served, and if a public building, the rooms in which the liquor, beer or wine is to be served. A catering permit will not be issued without written approval of the premises by the fire inspector.

The application shall be verified by the applicant and filed with the city clerk. A filing fee in the amount of twenty dollars ($20.00) for each day the permit is to be effective shall be paid to the treasury of the city which shall not be refunded in any event. Any alcohol beverage catering permit shall be valid only within the city. (Ord. 2017-002, 1-9-2017)

3-19-2: FILING OF APPLICATION; APPROVAL:

Upon the filing of an application for an alcohol beverage catering permit, the city clerk receiving the application shall, upon the advice and recommendation of the chief of police, approve or disapprove the application and indicate the determination on the face of the application by endorsement signed by the clerk. Copies of the application with signed endorsements thereon shall be mailed or delivered immediately to the chief of police and the applicant, and a signed copy retained by the clerk. An application approved in this manner shall constitute a permit. (Ord. 2617, 6-21-1999, eff. 7-1-1999)

3-19-3: WINERY LICENSE:

Any person who is the holder of an Idaho winery license shall be eligible to obtain an alcohol beverage catering permit. (Ord. 2617, 6-21-1999, eff. 7-1-1999)

TITLE 4

BUILDING REGULATIONS

CHAPTER 1

BUILDING CODE

SECTION:

4-1-1: Adoption Of Codes

4-1-2: Amendments

4-1-3: Exemptions

4-1-4: Project Site Maintenance

4-1-1: ADOPTION OF CODES:

The latest editions of the following documents are adopted as the official building codes of the city:

International building code, including all rules promulgated by the Idaho building code board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines, but excluding all appendices except as referred to by rules promulgated by the Idaho building code board to provide equivalency with accessibility codes, and excluding all references to the international electrical code, international plumbing code, and international property maintenance code.

International residential code, parts I-VI and part IX, and including appendices A, B and G.

International energy conservation code.

International existing building code.

Uniform code for the abatement of dangerous buildings. (Ord. 3072, 6-2-2014)

4-1-2: AMENDMENTS:

The following amendments shall be applicable to the codes adopted:

Table 1607.1 of the international building code is amended to require a minimum uniform live load of 40 psf in item 25 for habitable attics and sleeping rooms.

Section 1608 of the international building code is amended to include that the minimum uniformly distributed roof design snow load shall be 25 psf. The live load of 10 psf in uninhabitable attics without storage of residential buildings need not be simultaneously applied with this minimum roof snow load.

Section R102.7 of the international residential code is amended to delete the words "the international property maintenance code or".

Section R105.2, of the international residential code, delete the entire paragraph titled "Electrical"; and delete the last two paragraphs beginning with "The stopping of leaks..." and "The clearing of stoppages..." in their entirety.

Section R301.2.3 of the international residential code is amended to include that the minimum uniformly distributed roof design snow load shall be 25 psf. The live load of 10 psf in uninhabitable attics without storage need not be simultaneously applied with this minimum roof snow load.

Table R301.5 of the international residential code is amended to require a minimum uniformly distributed live load in sleeping rooms of 40 psf.

Section R403.1.1 of the international residential code is amended to add the subsection R403.1.1.1, "Foundations With Stemwalls. Foundations with stemwalls shall be provided with a minimum of one no. 4 bar at the top of the wall and one no. 4 bar at the bottom of the footing. Where a construction joint is created between a concrete footing and stem wall, a

minimum of one no. 4 bar shall be provided at not more than 6 feet on center. The vertical bar shall extend to 3 inches clear of the bottom of the footing and extend a minimum of 14 inches into the stem wall."

Table R404.1.1(2) of the international residential code is amended as follows: Add footnote reference "f" after the word concrete in the title. Add footnote "f. One no. 4 bar horizontal reinforcement is required at 4 feet on center, with the top bar to be placed 3" to 6" below the top of the wall. One no. 4 bar is required horizontally and vertically around formed openings, extending 2 feet beyond the opening. One no. 4 bar shall be placed diagonally at corners of openings subject to cracking".

(Ord. 3072, 6-2-2014)

4-1-3: EXEMPTIONS:

Agricultural buildings are exempt from the building codes adopted herein but shall remain subject to placement requirements established by zoning regulations. (Ord. 2742, 12-30-2002, eff. 1-1-2003)

4-1-4: PROJECT SITE MAINTENANCE:

(A) Throughout all phases of construction, including suspension of work, and until the final acceptance, the property owner and/or the property owner's representative shall keep construction rubbish and debris from blowing onto adjacent properties. Construction rubbish and debris shall be confined to the construction site. Storage of construction rubbish and debris on adjacent properties is prohibited. Temporary fences may be constructed to contain loose material from blowing off site.

(B) The property owner and/or the property owner's representative shall not engage in construction/repair of buildings, including site excavation, grading, and landscape installation, between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. without prior permission from the Building Official, except in cases of urgent necessity in the interest of public health and safety.

(C) Failure of the property owner and/or the property owner's representative to comply with this section may result in an order to suspend work until the condition is corrected. (Ord. 2473, 12-5-1994; amd. Ord. 2024-011, 8-19-2024)

CHAPTER 2

ELECTRICAL CODE

SECTION:

4-2-1: Adoption Of Code

4-2-2: Supervision Of Electrical Installations

4-2-3: Definitions

4-2-4: Application And Permit

4-2-5: Inspection Of Work

4-2-6: Correction Of Work; Condemnations

4-2-7: Removal Of Obstructions

4-2-8: Connection To Power Lines

4-2-9: Authority Of Electrical Inspector

4-2-10: Fees

4-2-11: Liability

4-2-12: Violation; Misdemeanor

4-2-1: ADOPTION OF CODE:

The 1981 edition of the national electrical code published by the National Fire Protection Association, as now or hereinafter amended, is adopted as the official electrical code of the city, together with all subsequent editions of said code. The most current edition, along with amendments or revisions thereto, as adopted by the Idaho electrical board, shall prevail. One copy of said current edition of the national electrical code shall be kept at the office of the building official. (Ord. 2890, 12-11-2006)

4-2-2: SUPERVISION OF ELECTRICAL INSTALLATIONS:

The city shall appoint a qualified electrical inspector for the city and the inspector shall be responsible for the inspection of all electrical installations hereinafter installed within the corporate limits of the city and the area of impact, with the following exceptions:

(A) Electrical public utilities companies in the installation and maintenance of their own lines and equipment.

(B) All communication circuits, wires and apparatus. (Ord. 3002, 3-21-2011)

4-2-3: DEFINITIONS:

"Basic wiring" shall consist of all wiring from the point of attachment to the power supplier's service drop to all lighting and power outlets throughout a building, structure, dwelling or premises. It includes meter bases, all fusing, circuit breakers, switches and disconnecting equipment, and all branch or feeder circuits for energizing machinery, apparatus or appliances of a fixed or semifixed nature. It does not, however, apply to extension cable for energizing readily portable small appliances or to the appliances themselves. (Ord. 2890, 12-11-2006)

4-2-4: APPLICATION AND PERMIT:

New basic wiring shall be covered by an application for a wiring permit at the city building department. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The administrative authority may require plans, specifications or drawings and such other information as he may deem necessary.

If the administrative authority determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this code, he shall issue the permit applied for upon payment of the required fee as hereinafter fixed, pursuant to the currently adopted fee schedule located in the city building department.

Such application shall be made and permit secured before any basic wiring is energized, and "rough in" installations are covered.

Should the electrical inspector discover any electrical wiring installed but not covered by a permit as specified above, he may instruct the power supplier to disconnect their service drop to the premises, issue a warrant charging violation of this chapter, or both.

Every electrical permit issued by the city shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after work has commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional one hundred eighty (180) days upon request and the payment of a forty dollar ($40.00) renewal fee. (Ord. 2890, 12-11-2006)

4-2-5: INSPECTION OF WORK:

Upon receiving a request for inspection of installations covered by a wiring permit, it shall be the duty of the electrical inspector to make such inspection within forty eight (48) hours Monday through Friday, holidays excepted, applying such tests as he shall deem necessary. Notice of approval shall be posted only on installations meeting the regulations standards as set forth in the laws of the state and the special regulations set forth in this chapter. (Ord. 2890, 12-11-2006)

4-2-6: CORRECTION OF WORK; CONDEMNATIONS:

An owner or electrical contractor who shall be notified by the electrical inspector to make changes in any installation so that the same shall comply with the provisions of this code, shall within three (3) days, unless the electrical inspector for good cause shown shall consent in writing to a longer period of time, make all changes necessary as so instructed.

Failure to comply with such a condemnation notice shall result in discontinuance of electrical service, issuance of a warrant charging violation of this chapter, or both. (Ord. 2890, 12-11-2006)

4-2-7: REMOVAL OF OBSTRUCTIONS:

For the purpose of inspection of any electrical work, the electrical inspector is hereby authorized to order removal of flooring, drywall, sheet metal or any other material which may conceal such basic wiring at the cost of the person causing such concealment before securing the electrical inspector's approval. No person shall interfere or prevent said inspector from removing any obstruction, matter or thing which may prevent his making a thorough inspection of any electrical work. It shall be unlawful for any person to conceal or cause to be concealed any electrical wiring or installations mentioned in this code without the written permission of the electrical inspector. (Ord. 2890, 12-11-2006)

4-2-8: CONNECTION TO POWER LINES:

No person engaged in the business of furnishing electricity for lighting, power, heating or cooking purposes shall connect or permit to be connected to its lines any service entrance conductors until such wiring has been inspected by the electrical inspector and an approval notice posted as provided in section 4-2-5 of this chapter. An exception will be allowed in the event of after hours emergencies provided the power supplier shall notify the inspector of any emergency connections when the city building department is reopened. (Ord. 2890, 12-11-2006)

4-2-9: AUTHORITY OF ELECTRICAL INSPECTOR:

The electrical inspector shall have the authority and it is hereby made his duty to enter in and upon any premises at reasonable hours and examine and inspect any and all electrical wiring installed in said premises with such frequency as he shall deem necessary, and if he finds that any electrical wiring is installed in a defective or dangerous manner, he shall notify the owner, occupant or agent of owner of the premises to correct such defect or danger within a specified time limit. Failure to comply may result in penalty or penalties specified in section 4-2-6 of this chapter.

The electrical inspector does not design electrical systems nor train homeowners on how to do their own wiring. (Ord. 2890, 12-11-2006)

4-2-10: FEES:

Fees shall be in accordance with the electrical permit fee schedule which may be obtained at the city building department. Fees are due upon commencement of the work and must be paid prior to inspection. (Ord. 2890, 12-11-2006)

4-2-11: LIABILITY:

Nothing contained in this code shall be deemed or construed to relieve any person owning, operating, constructing or installing any electrical work from any liability for damages to any person injured by the construction, installation or operation of the same, nor shall the city be deemed to have assumed any liability by reason of the inspection hereinbefore authorized, or by any failure of the electrical inspector to make such inspection. (Ord. 2890, 12-11-2006)

4-2-12: VIOLATION; MISDEMEANOR:

Any person, or a firm, copartnership, association or corporation by and through a member, representative or agent, who shall engage in the business, trade, practice or work of electrical work without a certificate of competency or without registration, or perform work without a permit as provided by this chapter, or who shall violate any provision of this code, or who shall refuse to perform any duty lawfully enjoined upon him by the building official within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the building official shall be guilty of a misdemeanor and shall be subject to a fine of one thousand dollars ($1,000.00), or to imprisonment in the county jail not to exceed six (6) months, or both. Each such violation shall constitute a separate offense. (Ord. 2890, 12-11-2006)

CHAPTER 3

PLUMBING CODE

SECTION:

4-3-1: Adoption Of Code

4-3-2: Permits Required

4-3-3: Permit Fee

4-3-4: Violation; Misdemeanor

4-3-1: ADOPTION OF CODE:

The Idaho plumbing code, and as it shall be amended, revised, compiled and published from time to time and as such amendments or revisions shall be adopted by the Idaho plumbing board, is hereby adopted as the official plumbing code for the city of Twin Falls. (Ord. 3072, 6-2-2014)

4-3-2: PERMITS REQUIRED:

It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any

plumbing system in any building, residence or structure, or service lines thereto without first procuring a permit from the city of Twin Falls authorizing such work to be done.

Provided, a licensed plumber is hereby authorized, after making application for permit and pending receipt of permit, to proceed and complete improvements or alterations to plumbing systems, when the cost of said improvement or alteration does not exceed the sum of five hundred dollars ($500.00). Inspection of such work shall be the responsibility of the permit holder pending an official inspection, which shall be made within sixty (60) days after notification of inspection. (Ord. 2880, 10-30-2006)

4-3-3: PERMIT FEE:

The applicant shall pay to the city at the time of application, a permit fee in accordance with the schedule fixed by resolution of the city council. (Ord. 2880, 10-30-2006)

4-3-4: VIOLATION; MISDEMEANOR:

Any person, or a firm, copartnership, association or corporation by and through a member, representative or agent, who shall engage in the business, trade, practice or work of plumbing without a certificate of competency or without registration, or perform work without a permit as provided by this chapter, or who shall violate any provision of this code, or who shall refuse to perform any duty lawfully enjoined upon him by the building official within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the building official shall be guilty of a misdemeanor and shall be subject to a fine of one thousand dollars ($1,000.00), or to imprisonment in the county jail not to exceed six (6) months, or both. Each such violation shall constitute a separate offense. (Ord. 2880, 10-30-2006)

CHAPTER 4

HOUSING CODE

(Rep. by Ord. 2576, 3-9-1998)

CHAPTER 5

MECHANICAL CODE

SECTION:

4-5-1: Adoption Of Code

4-5-2: Permits Required

4-5-3: Permit Fee

4-5-4: Violation; Misdemeanor

4-5-1: ADOPTION OF CODE:

The international mechanical code as published by the International Code Council, the international fuel gas code as published by the International Code Council, and parts V and VI of the international residential code as published by the International Code Council, applicable to the industry and amendments as adopted by the Idaho heating, ventilation and air conditioning board, and as they shall be amended, revised, compiled and published from time to time and as such amendments or revisions shall be adopted by the Idaho heating, ventilation and air conditioning board, is hereby adopted as the official mechanical code for the city of Twin Falls.

(A) The following amendments shall be applicable to the codes adopted:

Section M1801.1 of the international residential code is amended to delete the words "except appliances listed and labeled for unvented use."

(Ord. 3072, 6-2-2014)

4-5-2: PERMITS REQUIRED:

It shall be unlawful for any person, firm, copartnership, association or corporation to do, or cause or permit to be done, whether acting as principal, agent or employee, any construction, installation, improvement, extension or alteration of any heating, ventilation or air conditioning system in any building, residence or structure without first procuring a permit from the city of Twin Falls authorizing such work to be done. (Ord. 2889, 12-11-2006)

4-5-3: PERMIT FEE:

The applicant shall pay to the city at the time of application, a permit fee in accordance with the schedule fixed by resolution of the city council. (Ord. 2889, 12-11-2006)

4-5-4: VIOLATION; MISDEMEANOR:

Any person, or a firm, copartnership, association or corporation by and through a member, representative or agent, who shall engage in the business, trade, practice or work of heating, ventilation or air conditioning without a certificate of competency or without registration, or perform work without a permit as provided by this chapter, or who shall violate any provision of this code, or who shall refuse to perform any duty lawfully enjoined upon him by the building official within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the building official shall be guilty of a misdemeanor and shall be subject to a fine of one thousand dollars ($1,000.00), or to imprisonment in the county jail not to exceed six (6) months, or both. Each such violation shall constitute a separate offense. (Ord. 2889, 12-11-2006)

CHAPTER 6

DWELLING CONSTRUCTION

(Rep. by Ord. 2576, 3-9-1998)

CHAPTER 7

DANGEROUS BUILDINGS CODE

(Rep. by Ord. 2576, 3-9-1998)

CHAPTER 8

MOVING BUILDINGS

SECTION:

4-8-1: Permits Required

4-8-2: Notice To Public Utility Companies

4-8-3: Utilities Cooperation

4-8-4: Adjustment Of Expenses

4-8-5: Applicability To City Apparatus

4-8-1: PERMITS REQUIRED:

Before any person shall use any street or alley for the removal of any building, such person shall obtain permission from the Building Inspector.

The application for said permission shall be signed by the person desiring to use said street or alley for such purpose and shall state the route over which such building is to be moved and the final destination thereof and said application shall have attached thereto written acknowledgment of notice of removal from all public utility companies.

Any person removing such building shall be liable to the City for any and all damages to the streets thereof, and to any person or public utility company whose property is injured by reason of such removal. (1958 Code, ch. V, art. 9)

4-8-2: NOTICE TO PUBLIC UTILITY COMPANIES:

Any person who desires to move any building through or along the streets or alleys along a route which crosses or in any manner interferes with the line of any gas pipes, telegraph, telephone, electric light or other electric wire line, before obtaining such permit from the Building Inspector, shall give at least seventy two (72) hours' written notice to the owner or manager of any such gas pipes, telegraph, telephone, electric light or other electric wire line of said application for such permission, and such notice shall contain all the information set forth in said application for said permission, and said applicant shall also pay in advance or tender to such owner or manager the amount of the cost and expense of cutting, repairing, moving, raising, and replacing such wires, cables or other apparatus, as will be cut or interfered with by moving such building. (1958 Code, ch. V, art. 9)

4-8-3: UTILITIES COOPERATION:

It shall be the duty of the owner or manager of the apparatus in any street referred to in Section 4-8-2 of this Chapter, that shall be affected by the removal of any such building, upon receiving notice as herein provided and being tendered or paid the cost and expense as set forth in Section 4-8-2 of this Chapter, to remove and clear away all such apparatus in time to permit the passage of such building upon the streets without unnecessary delay. (1958 Code, ch. V, art. 9)

4-8-4: ADJUSTMENT OF EXPENSES:

Whenever the cost and expense incurred by the removal of any building has exceeded the monies paid to the owner of the apparatus, the permittee shall be liable for the difference, and in case the cost and expense is less, the permittee shall be entitled to a repayment of the difference thereof. (1958 Code, ch. V, art. 9)

4-8-5: APPLICABILITY TO CITY APPARATUS:

The provisions of this Chapter shall apply to apparatus owned by the City. (1958 Code, ch. V, art. 9)

CHAPTER 9

WRECKING YARDS

(Rep. by Ord. 2132, 12-17-1984)

CHAPTER 10

TRAILER COURTS

(Rep. by Ord. 2132, 12-17-1984)

CHAPTER 11

GAS TRANSMISSION LINE REGULATIONS

SECTION:

4-11-1: Definitions

4-11-2: Adoption of American Standard Code

4-11-3: Adoption of General Order No. 98

4-11-4: Engineering Department Jurisdiction

4-11-5: Unlawful Construction and Installation

4-11-6: Work Stoppage

4-11-1: DEFINITIONS:

GAS: The word "gas" as used in this Chapter shall be construed to mean natural gas, manufactured gas, hydrocarbon gas or any mixture of gases produced, transmitted, distributed or furnished by any gas utility or agency, including liquefied petroleum gas as defined and regulated under Section 39-2201, Idaho Code.

GAS INSTALLATIONS: The term "gas installations" as used herein, shall be construed to mean the installation of all facilities for producing, transmitting and distributing gas and all accessory equipment, appurtenances and appliances necessary for the control and utilization of gas.

4-11-2: ADOPTION OF AMERICAN STANDARD CODE:

Section 8 of the American Standard Code for Pressure Piping, designated as ASA B31.1.8-1955 (Second Edition), of the American Standards Association for Gas Transmission and Distribution Piping Systems, which shall hereafter be designated as ASA B31.1.8-1955[2] being of a general and permanent character printed in book form, as shown by three (3) copies thereof now on file in the office of the City Clerk, is hereby ratified and adopted (except as altered or amended by Rules 3 and 4, Section 11, Idaho Public Utilities Order No. 98, as shown in Section 4-11-3 hereof) as part of this Chapter regulating such construction and maintenance of such gas line and system in the City.

4-11-3: ADOPTION OF GENERAL ORDER NO. 98:

General Order No. 98 of the Idaho Public Utilities Commission is hereby followed as nearly as practicable as part of the regulations of the City relating to the installation and maintenance of gas transmission pipe lines, the said general order being followed, with alterations pertaining to the City, as follows:

SUBSECTION I.

GAS PRODUCTION EQUIPMENT

Rule 1. COMMISSION APPROVAL REQUIRED: Plans for installation of such facilities as the total or partial supply of a piped utility system, subject to the jurisdiction of the Idaho Public Utilities Commission, must bear the approval of the Commission.

Rule 2. QUALIFIED PERSONNEL: In the interest of safety, it is required that those employed in the operation of such plants understand the properties of these gases, and that they be thoroughly trained in safe practices for handling, distribution and operations.

SUBSECTION II.

CONSTRUCTION, OPERATION AND MAINTENANCE OF

FACILITIES FOR TRANSMISSION AND DISTRIBUTION OF GAS

Rule 3. MINIMUM STANDARDS: The applicable portions of the ASA B31.1.8-1955[2] adopted by Section 4-11-2 hereof with exceptions and conditions as noted below, shall constitute the minimum standard applying to the construction of gas transmission and distribution system.

EXCEPTIONS:

In place of Item 845.51 the following shall be substituted:

If the maximum actual operating pressure of the distribution system is between 2 psig and 60 psig, a service regulator having the characteristics listed below shall be used:

(a) A pressure regulator capable of reducing distribution line pressure (pounds per square inch) to pressures recommended for household appliance (inches of water column).

(b) Single port valve with orifice diameter no greater than that recommended by the manufacturer for the maximum gas pressure at the regular inlet.

(c) The valve seat shall be made of resilient material designed to withstand abrasion of the gas, impurities in gas, cutting by the valve, and to resist permanent deformation when it is pressed against the valve port.

(d) Pipe connections to the regulator shall not exceed two (2) inches in diameter.

(e) The regulator must be of a type that is capable under normal operating conditions of regulating the downstream pressure within the necessary limits of accuracy and of limiting the build-up of pressure under no-flow conditions to 50% or less of the discharge pressure maintained under flow conditions.

(f) A self-contained service regulator with no external static or control lines.

(g) Suitable protective devices shall be installed to prevent accidental over-pressuring of the customer's appliances should the service regulator fail. Some of the suitable types of protective devices to prevent overpressuring of customer's appliances are:

(1) A monitoring regulator

(2) A relief valve

(3) An automatic shut-off device

These devices may be installed as an integral part of the service regulator or as a separate unit, and shall be capable of limiting the pressure on the consumers lines to such pressures as are allowable for low pressure distribution systems as defined by 845.43.

Item 845.52 not applicable.

CONDITIONS.

Item 861. It shall be interpreted that odorant shall be added where gas does not naturally possess a distinctive odor to the extent that its presence in the atmosphere is readily detectable at gas concentration over 20 percent of the concentration at the lower limit of combustibility.

Rule 4. MAPS AND RECORDS: In addition to the plans and records as required in compliance with Rule 3 above, the following shall also be kept:

(a) A suitable map or maps shall be kept on file in the gas company's office in the City, duplicate maps to be furnished City Engineer's office, which maps shall at all times show the size, character, location and date of installation of each street main, district regulator, street valve and drip, and when practicable, each service connection in the corresponding territory served. In lieu of showing service locations on maps, a card report or other suitable means may be used.

SUBSECTION III.

INSTALLATIONS ON CUSTOMERS PREMISES

(Note: Rule 5 not adopted as part of this Chapter)

Rule 6. METER CONNECTIONS: The gas company shall inspect the customer's installation prior to the connection of a meter to ascertain that such installation conforms to the provisions contained in Rule 5 of the Idaho Public Utilities Commission and to the ordinances of the City.

If the installation on the customer's premises does not meet the requirements, the Company shall refuse to connect the meter and shall advise the customer in writing the reasons for such refusal.

SECTION IV.

Note: Rules 7 to 19 relate to powers solely in the Public Utilities Commission and are not adopted as part of this Chapter.

4-11-4: ENGINEERING DEPARTMENT JURISDICTION:

The installation, construction and maintenance of such gas distribution and transmission lines being for the purpose of connections to buildings, the enforcement of all ordinances relating thereto is hereby placed within the Engineering Department. The excavation for such lines, opening of streets and alleys, reconstruction of streets and alleys, and matters appurtenant thereto, shall be under the jurisdiction of the Engineering Department.

4-11-5: UNLAWFUL CONSTRUCTION AND INSTALLATION:

It shall be unlawful to install, construct and maintain any gas distribution and transmission lines for the distribution of gas unless the said installation, construction and maintenance shall be done in accordance with this Chapter.

4-11-6: WORK STOPPAGE:

A violation of the minimum standards as prescribed by this Chapter shall subject the person in violation thereof to an immediate work stoppage order by the City Engineer and the revocation of any permits granted hereunder or under any other ordinances regulating gas. [1] (1958 Code, Ch. V, Art. 10)

Notes

1 1. See Section 4-12-3 of this Code

TITLE 6

PUBLIC SAFETY

CHAPTER 1

FIRE CODE

SECTION:

6-1-1: Adoption Of Code

6-1-2: Enforcement

6-1-3: Modifications Of Requirements

6-1-1: ADOPTION OF CODE:

The International Fire Code as now or hereinafter amended, is adopted as the official code of the city together with the following amendments. The most current addition adopted by the State of Idaho shall prevail.

One copy of the fire code shall be kept in both the Fire Chiefs and Fire Marshal's office.

A. **Department of fire prevention, Section 103.2 Appointments, International Fire Code**

Delete the following language in Section 103.2 of the International Fire Code "... and the fire official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority."

B. **General Authority and Responsibility, Section 104.1, International Fire Code.**

Add the following second paragraph to Section 104.1, General, International Fire Code.

1. Fire Marshal's Authority. The Fire Marshal is authorized to administer and enforce this code. Under the Fire Marshal's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

a) The prevention of fires.

b) The suppression or extinguishment of dangerous or hazardous fires.

c) The storage, use and handling of hazardous materials.

d) The installation and maintenance of automatic, manual, and other private fire alarm systems and fire-extinguishment equipment.

e) The maintenance and regulation of fire escapes.

f) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, and other property, including those under construction.

g) The maintenance of means of egress; and

h) The investigation of cause, origin and circumstances of fire and unauthorized release of hazardous materials, for authority related to control and investigation of emergency scenes see Section 104.11.

C. **Permits Requisite, Section 105.1.1, International Fire Code.**

Delete “required permit” from the last sentence of Section 105.1.1 of the International Fire Code and add “a permit if required by the authority having jurisdiction.”

D. **Violation Penalties, Section 110.4 International Fire Code.**

In the first sentence of Section 109.4 of the international Fire Code, delete “[SPECIFY OFFENCE], punishable by a fine of not more than [AMOUNT] dollars, or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment” and add the word “misdemeanors”.

E. **Section 202 International Fire Code.**

1. Driveway. Add “Driveway. A vehicular ingress and egress route that services no more than four (4) single family dwellings, not including accessory structures.” Four would allow contractors to build two duplexes or a triplex using the less resistive fire access road requirements. I feel 5 could allow for fire access that is too long and could cause issues in gaining access to all the buildings.”

2. Fire Station. Add “Fire Station, A building, or portion of a building that provides, at a minimum, all weather protection for fire apparatus.

Temperature inside the building used for the purpose need to be maintained at or above thirty-two (32) degrees.”

F. **CHAPTER 5 FIRE SERVICE FEATURES. Make the following changes within Chapter 5 of the International Fire Code**

1. **Section 501**

a) To Section 501.3 after the phrase, Construction documents for proposed, add the word “driveways”.

501.3 Construction documents for the proposed fire apparatus access, including driveways, location of fire lanes, security gates across fire apparatus access roads and/or driveways and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

b) To Section 501.4 Where fire apparatus access roads, add the words “and/or driveways.”

2. **Section 502. Definitions**

a) To section 502, add the following word “DRIVEWAY and the word Fire Station.”

3. **Section 503**

a. To section 503, add the following definition, “FIRE STATION, A building, or portion of a building that provides, at a minimum, all weather protection for fire apparatus. Temperatures inside the building used for this purpose must be maintained at above thirty-two (32) degrees Fahrenheit.”

b. To section 503 add the words, “AND DRIVEWAYS” to the section heading.

c. Section 503 Fire Apparatus Access Roads and Driveways.

i. To section 503.1.1 add the following sentence, “Driveways need to be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.”

503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Driveways need to be provided and maintained in accordance with Section 503.1.1 through 503.1.3.

d. Add the following section, “503.7 Driveways. Need be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways will provide a minimum unobstructed width of 20 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of 150 feet (45720mm) in length need to be provided with turnarounds. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width may require turnouts in addition to turnarounds.”

e. Add the following section, “503.7.1 Limits. A driveway cannot serve in excess of four single family dwellings or a combination thereof.

a. Example two duplexes or a triplex and a single-family dwelling.

f. Add the following section, “503.7.2 Turnarounds. Driveway turnarounds need to have an inside turning radius of not less than 35 feet (9144mm) and an outside turning radius of not less than-50 feet (13716mm). Driveways that connect with an access road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radius requirements for driveway turnarounds.”

g. Add the following section, “503.7.3 Turnouts. Where line of sight along a driveway is obstructed by a man-made or natural feature, turnouts need to be located as may be needed by the fire code official to provide for safe passage of vehicles. Driveway turnouts will be of an all-weather road surface at least 12 feet (3048mm) wide and 40 feet (9144mm)

long."

h. ADDRESS NUMBERS

a. Buildings shall have approved address numbers, or approved building Identification placed in a position that is plainly legible, visible from the street or frontage road fronting the property and of a contrasting color, Light on Dark, or Dark on Light. (IFC 505.1).

b. Address size is based on distance from center of the street to the building: up to 50 ft. is 4 in., 51 to 100 ft. is 6 in., 101 to 150 ft. is 8 in., 151 to 200 ft. is 10 in. and greater than 200 ft. is 12 in.

c. If 12 in. letters are not visible from the street or frontage road an address sign shall also be installed at the entrance from the street or frontage road. The sign shall be white with 4" Black numbers.

d. In an effort to be consistent with other buildings being built in 'the area, address numbers must be placed on the upper right side of the building that faces the street, or as agreed upon by the City of Twin Falls Fire Marshal.

e. 4" suite lettering (of a contrasting color) shall be placed at the top of the main entry door. Suite numbers shall start on the left (as you look at the store front) and increase as you move right.

f. A fully visible temporary address sign shall be posted on all construction sites and remain in place until the permanent address is in place.

g. Add the following section, "503.7.7 Security Gates. Where security gates are installed, they need to have an approved means of emergency operation. The security gates and emergency operation will be maintained operational at all times."

h. Add the following section, "503.7.8 Surface. "Driveways need to be designed and maintained to support 75,000 pounds and will be surfaced to provide all weather driving capabilities."

G. **Reference to Appendix, International Fire Code.**

1. When this code references the appendix, the provisions of the appendix shall not apply unless specifically incorporated by reference. The following appendixes of the International Fire Code are incorporated by reference:

a) Appendix B, Fire Flow Requirements for Buildings.

b) Appendix C, Hydrant Location and Distribution.

c) Appendix D, Fire Apparatus Access Roads.

I. To Section DI01.1 Scope, add the following sentence "Driveways as described in section 503.7 through 503.11 are not subject to the reequipments of this appendix.

II. To Section DI03.2 add the words and/or Driveways after the word road.

d) Appendix E, Hazard Categories.

e) Appendix F, Hazard Ranking.

f) Appendix G, Cryogenic Fluids Weight and Volume Equivalents.

g) Appendix I, Fire protection systems- Noncompliant conditions. (Ord. 2022-002, 3-7-2022)

6-1-2: ENFORCEMENT:

The power and duties of the bureau of fire prevention wherever mentioned in said fire code shall be vested in the Fire Marshal of the city. (Ord. 2022-002, 3-7-2022)

6-1-3: MODIFICATIONS OF REQUIREMENTS:

(A) Authority To Grant Modification: The city council may authorize in specific cases such modification of the terms of the international fire code as adopted as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the code would result in unnecessary hardship. Modifications shall not be granted on the grounds of inconvenience or profit, but only where strict application of the provisions of the international fire code as adopted would result in unnecessary hardship.

(B) Hearing Requirement: The city council, prior to modifying the requirements of the international fire code as adopted, shall conduct a hearing at which interested persons shall have an opportunity to be heard. Property owners adjoining the parcel under consideration shall be notified of the time and place of the hearing, along with a summary of the proposal, at least ten (10) days prior to the hearing unless such notice is waived by all such adjoining property owners.

(C) Application: A modification of the terms of the international fire code as adopted shall not be granted by the city council unless and until a written application for a modification is submitted to the city council containing:

1. Name, address, and phone number of applicants.

2. Legal description of the property.

3. Description of modifications requested.

4. A narrative statement, documentation, and technical support data demonstrating that the building site conforms to all the following standards:

(a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings.

(b) A literal interpretation of the provisions of the international fire code as adopted would deprive the applicant of rights commonly enjoyed by other properties under the terms of the international fire code as adopted.

(c) Granting the modification requested will not confer on the applicant any special privilege that is denied by the international fire code as adopted to other lands, structures or buildings.

A modification shall not be granted unless the city council makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above-mentioned standards and conditions have been met by the applicant.

(D) Modifications Limited: A resolution of the city council modifying the requirements of the international fire code as adopted is not and shall not be construed as modifying any requirements imposed by the state or federal governments." (Ord. 2022-002, 3-7-2022)

CHAPTER 2

GENERAL OFFENSES

SECTION:

6-2-1: Air Guns, Weapons

6-2-2: Assemblages; Unlawful, Disturbing (Rep. by Ord. 2132, 12-17-1984)

6-2-3: Disorderly Conduct, Houses

6-2-4: Cruelty To Animals

6-2-5: Minors; Tobacco, Intoxicants

6-2-6: Intoxicants

6-2-7: Resisting, Impersonating Officers

6-2-8: Prostitution, House Of

6-2-9: Public, Private Property Prohibitions

6-2-10: Trespass

6-2-11: Vagrancy (Rep. by Ord. 2132, 12-17-1984)

6-2-12: Deposit, Storage Of Combustibles

6-2-13: False Reports

6-2-14: Littering

6-2-15: Explosives

6-2-16: Impersonation Of Police

6-2-17: Recreational Use Of Canals

6-2-18: Serial And Identification Numbers

6-2-19: Public Nudity

6-2-1: AIR GUNS, WEAPONS:

(A) Air Guns And Slingshots: No person shall discharge any air gun, flipper or other contrivance which propels a missile or missiles by use of compressed air, springs or any elastic substance.

(B) Reserved.

(C) Unlawful Discharge Of Guns And Firecrackers[1] : It shall be unlawful for any person to fire or discharge any cannon, gun, fowling piece, pistol or firearm of any description, or fire, explode or set off any firecracker or fireworks of any description, except as provided by ordinance.

(D) Permits: Notwithstanding any other provision of this section, the city council may grant permits to persons or businesses permitting the discharge of air guns, flippers, bows and arrows, pistols or firearms within the city limits, subject to any specific conditions that the council may require. (1958 Code § 10-1-27; amd. Ord. 2277, 7-17-1989; Ord. 2021-018, 11-8-2021)

Notes

1 1. See chapter 9 of this title.

6-2-2: ASSEMBLAGES; UNLAWFUL, DISTURBING:

(Rep. by Ord. 2132, 12-17-1984)

6-2-3: DISORDERLY CONDUCT, HOUSES:

(A) Disorderly Conduct: Ever person who wilfully causes loud or unusual noise or engages in tumultuous or offensive conduct or threatens, traduces, quarrels, challenges to fight, or who does anything offensive to the senses or dangerous to or disturbs the peace or quiet of any person, persons or neighborhood, shall be guilty of disorderly conduct and upon conviction shall be guilty of a misdemeanor.

(B) Construction Noise: Every person who engages in the construction/repair of buildings, including site excavation, grading, and landscape installation between the hours often o'clock (10:00) P.M. and six o'clock (6:00) A.M. shall be guilty of an infraction. This prohibition against construction noise shall not apply to the following:

1. Emergency work or cases of urgent necessity in the interest of public health and safety,

2. A government agency acting within the scope of its functions, and

3. Other work activities as may be previously authorized by the Building Official, Public Works Director, or the City Manager.

(C) Public Intoxication: Every person, who is in public and intoxicated at a level that presents a danger to others or creates a disturbance of the peace, shall be guilty of a misdemeanor.

(D) Fighting: Every person who intentionally, knowingly, or recklessly fights with another person in a public place, shall be guilty of a misdemeanor.

(E) Public Urination: Every person who excretes human waste, including urine or feces, upon the ground, into a body of water, or upon anything attached or setting upon said surfaces, except for toilet facilities used as receptacles for human waste, shall be guilty of a misdemeanor.

(F) Disorderly House: No person shall keep a disorderly house or place of business or shall permit or suffer any drunkenness, fighting, quarreling, unlawful games or riotous or disorderly conduct or breach of the peace in any house, place or building owned, kept, used or occupied by him. (Ord. 3112, 1-25-2016; amd. Ord. O-2024-011, 8-19-2024)

6-2-4: CRUELTY TO ANIMALS:

(A) Cruelty To Animals: No person shall torture or cruelly beat or otherwise ill treat any animal. (1958 Code §10-1-5)

(B) Careless Driving Of Animals: No person shall recklessly or carelessly drive or ride any horse or animal on any street, alley or other public place. (1958 Code § 10-1-10)

(C) Prohibited Traps: It shall be unlawful for any person to set a leg-hold trap, conibear or body trap, or snare trap designed to injure or kill an animal. This subsection shall not apply to those authorized by the Idaho Department of Fish and Game, pursuant to Idaho Code, title 36, chapter 11, to set such a trap. Any person convicted of violating the provisions of this subsection shall pay an infraction penalty of one hundred dollars ($100.00). (Ord. 2018-023, 11-26-2018)

6-2-5: MINORS; TOBACCO, INTOXICANTS:

(A) Tobacco To Minors: No person shall sell or give away, directly or indirectly, any tobacco to any person under the age of eighteen (18) years. (1958 Code § 10-1-6)

(B) Liquor Or Beer To Minors: No person shall sell or give or in any way supply any vinous, malt or spirituous liquors to any minor. (1958 Code § 10-1-26)

6-2-6: INTOXICANTS:

(A) No person shall have in his possession or on his person while occupying, riding in, riding on, or driving a motor vehicle whether upon a highway, street, or bridge or upon public property or private property open to public use, excluding public parks, any bottle, can, or other receptacle which is open, has been opened or the seal of which has been broken, and which contains any alcoholic beverage. The transportation of an alcoholic beverage in a vehicle outside of the passenger compartment shall not be a violation of this section.

(B) No person shall drink any alcoholic beverage in any motor vehicle when such vehicle is traveling upon a highway, street, or bridge or upon public property or private property open to public use.

(C) It shall be unlawful for any person to use, possess with the intent to inhale, or be under the influence of, inhalants. It shall be unlawful for any person to possess with intent to use, paraphernalia for the inhalation of inhalants. It shall be unlawful for any person to be present in a place where he/she knows inhalants are used or are being held for use. For the purposes of this section, the term "inhalants" means anything capable of causing a condition of intoxication or impairment as a result of the inhalation of its smoke, fumes or vapors. (Ord. 3027, 5-29-2012)

6-2-7: RESISTING, IMPERSONATING OFFICERS:

(A) Resisting An Officer: No person shall molest, interfere with, resist or threaten any officer engaged in the exercise of his official duties. (1958 Code § 10-1-16)

(B) Impersonating An Officer: No person shall falsely represent himself to be an officer of the City, or shall impersonate or attempt to impersonate such officer, or shall without authority perform or attempt to perform any official act for or on behalf of such officer. (1958 Code § 10-1-18)

6-2-8: PROSTITUTION, HOUSE OF:

(A) Prostitution: No person shall pursue or advertise in any manner her vocation as a prostitute, and no person shall advertise the vocation of a prostitute or solicit for her. (1958 Code § 10-1-20)

(B) House Of Ill Fame: No person shall either keep or assist in keeping a house of ill fame resorted to for the purpose of prostitution or lewdness, or to be employed in such house in any capacity, or reside therein; nor shall any person resort to any house of ill fame for the purpose of prostitution or lewdness. (1958 Code § 10-1-21)

6-2-9: PUBLIC, PRIVATE PROPERTY PROHIBITIONS:

(A) Obstructing Public Way: No person shall obstruct, or cause to be obstructed, any sidewalk, street, alley or other public place without permission therefor applied for and obtained.

(B) Jumping From Trains: No person, except employees of the company owning the same, shall jump on or from or ride upon any train of railroad cars, or any car or engine or part of such train, while the same is in motion, without the permission of those in charge thereof.

(C) Unlawful Markings: It shall be unlawful for any person to mark or stencil with paint or in any other manner or to write or print with paint or in any other manner on any sidewalk, curbing, street, avenue or alley within the limits of the city. The provisions of this section shall not apply to the marking of or writing, stenciling or printing upon curbs, streets, avenues and alleys within the city limits for the purpose of guiding and controlling traffic therein, if such markings adhere to the following restrictions:

1. Numbers only (No larger than four inches (4") by six inches (6")) using stencil or similar;
2. Stenciling length can be no longer than twenty-four inches (24"):
3. Black numbering on white background or white numbering on black background; and
4. No painting on sidewalk above curb nor gutter below curb.

The City of Twin Falls will not maintain painted/stenciled curb address.

(D) Destruction Of Shrubs And Flowers: It shall be unlawful for any person to injure, destroy, disfigure, or maim any tree, shrubbery or flower bearing plant growing or maintained in or upon any public parks or grounds within the city [1] .

(E) Malicious Injury To Property: No person shall maliciously injure or destroy any real or personal property, not his own, within the city.

(F) Glass Containers: The use of glass containers shall be prohibited in public parking lots or private parking lots open to public use.

(G) Parking Lot Use: It shall be unlawful for any person to loiter, idle, wander, stroll, or remain in or upon any public parking lot or any private parking lot open to public use between the hours of nine thirty o'clock (9:30) P.M. and six o'clock (6:00) A.M. when such parking lot is posted with appropriate signs or notices at the points of access. (Ord. 2101, 5-7-1984; amd. Ord. 2023-003, 3-6-2023)

Notes

1 1. See section 8-4-7 of this code for enforcement provisions.

6-2-10: TRESPASS:

Every person, except under landlord-tenant relationship, who, being first notified in writing or verbally by the owner or authorized agent of the owner of real property, to immediately depart from the same and not to return, and who refuses to so depart or thereafter returns after being so notified, shall be guilty of an infraction punishable by a fine of one hundred dollars ($100.00). (Ord. 2697, 7-2-2001)

6-2-11: VAGRANCY:

(Rep. by Ord. 2132, 12-17-1984)

6-2-12: DEPOSIT, STORAGE OF COMBUSTIBLES:

(A) Depositing Ashes: It shall be unlawful for any person to deposit any ashes, cause the same to be deposited or placed, or to permit or suffer the same to be or remain in any wooden vessel, or receptacle, or any vessel or receptacle composed or made of combustible material, but said ashes shall be placed and kept in some safe depository or receptacle of galvanized iron or other noncombustible material, and not less than two inches (2") from any woodwork or structure, or deposited on the ground not less than ten feet (10') from any wood building or structure. (1958 Code, ch. X, art. 1, sec. 30)

(B) Disposal Of Combustibles: Any person making, using or having the charge and control of shavings, hay, straw, sacks, bags, litter or any other combustible material or fragments, shall at the close of each day cause the same to be securely deposited, disposed or removed so as to be safe from fire. All receptacles for waste, rags, paper and other substances liable by spontaneous combustion or otherwise to cause fire, must be made of noncombustible material. (1958 Code, ch. X, art. 1, sec. 31)

(C) Storage Of Explosives: No explosive of inflammable compound or combustible material of any kind shall be kept, stored or placed near the doorway or stairway of any building or used in such a place or manner as to obstruct or render egress hazardous in the case of fire. (1958 Code, ch. X, art. 1, sec. 32)

6-2-13: FALSE REPORTS:

(A) False Fire Alarms: It shall be unlawful for any person to knowingly report, start or spread any false alarm of fire within the city to the fire department or to any other person which results in a report or call to the fire department. (1958 Code, ch. X, art. 1, sec. 38)

(B) False Reports Of Law Violation: It shall be unlawful for any person to knowingly make a false report of any law violation within the city to the police department or to any other person which results in a report or call to said police department. (1958 Code, ch. X, art. 1, sec. 39)

6-2-14: LITTERING 1 :

It shall be unlawful for any person to allow or permit to remain upon any roof any accumulation of paper, hay, moss or any other inflammable material or combustible rubbish of any description. (1958 Code, ch. X, art. 1, sec. 33)

Notes

1 1. See also section 7-1-16 of this code.

6-2-15: EXPLOSIVES:

(A) Possession Prohibited: It shall be unlawful for any person to possess or have under his control for any unlawful purpose, any explosive, bomb, incendiary device, Molotov cocktail or other destructive device.

(B) Definitions: For the purposes of this section the following words shall have the following meanings:

BOMB: An explosive compound or mixture with a detonator and/or initiator.

DESTRUCTIVE DEVICE: Any explosive, incendiary or poison gas bomb, grenade, mine, rocket, missile or similar device and includes the unassembled components from which such a device can be made.

EXPLOSIVE: Gun powder, powders used for blasting, all forms of high explosives, blasting materials, fuses, detonators and other detonating agents, smokeless powders and any chemical compounds, mechanical mixture or device that contains any

oxidizing and combustible units or other ingredients in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture or device or any part thereof may cause an explosion.

INCENDIARY DEVICE: Any flammable material or container containing a flammable liquid or material whose ignition by fire, friction, concussion, detonation or other method produces destructive effects primarily through combustion rather than explosion.

MOLOTOV COCKTAIL: A breakable container containing an explosive or flammable liquid or other substance, having a wick or similar device capable of being ignited and may be described as either an explosive or incendiary device. A Molotov cocktail is not intended to mean a device commercially manufactured primarily for the purpose of illumination or other such uses.

(C) Penalty: Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed three hundred dollars ($300.00) and may be imprisoned for a period of time of not more than six (6) months; or by a combination of such fine and imprisonment. (Ord. 2132, 12-17-1984)

6-2-16: IMPERSONATION OF POLICE:

It shall be unlawful for any person who is not a law enforcement officer to impersonate or hold himself or herself out to be a police officer or an employee of the city, county or state law enforcement agency; nor shall any such person wear any uniform, badge, shoulder patch, chevron or other emblem or insignia similar to or in imitation of those worn by members of any city, county, or state law enforcement agencies; nor shall any such person operate or permit to be operated any motor vehicle equipped with a siren or flashing blue or red lights; or which shall display the word "Police", or the name of any city, county or state; or which shall display any star, shield, emblem, insignia or color scheme similar to or in imitation of those displayed on vehicles used by city, county or state law enforcement agencies. (Ord. 2261, 5-1-1989)

6-2-17: RECREATIONAL USE OF CANALS:

(A) Definitions:

CANAL: Any body of water used for the purpose of holding or conveying water for manufacturing, agricultural, mining or domestic purposes. This definition includes channel, coulee, ditch, lateral and reservoir.

RECREATIONAL USE: The recreational use of water including, but not limited to, swimming, wading, floating, diving or playing within water.

(B) Unlawful Use Of Canals: It is unlawful for any person to use a canal within the city for any recreational use. Any person found to be in violation of this section shall be guilty of a misdemeanor. (Ord. 2390, 8-3-1992)

6-2-18: SERIAL AND IDENTIFICATION NUMBERS:

(A) Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his or her possession any personal property from which the manufacturer's serial number, identification number or any distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a misdemeanor.

(B) When property described above comes into the custody of a police officer, it shall be considered stolen property and subject to state law relating to disposal of stolen, lost or abandoned property; provided, however, that prior to being disposed of, such property shall have an identification mark imbedded, engraved or permanently affixed. (Ord. 2590, 8-17-1998)

6-2-19: PUBLIC NUDITY:

(A) Definitions: For the purposes of this section the following words shall have the following meanings:

NUDITY: The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum, anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.

PUBLIC PLACE: Includes all outdoor places owned by or open to the general public, and all buildings and enclosed places occupied by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.

(B) Violations: It shall be unlawful for a person to knowingly and intentionally, in a public place, appear in a state of nudity.

(C) Exclusions: This prohibition shall not apply to any child under the age of ten (10) years, or any person exposing a breast in the process of breast-feeding.

(D) Construction And Severability: It is the intention of the city of Twin Falls that the provisions of this section be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional

rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this section. Should a court of competent jurisdiction determine that any part of this section, or any application or enforcement of it is excessively restrictive of such rights or liberties, then such portion of this section, or specific application of this section, shall be severed from the remainder, which shall continue in full force and effect.

(E) Penalty: Violation of the provisions of this section is a misdemeanor punishable by a fine of up to three hundred dollars ($300.00) and/or six (6) months in jail, or both. (Ord. 2699, 7-23-2001)

CHAPTER 3

ANIMALS

SECTION:

6-3-1: Prohibited Animals

6-3-2: Prohibited Area (Rep. by Ord. 2132, 12-17-1984)

6-3-3: Animals In Prohibited Areas (Rep. by Ord. 2132, 12-17-1984)

6-3-4: Permits Required

6-3-5: Schedule Of Permit Fees

6-3-6: Nuisances (Rep. by Ord. 2197, 3-16-1987)

6-3-7: Conditions Of Premises

6-3-8: Qualifications For Issuance Of Animal Permit

6-3-9: Appeal Of City Chief Of Police Or His Designee's Decision

6-3-10: Revocation Of Permit

6-3-11: Loading Pens And Sales Yard

6-3-12: Application To Annexed Areas

6-3-13: Animal At Large

6-3-1: PROHIBITED ANIMALS:

It shall be unlawful for any person to keep or maintain any pigs, hogs, or rooster chickens within the corporate limits of the City. (Ord. 2018-12, 4-16-2018)

6-3-2: PROHIBITED AREA:

(Rep. by Ord. 2132, 12-17-1984)

6-3-3: ANIMALS IN PROHIBITED AREAS:

(Rep. by Ord. 2132, 12-17-1984)

6-3-4: PERMITS REQUIRED:

It shall be unlawful to keep or maintain any horses, mules, donkeys, cows, sheep, goats, poultry (more than 4 hen chickens) or rabbits (more than 3 rabbits), or any other animals except dogs, cats or other animals kept inside a residence or place of business at all times in the City limits without first obtaining a permit from the Code Enforcement Coordinator, which permit shall be granted subject to the applicant meeting the following specifications:

(A) To maintain or keep poultry or more than three (3) rabbits, the applicant must have at least five thousand (5,000) square feet of real property for each twenty five (25) fowl or for more than three (3) and up to twenty five (25) rabbits and in no event shall the fowl or poultry or rabbit run or enclosure be less than forty feet (40') from a dwelling other than that of the applicant. The City Council may, at the request of the applicant, grant a variance from the minimum five thousand (5,000) square feet of real property requirement for the maintenance or keeping of each twenty five (25) fowl.

(B) To maintain or keep one cow, one horse, one llama, or any other similarly sized animals except dogs and cats, the applicant must have at least one acre of real property. Within that property there must be at least ten thousand (10,000)

square feet of real property or pasture land devoted exclusively for the use of each animal. Fences enclosing such animals must be so constructed so as to prevent the animals from going upon the property of adjoining property owners in any manner whatsoever. Applicants not in compliance with this section prior to its amendment shall be given a period of five (5) years to come into compliance with the minimum square footage requirements. Each animal must have access to a three-sided roofed structure for purposes of shelter. The structure shall be maintained at least forty (40) feet from the house of any adjoining homeowners.

(C) To maintain one sheep, one goat, one alpaca or similarly sized animal except dogs and cats, the applicant must have at least one half acre of real property. Within that property there must be at least five thousand (5,000) square feet of real property or pasture land devoted exclusively for the use of each animal. Fences enclosing such animals must be so constructed so as to prevent the animals from going upon the property of adjoining property owners in any manner whatsoever. Applicants not in compliance with this section prior to its amendment shall be given a period of five (5) years to come into compliance with the minimum square footage requirements. Each animal must have access to a three-sided roofed structure for purposes of shelter. The structure shall be maintained at least forty (40) feet from the house of any adjoining homeowners.

(D) All premises used in accordance with this code section 6-3-4 shall be subject to approval and inspection by Code Enforcement for each new applicant. (Ord. 2408, 6-7-1993; amd. Ord. 2018-12, 4-16-2018; Ord. O-2023-017, 12-18-2023)

6-3-5: SCHEDULE OF PERMIT FEES:

Refer to the city's Master Fee Schedule for current permit fees. (Ord. 2408, 6-7-1993; amd. Ord. O-2023-017, 12-18-2023)

6-3-6: NUISANCES:

(Rep. by Ord. 2197, 3-16-1987)

6-3-7: CONDITIONS OF PREMISES:

(A) Animal locations, structures, pens, corrals and any other premises or structure used for the keeping of and maintaining of horses, cows, sheep, goats, rabbits, chickens, doves and pigeons or any other animals must be kept in a clean and sanitary condition, free from obnoxious odors and substances. All persons who keep or maintain any horses, cows, sheep, goats, rabbits, chickens, doves or pigeons or any other animals shall keep them confined at all times in enclosures strong enough or staked out or picketed on the premises, or in such a manner as to prevent the said animals or fowl from going upon the premises or property of another. It shall be unlawful for any person keeping or maintaining any of said animals or fowl to allow the same to create a disturbance to the residents in the particular locality by creating any noise, odor or damage to the adjacent property, and the keeping and maintaining of said animals and fowl shall not interfere with the peaceful and quiet enjoyment of such property by such adjacent owners or residents.

(B) All other animals found in city limits, including pets and service animals, must be kept in sanitary conditions with sufficient access to shelter, food, and water so as to maintain the health of the animal. (1958 Code ch. VII art. 1; amd. Ord. O-2023-017, 12-18-2023)

6-3-8: QUALIFICATIONS FOR ISSUANCE OF ANIMAL PERMIT:

(A) The Code Enforcement Coordinator shall issue a permit to keep or maintain animals in the City only after the recommendation of the City Chief of Police or his designee. The Chief of Police or his designee shall inform the Code Enforcement Coordinator that the requirements of this chapter have been complied with before the Code Enforcement Coordinator shall issue such permit. The Chief of Police or his designee may deny the issuance of a permit if fraudulent or untrue representations are made by the applicant or the applicant is in violation of any of the provisions of this chapter.

(B) Before being issued a permit, the applicant shall circulate a petition among all those households located within three hundred feet (300') of the applicant's property. The petition shall state the number and type(s) of animals the applicant wishes to keep and shall give the location of the property on which the applicant wishes to keep the animals. The applicant must obtain an acknowledgment from every household within three hundred feet (300') whether the household resident approves or disapproves of the application, and must receive the approval of seventy five percent (75%) of the households located within three hundred feet (300') of his property before an animal permit will be issued. If the applicant is unable to obtain an acknowledgment from a household within three hundred feet (300'), the applicant may substitute a statement for the household excluded, explaining the attempts made to obtain the acknowledgment, and the results of those attempts.

The Chief of Police or his designee shall not issue a permit if acknowledgment and approval, as described above, has not been met.

(C) The Chief of Police or his designee, prior to the issuance of a permit, may inspect places and premises where any of the animals are kept or housed and, if a violation of this chapter is found to exist, the Chief of Police or his designee shall deny issuance of the permit to the applicant. (Ord. 2197, 3-16-1987; amd. Ord. 3018, 10-24-2011; Ord. O-2023-017, 12-18-2023)

6-3-9: APPEAL OF CITY CHIEF OF POLICE OR HIS DESIGNEE'S DECISION:

If the applicant is aggrieved by the decision of the Chief of Police or his designee the applicant may appeal such decision to the City Council within seven (7) days of notice of the decision of the Code Enforcement Coordinator. The applicant must, in writing, appeal to the City Council and set forth the reasons therefor why the applicant should not be denied a license. The City Council shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his last known address, at least three (3) days prior to the date of the hearing. The order of the City Council shall be final. (Ord. 2197, 3-16-1987; amd. Ord. O-2023-017, 12-18-2023)

6-3-10: REVOCATION OF PERMIT:

(A) Recommendation Of Revocation: The Chief of Police or his designee may recommend to the City Council the revocation of any permit upon evidence that any of the conditions set forth in this chapter are a prerequisite to the issuance of a permit have been violated, or that the permit was issued upon fraudulent or untrue representations by the applicant, or seventy five percent (75%) of the households located within three hundred feet (300') of the premises where any of the animals are being kept or maintained, file a petition for such revocation, or that the person holding the permit has violated any of the provisions of this chapter or title 7 of this Code.

(B) Inspection: All places and premises upon which any of the animals are kept or housed shall be open at all times for inspection by the Chief of Police or his designee. If, upon inspection, there is found to exist any violation of any provision of this chapter, the Chief of Police or his designee shall give the person responsible for such violation a written notice specifying the violation in particular and requiring such offender to abate or correct the same within a period of twenty four (24) hours. If the violation is not abated or corrected within the twenty four (24) hour period, the Chief of Police or his designee shall recommend to the City Council that the permit of such person be revoked.

(C) Revocation Of Permit: The City Council may revoke any permit issued under this chapter for violation of any of the provisions of this Code or ordinance of the City or laws of the State of Idaho. Prior to revocation by the City Council, the Chief of Police or his designee or City Council shall notify the applicant in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be personally served upon the permittee, or mailed postage prepaid to the permittee at his last known address at least three (3) days prior to the date set for the hearing. (Ord. 2197, 3-16-1987; amd. Ord. O-2023-017, 12-18-2023)

6-3-11: LOADING PENS AND SALES YARD:

For the purpose of selling, loading and shipping any horses, cows, pigs, hogs, goats, sheep or chickens, it shall be lawful to keep the same in loading pens provided for said purpose, but no such animals shall be kept in such pens within the corporate limits of the City for a period of more than thirty six (36) hours except by written permission of the Chief of Police or his designee. (1958 Code ch. VII art. 1; amd. Ord. 2197, 3-16-1987; amd. Ord. O-2023-017, 12-18-2023)

6-3-12: APPLICATION TO ANNEXED AREAS:

This chapter shall apply to all animals and poultry now within the City and to those subsequently brought into the City; provided, however, that the provisions of sections 6-3-1, 6-3-4 and 6-3-5 of this chapter shall not become effective for areas annexed into the City after the effective date hereof for a period of two (2) years after annexation into the City. The provisions of subsection 6-3-8(B) of this chapter requiring the circulation of a petition before issuance of an animal permit shall not apply to animals on property annexed into the City for such time as the same number and type of animals continue to be kept or maintained on the property. (Ord. 2966, 4-13-2009)

6-3-13: ANIMAL AT LARGE:

Any person, who, after having been warned in writing by Code Enforcement, willfully or negligently permits any animal, excluding domestic cats, owned or possessed or harbored by him to be, or run, at large without a competent and responsible attendant or master, within the limits of the city, or who willfully or negligently fails, neglects or refuses to keep any such animal securely confined within the limits of his own premises when not under the immediate care and control of a competent and responsible attendant or master, shall be guilty of an infraction punishable with a fine of three hundred dollars ($300.00). (Ord. O2023-017, 12-18-2023)

CHAPTER 4

DOGS AND CATS

SECTION:

6-4-1: Definitions

6-4-2: License And Registration Required

6-4-3: Licensing Requirements; Fees

6-4-4: License Term

6-4-5: License Exemptions

6-4-6: Owner's Certificate; Dog Collar And Tag

6-4-7: Antirabies Vaccination Required

6-4-8: Impounding Dogs; Procedure For Redemption

6-4-9: Kennel Regulations

6-4-10: Provisions Regulating Suspected Or Actual Rabid Animals

6-4-11: City Animal Shelter

6-4-12: Duties Of Animal Control Officer, Police Department And Animal Shelter Director

6-4-13: Right To Enter Premises

6-4-14: Prohibited Acts

6-4-15: Penalty

6-4-16: Destruction Of Vicious Animals

6-4-1: DEFINITIONS:

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

ANIMAL CONTROL OFFICER: That person or persons who are charged with the primary responsibility for the immediate enforcement of the provisions contained in this chapter.

ANIMAL SHELTER DIRECTOR: Persons contracted with the city of Twin Falls to operate the city animal shelter in accordance to the rules and regulations (ordinances) of the city of Twin Falls.

AT LARGE: Any dog which is not confined within a fenced or completely enclosed area or on a chain or leash.

DOG: Any male, female, spayed female or neutered male dog of any age.

DOG OF LICENSING AGE: Any dog which has attained the age of six (6) months.

IMPOUNDED: Having been received into the custody of the animal shelter or into the custody of the animal control officer or police department or any authorized agent or representative thereof.

KENNEL: Any lot, building, structure, enclosure or premises where more than four (4) dogs and four (4) cats over the age of four (4) months are raised, kept, housed, or boarded for a fee, or for a period of more than thirty (30) days, excluding licensed veterinary offices.

OWNER: When applied to the proprietorship of a dog shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

SHELTER: An animal shelter, lot, premises or building maintained by the city for the confinement and care of dogs seized either under the provisions of this chapter or otherwise.

UNLICENSED DOG: A dog for which the license for the current year has not been paid, or to which the tag provided for in this chapter is not attached.

VICIOUS DOG: A dog that has bitten, clawed or otherwise harmed, or constitutes a physical threat, or a dog whose temperament or habits endanger or menace any person or other animal without provocation by such person or animal. This term shall not include a dog that bites, attacks or menaces a person or other animal that has tormented or injured the dog. (Ord. 2882, 11-6-2006; amd. Ord. 2931, 3-10-2008)

6-4-2: LICENSE AND REGISTRATION REQUIRED:

All dogs six (6) months of age or older, kept, harbored, or maintained by any person in the city shall be licensed and registered. Dog licenses shall be issued by the animal shelter upon payment of a license fee as herein provided. Payment of the license fee shall be made to the animal shelter. (Ord. 2882, 11-6-2006)

6-4-3: LICENSING REQUIREMENTS; FEES:

(A) The owner, possessor or keeper of any dog six (6) months of age or over shall make application for and obtain a license and registration tag for such dog.

(B) At the time of making application the owner, possessor or keeper of any dog shall:

1. State his name and address and the sex, breed and color of each dog owned or kept by him.

2. Pay a license fee for each dog licensed. A standard fee shall be set by resolution of the city council and shall be used by the shelter to reimburse its costs of operation. (Ord. 2882, 11-6-2006)

6-4-4: LICENSE TERM:

(A) All dogs six (6) months and older shall be licensed on an annual basis.

(B) All licenses shall expire January 31 of the following year as stamped on the dog tag issued. (Ord. 2882, 11-6-2006)

6-4-5: LICENSE EXEMPTIONS:

(A) The following dogs need not be licensed:

1. Any dog not yet six (6) months of age.

2. Any dog whose owner, keeper or possessor is a nonresident of the city and who is temporarily within the city for thirty (30) days or less.

3. Any dog brought into the city for the sole purpose of participating in any dog show or dog contest.

(B) Any dog which has been duly or properly trained to assist the blind, physically or mentally disabled and is now acting in that capacity shall be licensed without fee. (Ord. 2882, 11-6-2006)

6-4-6: OWNER'S CERTIFICATE; DOG COLLAR AND TAG:

Upon payment of the license fee, the animal shelter shall issue to the owner a certificate and a metallic tag for each dog so licensed. The tag shall have stamped thereon the words "Twin Falls Dog Tag" and the license number corresponding with the tag number of the certificate. Every owner shall be required to provide each dog with a collar or harness to which the license tag must be affixed and shall see that the collar and tag are constantly worn. Show dogs during showings are exempted from wearing the collar and tag.

(A) Duplicate dog tags shall be issued upon payment of one dollar ($1.00) for each tag so issued to replace the original tag that was lost or destroyed.

(B) Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee for any reason whatsoever.

(C) The original certificate shall be retained by the owner or harborer of the licensed dog for inspection by the animal control officer or police department. (Ord. 2882, 11-6-2006)

6-4-7: ANTIRABIES VACCINATION REQUIRED:

Every dog shall be vaccinated by a licensed veterinarian with antirabies vaccine by the time that any dog reaches the age of six (6) months and boostered as according to the manufacturer's recommendation thereafter and according to veterinarian records. Upon vaccination the veterinarian shall issue to the owner a certificate or tag showing the date of vaccination and said rabies tag must be affixed to the collar of the dog and worn at all times. (Ord. 2882, 11-6-2006)

6-4-8: IMPOUNDING DOGS; PROCEDURE FOR REDEMPTION:

It shall be the duty of the animal control officer and police department to see that a licensed or unlicensed dog found running at large is taken up and impounded in the municipal animal shelter, and such dog may be so taken up without the necessity of filing a complaint, and shall be impounded and disposed of in accordance with the provisions of this chapter.

(A) Record Of Impounded Animals: The animal shelter shall keep a record of each animal impounded by it, the date of receipt of such animal, the date and manner of its disposal; and if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased, the address of such person and the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of any such animal.

(B) Redemption Of Impounded Dogs; Fees:

1. Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person who:

(a) Exhibits to the supervisor or person having charge of said animal shelter a certificate of registry as provided in section 6-4-2 of this chapter showing that the license in said section imposed has been paid for such dog or verified by animal shelter records.

(b) Pays the person in charge of said animal shelter an impounding fee which fee shall be set by the operator of

the animal shelter and shall be used by the shelter to reimburse its costs of operation.

(c) Pays a board fee, which shall be set by the director of the animal shelter and shall be used by the shelter to reimburse its costs of operation.

(d) Presents a current certificate showing that said dog has been vaccinated with antirabies vaccine by a licensed veterinarian or verification can be ascertained by animal shelter staff from the licensed veterinarian office records. In the event a current rabies certificate is not available, the redemptioner shall deposit a fee to cover the cost of a rabies inoculation. The redemptioner shall next cause the animal to be vaccinated against rabies. The animal shelter will transmit from the deposit an appropriate sum to the veterinarian providing for the vaccination. The city council shall, by resolution, set a uniform rabies inoculation fee.

2. Licensed dogs shall be held in impoundment for a maximum period of seven (7) days from the date of initial impoundment during which time reasonable efforts shall be made to notify the owner, keeper or possessor of such impounded dog. All impounded dogs which are licensed shall be redeemed by the owner, keeper or possessor thereof within seventy two (72) hours of notification of impoundment. Any licensed dog not redeemed within said seventy two (72) hour period or held for seven (7) days if notification is not able to be made shall become the property of the animal shelter and the animal shelter may offer for sale any such dog, with all monies generated from said sale going to the animal shelter.

3. All impounded, unlicensed dogs not redeemed within forty eight (48) hours from the time of impoundment shall become the property of the animal shelter and the animal shelter may offer for sale any of said dogs and monies generated from said sale shall be payable to the animal shelter.

4. The adoption fee for any dog so impounded shall be set by the operator of the animal shelter and shall be used by the shelter to reimburse the costs of the adoption program.

5. All dogs that are not sold or redeemed may be destroyed in a humane manner. It shall be unlawful to destroy or allow to be destroyed any dog impounded until the expiration of the time limits herein specified. The animal shelter senior supervisory staff may destroy any dog prior to the expiration of said time limits when:

(a) Ordered by the court.

(b) The animal shelter senior supervisory staff impounds or receives any dog which is severely injured or infected by a contagious disease other than rabies, and, in the animal shelter senior supervisory staff's sound judgment, the recovery of said dog is doubtful.

6. All licenses, fees and charges are payable to the animal shelter. (Ord. 2882, 11-6-2006)

6-4-9: KENNEL REGULATIONS:

(A) Kennel Fees: Any person conducting, operating or maintaining a "kennel" as herein defined shall pay to the city of Twin Falls, for the privilege of conducting, operating or maintaining such kennel an annual license fee of one hundred dollars ($100.00). All license fees are renewable each year on March 1, and a license may be obtained for a fraction of a year, but the fee shall remain the same for any fraction of a year.

(B) Qualifications For Issuance Of Kennel License:

1. Permit: A kennel must have a current valid kennel license, obtained by application; approved through the code enforcement officer and subsequently inspected by a Twin Falls animal control officer. Such kenneling permits are required to be displayed and readily available for inspection by any authorized person.

2. Residentially Zoned Areas: No person shall harbor or possess more than four (4) dogs and four (4) cats within residential zones within the city of Twin Falls. Kennels shall be permitted only in commercial or industrial zones within the city of Twin Falls.

3. Records: A kennel record must be kept available for inspection. Such record to show: the name, current address, and telephone number of the owner of the dog/cat, the date entered the kennel, the reason for its being in the kennel, i.e., for boarding, sale, breeding, grooming, etc., the description of the dog/cat (age, breed, sex, color, etc.). On any dog/cat over four (4) months of age, a current valid rabies certificate shall be maintained as a part of this record, as long as the dog/cat is maintained in the kennel.

4. Purpose: The basic intent of these regulations is to see that all animals receive proper care, that they are being treated kindly, properly fed, and that their surroundings are being kept in a sanitary condition.

5. Animal Rooms; Dogs: Cage length and width shall exceed the animal's length from the base of the tail to the tip of the nose by at least six inches (6"). Cage height shall exceed the animal's height by at least four inches (4"). Small puppies may be caged together using their combined length according to the above formula. Cages shall be so constructed and be of nonporous material and such that is to be maintained in a sanitary condition. Animals shall be removed from and be provided with an exercise yard for their use for such periods as determined by the size, age, and condition of the animal. Diseased animals must be maintained apart from healthy animals in suitable and separate quarters.

(a) General: Walls and floors shall be of material easily cleaned and kept in a sanitary condition. The room shall be properly screened, insect and vermin proof. It shall be properly ventilated to prevent drafts and remove odors. Heating and cooling should be provided as required, with sufficient light (preferably natural) to allow observation of animals, and

sanitation.

6. Animal Rooms; Cats: Similar to dogs except allowance for increased respiratory disease and increased climbing agility. (Cages need roofs and sneeze barriers.) Cat kennels should have a double door system to prevent escape. Runs should not be built facing each other as cats become anxious when in view of other cats. Cat cages should be of correct size, contain a cat bed, toys, water and food bowls, and litter trays.

7. Outdoor Facilities: Outdoor facilities shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather. They shall be adequately drained and maintained in a sanitary manner. Adequate and sanitary means of disposing of droppings shall be provided. Kennel runs shall have a minimum free and clear area of ten (10) square feet per dog. Indoor shelter, except where animals are caged, shall have a minimum of six (6) square feet per dog. When the minimum area is provided it should be supplemented with exercise yards for dogs which are maintained for extended periods. For purposes of this subsection, an "exercise yard" is defined as an area enclosed by a fence of at least six feet (6') in height wherein dogs are allowed to run and exercise. Unless otherwise authorized, fencing shall be constructed of commercial chainlink, carried on solid posts set in concrete. Suggested minimums for fencing include 11-gauge wire, two inch (2") steel posts set on no greater than ten foot (10') spans. Kennels shall not be left unattended for a period in excess of twenty four (24) hours. All animals shall be supplied with sufficient good and wholesome food and fresh water as the feeding habits of such animals require.

8. Sick Animals: Sick animals shall be separated from those appearing healthy and normal. Sick animals shall be removed from display or sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

9. Sale Of Animals; Open Store Hours: If the operation of the kennel includes the sale of animals, then there shall be an employee or owner on duty at all times during the hours any store is open whose responsibility in that shop or department shall be the care and welfare of the animals held for sale or display.

10. Sale Of Animals; Closed Store Hours: If the operation of the kennel includes the sale of animals, then an employee or owner shall come in to feed, water and do necessary cleaning of animals on days the store or shop is closed.

11. Selling Sick Or Injured Animals Prohibited: No person, persons, association, firm or corporation shall knowingly sell a sick or injured dog or cat.

12. Misrepresentation Prohibited: No person, persons, association, firm or corporation shall knowingly misrepresent a dog or cat to a customer in any way.

(C) Revocation Of License:

1. The animal control officer may recommend to the code enforcement officer the revocation of any kennel license upon evidence that any of the conditions set forth in this chapter as a prerequisite to the issuance of a license have been violated.

2. All areas of kennel runs, yards, food storage, and auxiliary buildings shall be subject to inspection of authorized persons. The code enforcement officer or designee, animal control officer or authorized city official, fire department and the police may at reasonable hours, inspect or cause to be inspected, any structure or premises and issue any such order as may be necessary to carry out the provisions of this section and to enforce state statutes pertaining to neglected or abused animals. An emergency name, address, and phone number must be posted in a conspicuous place at the front of the property for use by authorized persons.

3. The code enforcement officer may revoke any kennel license issued under this chapter for violation of any of the provisions of this code or ordinance of the city or laws of the state of Idaho. Prior to revocation by the code enforcement officer, the animal control officer or administrator shall notify the applicant in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be personally served upon the licensee, or mailed postage prepaid to the licensee at his/her last known address at least three (3) days prior to the date set for the hearing.

(D) Appeal Of Code Enforcement Officer's Decision: If the applicant is aggrieved by the decision of the code enforcement officer, the applicant may appeal such decision to the city council within fifteen (15) days of notice of the decision of the code enforcement officer. The applicant must, in writing, appeal to the city council and set forth the reasons therefor why the applicant should not be denied a license. The city council shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his/her last known address, at least three (3) days prior to the date of the hearing. The order of the city council shall be final. (Ord. 3085, 1-5-2015)

6-4-10: PROVISIONS REGULATING SUSPECTED OR ACTUAL RABID ANIMALS:

(A) Reports Required: Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the animal control officer or police department. The animal control officer or police department shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.

It shall be the duty of the physician, upon treatment of any person bitten by any animal to report immediately the name and address of such person to the animal control officer or police department.

(B) Quarantine Of Animal: It is hereby made the duty of the owner of a dog or other animal showing symptoms of rabies

or which has bitten or otherwise attacked any person causing an abrasion of the skin, to surrender the dog or animal for confinement at the city animal shelter or a veterinarian hospital for a period not less than ten (10) days. Any dog or animal showing the symptoms of rabies or which has bitten or otherwise attacked any person causing an abrasion of the skin shall be placed in confinement as provided in this section. Any animal of a species subject to rabies shall in like circumstances be confined as herein provided. If a dog or other animal is determined to be free of rabies, the dog or animal shall be returned to the owner upon payment of the regular impoundment fee and board as provided in this chapter. If such fee is not paid, the dog or animal shall be subject to disposal as provided by this chapter. At the discretion of the animal control officer, the quarantine of a dog or animal may be upon the premises of the owner or the person in charge of the same if securely confined, kept from contact with other animals and submitted to a veterinarian for examination at the owner's expense to determine if rabid. If an animal dies or has been killed, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies.

No person shall fail, refuse or neglect to allow the city animal control officer to make an inspection or examination at any time during this period. No dog or animal shall be removed from the place of quarantine without written permission of the animal control officer.

(C) Contact With Rabid Animal: Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the police department for a period of one hundred twenty (120) days or destroyed. (Ord. 2882, 11-6-2006)

6-4-11: CITY ANIMAL SHELTER:

(A) The city shall provide suitable premises and facilities to be used as the city animal shelter. It shall be maintained in some convenient location and shall be sanitary, heated, ventilated and lighted.

(B) It shall be unlawful for any person to give any false information or statement concerning the owner, keeper or harborer of any animal or concerning any animal brought into the city animal shelter or impounded therein. (Ord. 2882, 11-6-2006)

6-4-12: DUTIES OF ANIMAL CONTROL OFFICER, POLICE DEPARTMENT AND ANIMAL SHELTER DIRECTOR:

(A) It shall be the duty of the animal control officer and the police department:

1. To carry out and enforce all the provisions of this chapter, and any amendments hereto, any other ordinance later enacted relating to dogs and as permitted by law.

2. To enforce the licensing and the control of all dogs in the city as hereinbefore provided.

3. To file complaints in a court of competent jurisdiction against any person failing to license any dog as hereinbefore provided, or who otherwise fails to comply with any of the provisions of this chapter.

4. To capture and secure all dogs found running at large contrary to the provisions of this chapter and to remove such dogs in a humane manner to the animal shelter.

5. To be responsible for posting notices concerning impounded dogs as herein provided.

(B) It shall be the duty of the animal shelter director to hold all dogs delivered to him by the city animal control officer and to provide suitable bedding, food and water for such dogs for the period impounded, to destroy all dogs remaining in the city animal shelter unclaimed, not redeemed or adopted at the expiration of the time limits set forth in section 6-4-8 of this chapter in a humane manner approved by the Idaho department of veterinary medicine. (Ord. 2882, 11-6-2006)

6-4-13: RIGHT TO ENTER PREMISES:

In the enforcement of any provisions of this chapter, any police officer and the animal control officer or his assistants are authorized to enter the premises of any person to take possession of licensed or unlicensed, fierce, dangerous or vicious dogs when in fresh pursuit of such dog at the time the dog goes onto private property. (Ord. 2882, 11-6-2006)

6-4-14: PROHIBITED ACTS:

It is unlawful:

(A) For any person to remove or cause to be removed the collar or metallic tag from any licensed dog without the consent of the owner, keeper or harborer thereof.

(B) For any person to harbor or keep within the city any lost or stray dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the city animal control officer or police department who shall impound said dog and dispose of the same as herein provided for. If there shall be attached to such a dog a license tag said animal control officer or police department shall notify the person to whom such license was issued at the address given in such license.

(C) For any owner, possessor, keeper or harborer of any female dog, when in season, to fail to keep said dog penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog

so as to create a public nuisance.

(D) For the owner or person having possession, charge, custody or control of any female dog to cause, permit or allow the same to stray or run, or in any other manner to be at large while such female dog is in the copulating season. If any female dog cannot be controlled by the owner, possessor or keeper of such dog during the copulating season, the female dog may be declared a nuisance and impounded by the animal control officer or police department.

(E) For any person to let to a bitch dog, any dog, or let to any female any male animal, except within an enclosure so arranged as to obstruct such animal completely from the view of all persons who have no proprietary interest in the breeding of such animals. (Ord. 2882, 11-6-2006)

(F) For any person to operate or maintain a kennel without first obtaining a license from the city clerk as herein provided. (Ord. 2882, 11-6-2006; amd. Ord. 2931, 3-10-2008)

(G) For any dog to be found running at large. The person or persons who own, control, possess, provide care to or who are in charge of any such dog found running at large shall be guilty of a misdemeanor.

1. Procuring a license tag shall not authorize the running at large of said dog.

2. A violation of the provisions of this subsection (G) is hereby declared to be a nuisance and a menace to the public health and safety, and in addition to the criminal punishment provided for, said dog or dogs shall be taken up and impounded as provided herein.

(H) For any person to own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person. This subsection shall not apply to the animal shelter or veterinary hospitals.

(I) For any person to own, have custody of or control of any dog or any other animal which is vicious or dangerous. A person violating the provisions of this Section shall be guilty of a misdemeanor punishable by up to one hundred twenty (120) days in jail and/or a one thousand dollar ($1,000.00) fine. In addition to this penalty, a civil penalty of one hundred dollars ($100.00) may be assessed.

(J) For any person keeping or harboring a dog for which a license is required by this chapter to fail or to refuse to exhibit the registration certificate or license tag upon demand by the animal control officer or a police officer.

(K) For any person to maltreat or torture any dog or to wilfully and maliciously administer or cause to be administered poison of any sort whatsoever to any animal, the property of another, with the intent to injure or destroy such dog, or to wilfully or maliciously place any poison or poisoned food where the same is accessible to any such animal.

(L) For any person to hinder, delay, interfere with or obstruct an animal control officer or any police officer while engaging and capturing, securing or taking to the animal shelter any dog liable to be impounded, and for any person to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal shelter or ambulance, animal control vehicle or any vehicle used for the collecting or conveying of dogs to the animal shelter, or for any person lawfully discharging the duties herein specified. (Ord. 2882, 11-6-2006)

(M) For any person to leave or confine in any unattended motor vehicle under conditions that may endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or under such other circumstances as could reasonably be expected to cause suffering, disability, or death to the animal.

City police officers, animal control officers and Code compliance officers may use reasonable force under the above circumstances to enter a vehicle and remove the animal after first making a reasonable attempt to contact the animal's owner. The officer removing the animal shall use reasonable means to contact the owner of the animal to arrange for its return home. Absent contact with the owner, the animal will be taken to a veterinary clinic if emergency care is needed and after a reasonable amount of time to an animal shelter. (Ord. 2017-14, 5-22-2017; amd. Ord. 2022-014, 8-1-2022)

6-4-15: PENALTY:

Except as otherwise herein provided, any person violating the provisions of this chapter, upon conviction, shall pay an infraction penalty of one hundred dollars ($100.00). The court may also order, upon conviction or plea of guilty of the defendant for the crime of dog at large or vicious dog, the surrender of the dog to the animal control officer or police officer immediately for disposal, or the court may order that the violator post a bond or certificate of insurance in the amount of ten thousand dollars ($10,000.00). (Ord. 2882, 11-6-2006; amd. Ord. 2022-014, 8-1-2022)

6-4-16: DESTRUCTION OF VICIOUS ANIMALS:

In any case where a person has been charged or cited with the offense of owning or having custody of a vicious or dangerous dog or other animal pursuant to the provisions of this chapter, the City Attorney may file a motion requesting destruction of the animal prior to a final adjudication of the criminal charges. The animal shall remain confined at the animal shelter pending a final decision on the motion. The court may order the destruction of the animal upon making a finding that the animal is "vicious", as defined in this chapter, and that it poses a danger to the public if allowed to be released from confinement. (Ord. 2882, 11-6-2006)

CHAPTER 5

WRECKED, ABANDONED VEHICLES, EQUIPMENT

SECTION:

6-5-1: Definitions

6-5-2: Vehicles, Equipment Prohibited On Property

6-5-3: Impounding Property

6-5-4: Towing And Storage Lien On Impounded Motor Vehicles

6-5-1: DEFINITIONS:

The words contained in this chapter are defined as follows:

HOUSEHOLD GOODS AND EQUIPMENT: All articles usually referred to as household goods and articles used in housekeeping including, but not limited to, chairs, tables, davenports, beds, refrigerators, stoves, washers, driers, furnaces, appliances, grease, oil, paint and their containers.

MACHINERY: All articles of industrial, farm or domestic machinery or equipment, any and all metal or wooden machinery, motors, equipment, tools or property.

MISCELLANEOUS PROPERTY: All other property including, but not limited to, old rope, iron, brass, copper, tin, lead, rubber, rags, baggage, bottles, scrap, toys, bicycles or boats.

MOTOR VEHICLES: Any vehicle propelled or drawn by power other than muscular power designed to travel on the ground by wheels, treads, runners or slides and to transport persons or property or pull machinery including, but not limited to, automobiles, trucks, trailers, motorcycles, tractors, buggies or wagons.

PERSON: Any individual, corporation or partnership. (1958 Code ch. VII art. 9)

6-5-2: VEHICLES, EQUIPMENT PROHIBITED ON PROPERTY:

(A) No person shall place, allow, discard, maintain, park or store any dismantled, abandoned, nonoperating, junked, damaged or destroyed household goods or equipment, "motor vehicles", "machinery" or "miscellaneous property" as herein defined upon any public street, alley, sidewalk or other public property within the city. (1958 Code ch. VII art. 9)

(B) No person, whether he be owner, tenant, occupant, lessee or otherwise of any private property or premises shall place, allow, discard, maintain, park, store or permit to be placed, allowed, discarded, maintained, parked or stored upon said property or premises for a period of time exceeding forty eight (48) hours any dismantled, abandoned, nonoperating, junked, damaged or destroyed "household goods and equipment", "motor vehicles", "machinery" or "miscellaneous property" as herein defined; provided, however, that the provisions of this subsection shall not apply to any property or premises where said household goods and equipment, motor vehicles, machinery or miscellaneous property is housed within an enclosed building thereon or to any property or premises lawfully operated as a business where the same is a part of said business enterprise and necessary to the operation of said business on said property or premises if kept within an area completely enclosed by a screening fence so that the property enclosed is not visible to the public or to neighboring property owners. (Ord. 2465, 11-7-1994)

(C) The city, through its employees, may issue warning notices for any violation of this section. If the violation is not corrected by the reinspection date set on the warning notice, a civil penalty of one hundred dollars ($100.00) may be assessed for the first violation, two hundred dollars ($200.00) for the second violation, and three hundred dollars ($300.00) for the third and subsequent violations during the same calendar year. (Ord. 3047, 2-25-2013)

(D) In addition to the civil penalties enumerated in Paragraph (C), violation of this Section is a misdemeanor punishable by up to sixty (60) days in jail and/or a three hundred dollar ($300.00) fine. Economic costs incurred by the city or another party expended to bring the property into compliance with this section may be charge as restitution in the criminal case. (Ord. 2022-014, 8-1-2022)

6-5-3: IMPOUNDING PROPERTY:

Any property or goods upon public or private property within the city in violation hereof may be impounded and removed by the police department and sold at public or private auction by said police department as is provided in this code for the disposal of abandoned property. The cost of removal of said equipment shall be included in any fine imposed for violation of

the provisions of this chapter. (1958 Code ch. VII art. 9)

6-5-4: TOWING AND STORAGE LIEN ON IMPOUNDED MOTOR VEHICLES:

Costs and expenses of taking and keeping, including the towing and storage of any motor vehicle which is impounded or taken into custody and control by the police department under the authority of any law of the state or ordinance of the city, shall be assessed by the police department against such motor vehicle and shall constitute a lien in favor of the city and against such vehicle; provided, however, that the amount for storage shall be four dollars ($4.00) for the first day and one dollar ($1.00) for each day thereafter.

Any person claiming possession of any such motor vehicle shall pay to the city all costs including storage assessed against such vehicle prior to the time of receiving possession of the same. (1958 Code ch. VI art. 22)

CHAPTER 6

TRUANCY, RUNAWAYS, CURFEW AND PARENTAL RESPONSIBILITY

SECTION:

6-6-1: Definitions

6-6-2: Truancy

6-6-3: Runaways And Incorrigibles

6-6-4: Curfew

6-6-5: Parental Responsibility

6-6-6: Enforcement Procedures

6-6-7: Penalties And Treatment

6-6-1: DEFINITIONS:

EMANCIPATED: Any person either eighteen (18) years of age or older, or if under the age of eighteen (18), any person who is married or has been married; or any person who is in active military service; or any person who is both self- supporting and neither resides with nor is subject to parental control.

EMERGENCY: Includes any unforeseen health, accident or crime related exigency calling for immediate action.

INCORRIGIBLE: Any juvenile who is uncontrollable.

JUVENILE: Any person less than the age of eighteen (18) and who has not been duly emancipated.

PARENT: Any person having legal custody of a juvenile: a) as a natural or adoptive parent; b) as a legal guardian; c) as a person who stands in loco parentis; or d) as a person to whom legal custody has been given by order of court.

REMAIN: To stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting juveniles) totaling four (4) or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

RUNAWAY: A juvenile under the age of eighteen (18) who has physically removed himself from the supervision and control of his parents with the intent to remain beyond the control of his parents.

STREET: A way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel. The term "street" includes the legal right of way, including, but not limited to, the cartway or traffic lanes, sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term "street" applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise. The term "street" shall also include shopping centers, parking lots, parks, playgrounds, public buildings and similar areas that are open to the public.

TIME OF NIGHT: Referred to herein is based upon the prevailing standard of time, whether Mountain Standard Time or Mountain Daylight Savings Time, generally observed at that hour by the public in the City, prima facie the time then observed in the Emergency Dispatch Center.

TRUANCY: As defined in the school regulations.

YEARS OF AGE: Continues from one birthday, such as the sixteenth to (but not including the day of) the next, such as the seventeenth birthday. (Ord. 2573, 2-23-1998)

6-6-2: TRUANCY:

(A) Goals: The City of Twin Falls area recognizes the importance of school attendance. Children must be taught in order to live in an ordered society.

(B) Prohibited Acts: Any person between the ages of seven (7) years and sixteen (16) years of age, living in the City who is deemed truant from school or class, under the attendance regulations of the school, without the consent of the student's parent/guardian or school officials is guilty of a status offense.

(C) Responsibility For Instruction: The parent or guardian of any child resident in this State who has attained the age of seven (7) years at the time of the commencement of school in his/her district, but not the age of sixteen (16) years, shall cause the child to be instructed in subjects commonly and usually taught in the public schools for the State. Unless the child is otherwise comparably instructed, the parent or guardian shall cause the child to attend a public, private, or parochial school during a period in each year equal to that in which the public schools are in session; they are to conform to the attendance policies and regulations established by the Board of Trustees, or other governing body, operating the school attended, or the attendance requirements of the parents in home schools.

(D) Exceptions: Any exceptions to the requirement as codified by any school district contained in Idaho Code, title 33, chapter 2 are hereby recognized and given full force and effect. (Ord. 2573, 2-23-1998)

6-6-3: RUNAWAYS AND INCORRIGIBLES:

(A) Goals: The City Council of the City recognizes the importance of the family as crucial to a child's development.

(B) Specifics: It shall be unlawful for any person under the age of eighteen (18), living or found in the jurisdiction, to attempt to run away or to run away from his parents, guardian or other legal custodian, or to be or remain a person who has run away from his parents, guardian or other legal custodian, or who commits or has committed any act or acts which render him incorrigible or places him beyond the control of his parents, guardian or other legal custodian. (Ord. 2573, 2-23-1998)

6-6-4: CURFEW:

(A) Age And Hour Restrictions:

1. It shall be unlawful for any person under the age of eighteen (18) years to be or remain in or upon the streets within the City, at night, during the period ending at five o'clock (5:00) A.M. and beginning at eleven fifty nine o'clock (11:59) P.M. on Friday and Saturday nights, and at eleven o'clock (11:00) P.M. on all other nights.

2. It shall be unlawful for any person under the age of sixteen (16) years to be or remain in or upon the streets within the City, at night, during the period ending at five o'clock (5:00) A.M. and beginning at ten fifty nine o'clock (10:59) P.M. on Friday and Saturday nights, and at ten o'clock (10:00) P.M. on all other nights.

(B) Exceptions: In the following exceptional cases, a juvenile on a City street during the nocturnal hours shall not, however, be considered in violation of these curfew provisions:

1. When accompanied by a parent or guardian of said juvenile.

2. When accompanied by an adult authorized by a parent of said juvenile.

3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly. The juvenile shall evidence the bona fides of such exercise by first delivering to the person designated by the Chief of Police to receive such information, at the Police Station, a written communication, signed by the juvenile and countersigned, if practicable, by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the juvenile will be on the streets at night (during hours when this Section is otherwise applicable to said juvenile) in the exercise of a First Amendment right specified in such communication.

4. When the juvenile is on the sidewalk of a place where said juvenile resides, or on the sidewalk of either next door neighbor not communicating an objection to law enforcement.

5. When returning home, by direct route from (and within 1 hour or reasonable travel time after the termination of) any legitimate activity consented to by the parent, school, or community sponsored activity or any activity of a religious or other voluntary association such as night classes, library study, dances, proms, church, socials, religious midnight masses or other late night religious services, political activities including City Council meetings, athletic events, concerts and cultural or contemporary music events.

6. When the juvenile carries a certified letter of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than forty five (45) days previously, and briefly identifying the juvenile, the addresses of his home and of his place of employment, and his hours of employment.

7. When the juvenile is, with parental consent, in a motor vehicle. This contemplates normal travel. It is the intention of this provision to clearly exempt bona fide interstate movements along major routes through Twin Falls County and interstate travel beginning or ending in the City.

8. In the event of an emergency.

9. Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, as hereinafter provided, and are hereby reemphasized. These exceptions will be considered by the Council as warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, parents, officers, and persons in authority concerned positively with juveniles as well as with juvenile delinquency. (Ord. 2573, 2-23-1998)

6-6-5: PARENTAL RESPONSIBILITY:

(A) Parental Control: It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to violate any of the provisions of this Chapter under circumstances not constituting an exception to, or otherwise, beyond the scope of this Chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the activities, conduct or whereabouts of a juvenile in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was indifferent to the activities. (Ord. 2573, 2-23-1998)

6-6-6: ENFORCEMENT PROCEDURES:

(A) Contacting Parents: If a police officer reasonably believes that a juvenile is in violation of any of the provisions of this Chapter, the officer shall notify the juvenile that he/she is in violation of this Chapter, and shall require the juvenile to provide his/her name, address and telephone number and how to contact his or her parent or guardian.

(B) Determining Age Of Juvenile: In determining the age of the juvenile, and in the absence of convincing evidence such as a birth certificate, a police officer on the street shall, in the first instance, use his/her best judgment in determining age.

(C) Questioning Of Juvenile/Parents: The normal procedure shall then be to immediately notify the parent or guardian. The juvenile and/or parents or guardian shall then be questioned. This is intended to permit ascertainment, under constitutional safeguards of relevant facts, and to centralize responsibility in the person designated there and then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced personnel and access to information and records. If the parent or guardian cannot be contacted, the juvenile shall be taken to the Safe House or the Shelter Care Facility.

(D) Release Into Custody Of Parent Or Guardian: When a parent or guardian immediately called, has come to take charge of the juvenile, then and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall temporarily be entrusted to an adult relative, neighbor or other person who will on behalf of a parent or guardian assume the responsibility of caring for the juvenile pending the availability or arrival of a parent or guardian.

(E) Written Acknowledgement Of Status Offense: Upon release of the juvenile to his/her parent, the juvenile and parent shall sign a written acknowledgement of the City's curfew, runaway, incorrigible, and truancy regulations which notice shall be presumptive evidence of knowledge of this Chapter.

(F) Status Offenders: Status offenders shall not be placed in any jail facility, but instead may be placed in juvenile shelter care facilities, except in the case of runaways, when there is specific detention request from a foreign jurisdiction or hold the child pending transportation agreements. (Ord. 2573, 2-23-1998)

6-6-7: PENALTIES AND TREATMENT:

(A) Status Offense: Any juvenile who violates any provision of this Chapter shall be guilty of a status offense punishable by the provision according to State Code of the Juvenile Corrections Acts of 1994.

(B) Violations By Parents Or Guardian: Any parent or guardian who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor, may be punished by jail time of up to six (6) months, and a fine of five hundred dollars ($500.00). Said parent or guardian may also be required to attend class instructions on parenting provided through the County Juvenile Probation Office. The purpose of the instruction is to provide the parents with more ideas and support in raising their children.

(C) Misdemeanor: Upon a first offense of any of the provisions of this Chapter by the juvenile or parent, the prosecuting attorney may request a preliminary inquiry from the Department of Juvenile Probation for screening and assessment according to the Department of Juvenile Probation's designated and authorized procedures.

(D) Repeat Offender: Any child who has been adjudicated for commission of two (2) status offenses within twelve (12) months may be charged, petitioned and adjudicated as a habitual status offender for the third status offense committed within that twelve (12) month period. (Ord. 2573, 2-23-1998)

CHAPTER 7

UNCLAIMED PROPERTY

SECTION:

6-7-1: Unclaimed Property; Sale of

6-7-2: Disposition of Proceeds

6-7-1: UNCLAIMED PROPERTY; SALE OF:

(A) Right to Sell: Any personal property which is unclaimed and which remains in the custody of the City for more than thirty (30) days may be sold by the City at public auction as provided herein.

(B) Notice of Sale: Before holding such public sale, the City shall publish notice of such sale in a daily paper for five (5) days and post a notice of such sale in three (3) public places in the City for a like period. Said notice shall contain a list of the property to be sold and briefly describe each article or piece of personal property to be sold and give the time and place of hold such sale, which time must be at least seven(7) days after the date of the last daily publication of the said notice in the newspaper.

(C) Sale: The City may ask for written bids, or sell the property at auction to the highest bidder, and shall have the right to reject any and all bids and sell all the property at any one sale to one individual; and it may do that which it deems to be most advantageous and of the greatest financial benefit to the City in selling the said personal property. (1958 Code, Ch. VI, Art. 18)

6-7-2: DISPOSITION OF PROCEEDS:

Immediately after such sale, all proceeds of the sale shall be delivered to the City Treasurer and shall be credited by such City Treasurer to the General Fund of the City. (1958 Code, Ch. VI, Art. 18)

CHAPTER 8

ADVERTISEMENTS

SECTION:

6-8-1: Manner of Advertising Restricted

6-8-2: Unlawful Advertising

6-8-3: License for Certain Advertising (Rep. by Ord. 2132, 12-17-84)

6-8-4: License Application (Rep. by Ord. 2132, 12-17-84)

6-8-5: Exceptions from License Fee (Rep. by Ord. 2132, 12-17-84)

6-8-6: Noise Devices

6-8-1: MANNER OF ADVERTISING RESTRICTED:

(A) Unlawful Posting: It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind upon any tree, lamppost, telegraph pole, electric light pole, telephone pole, hydrant or upon any private wall, door, gate or fence, without the consent of the owner, agent or occupant of the same.

(B) Illegal Distribution: The throwing or placing of any form of advertising matter, such as dodgers, handbills, circulars, samples or like matter, on any lawn, sidewalk, parking, street, alley or in or on any vehicle is strictly prohibited. All such advertising matter must be placed inside the screen or immediately under the door, or in the jamb of the door, or any receptacle designed for the receiving of such advertising.

6-8-2: UNLAWFUL ADVERTISING:

It shall be unlawful for any person to carry, bear, or support, or cause to be carried, borne or supported on any public street, sidewalk, park or avenue any banner, device, sign or emblem, solely for the purpose of advertising. (1958 Code, ch. X. art. 5)

6-8-3: LICENSE FOR CERTAIN ADVERTISING:

(Rep. by Ord. 2132, 12-17-84)

6-8-4: LICENSE APPLICATION:

(Rep. by Ord. 2132, 12-17-84)

6-8-5: EXCEPTIONS FROM LICENSE FEE:

(Rep. by Ord. 2132, 12-17-84)

6-8-6: NOISE DEVICES:

It shall be unlawful for any person to employ any bellman or bellmen, or use or cause to be used any bell, horn, bugle or other sounding instrument, or use or employ any loud noise, or any device offensive to the senses, or any performance of any kind, as a means of attracting people, or for any other purpose whatsoever, without obtaining written permission from the City Council. (Ord. 2132, 12-17-84)

CHAPTER 9

FIREWORKS

SECTION:

6-9-1: Regulating And Restricting Fireworks

6-9-2: Definitions

6-9-3: Permits

6-9-4: Application For Permits

6-9-5: Requirements For Application For Permits

6-9-6: Permit Conditions

6-9-7: Insurance

6-9-8: Authorized Dates Of Sale And Hours Of Use

6-9-9: Regulations For Fireworks Stands

6-9-10: Records

6-9-11: Short Term Storage

6-9-12: Duty To Comply

6-9-13: Revocation Of Permits

6-9-14: Confiscation Of Illegal Fireworks

6-9-15: Penalty

6-9-1: REGULATING AND RESTRICTING FIREWORKS:

It shall be unlawful for any person in the city to import, export, offer for sale, give away, sell, possess, keep, store or permit the keeping or storing of any fireworks or to fire, discharge or display any fireworks except as hereinafter provided. (Ord. 2132, 12-17-1984)

6-9-2: DEFINITIONS:

DANGEROUS FIREWORKS: Includes any of the following:

(A) Skyrockets and bottle rockets, including all similar devices employing any combustible or explosive material which rise in the air during discharge;

(B) Roman candles and similar devices, including cakes, repeaters and multiple tube devices loaded in such a way as to propel pyrotechnic effects into the air;

(C) Aerial display shells containing pyrotechnic effects or salutes producing displays or reports in the sky generally fired or propelled from a cylindrical or spherical shell casing;

(D) Snakes or other effects which are ignited or burn containing bichloride of mercury;

(E) Sparklers more than ten inches (10") in length or one-fourth inch (1/4") in diameter;

(F) Sky lanterns, fire balloons or balloons of any type which have burning material of any kind attached thereto or which require fire underneath to propel them.

FIREWORKS: Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include items classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States department of transportation and designated as UN 0335 1.3G or UN 0336 1.4G.

The term "fireworks" shall not include any automotive safety flares, toy guns, toy cannons, caps or other items designed for use with toy guns or toy cannons, party poppers, or other devices which contain twenty five hundredths (0.25) of a grain or less of explosive substance.

Fireworks shall not include model rockets and model rocket engines and their components which are designed, sold and used for the purpose of propelling recoverable aero models.

Fireworks shall not include flares, noisemakers or signals designed and used for the purpose of protecting the public.

SAFE AND SANE FIREWORKS: Includes any of the following "nonaerial" common fireworks:

(A) Any fireworks such as ground spinners, fountains, sparklers, smoke devices or snakes designed to remain on or near the ground and not to travel outside a fifteen foot (15') diameter circle or emit sparks or other burning material which land outside a twenty foot (20') diameter circle or above a height of twenty feet (20'). Nonaerial common fireworks do not include firecrackers, jumping jacks, or similar products;

(B) Cylindrical fountains with inside tube diameter not exceeding three-fourths inch (3/4");

(C) Sparklers and "dipped sticks" not more than ten inches (10") in length or one-fourth inch (1/4") in diameter with pyrotechnic composition not exceeding four grams (4 g) each. Sparklers or "dipped sticks" described in this section shall be burned individually and shall not be conjoined, banded, attached or affixed to additional sparklers or "dipped sticks" while ignited;

(D) Snakes which do not contain bichloride of mercury;

(E) Whistles, without report and which do not dart or travel about the ground during discharge containing no picric or gallic acid. (Ord. 3042, 12-17-2012)

6-9-3: PERMITS:

(A) Dangerous Fireworks Permit: It shall be unlawful for any person in the city to import, export, offer for sale, sell, possess, keep or store or permit the keeping or storing of any dangerous fireworks for any use or purpose, except that a person holding a dangerous fireworks permit issued pursuant to the terms and conditions of this chapter may use dangerous fireworks for a safely supervised and conducted public display of fireworks. Said fireworks may be stored for a period not exceeding ten (10) days immediately preceding the date of said public display, provided the fireworks are to be used exclusively for the public display.

(B) Safe And Sane Fireworks Permit: No person, without having a valid safe and sane fireworks permit issued pursuant to the terms and conditions set forth in this chapter, shall import, export, sell, or offer for sale any fireworks. A short term storage facility as defined by Idaho Code 39-2608(2) may be used for the storage of safe and sane fireworks for a period of sixty (60) days prior to, and fifteen (15) days after, any authorized dates of sale provided within this chapter. (Ord. 3042, 12-17-2012)

6-9-4: APPLICATION FOR PERMITS:

(A) Safe And Sane Fireworks Application: Any reputable person in reasonable pursuit or furtherance of any legitimate personal, business or charitable purpose, desiring to engage in the sale of safe and sane fireworks within the city shall first make written application to the Twin Falls fire department for a safe and sane fireworks permit. Each applicant shall pay to the Twin Falls fire department a fee of twenty five dollars ($25.00) at the time the application is filed. The applicant shall pay to the Twin Falls fire department a fee of twenty five dollars ($25.00) for inspection of temporary fireworks stands.

(B) Dangerous Fireworks Application: Any reputable person in reasonable pursuit or furtherance of any legitimate personal, business or charitable purpose desiring to make a public display of dangerous fireworks shall first make written application to the Twin Falls fire department for a dangerous fireworks permit. Each applicant shall pay to the Twin Falls fire department a fee of one hundred twenty five dollars ($125.00) at the time the application is filed. No permit fee shall be refunded. The applicant shall also reimburse the city for all reasonable expenses incurred in investigating to determine whether the permit should be granted. (Ord. 3042, 12-17-2012)

6-9-5: REQUIREMENTS FOR APPLICATION FOR PERMITS:

Each applicant for a safe and sane fireworks permit or a dangerous fireworks permit shall file his application with the Twin Falls fire department. Each application shall show the following:

(A) Name and address of applicant.

(B) The purpose for which the applicant is primarily existing and for which it was organized.

(C) The names and addresses of the officers, trustees and/or directors, if any, of the applicant.

(D) The location where the applicant requests permission to sell safe and sane fireworks or display dangerous fireworks.

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

(F) The location of the applicant's principal and permanent meeting place or places.

(G) If applicant is storing safe and sane or dangerous fireworks, applicant must apply to the planning and zoning administrator, and the planning and zoning administrator must forward written approval and the special use permit (if required) to the fire department, and building department, indicating that the permit request is in compliance with all zoning requirements for an H-1 occupancy pursuant to title 10 of this code. The written approval and special use permit (if required) must be submitted to the fire department, and building department prior to approval of the fireworks permit.

(H) Two (2) complete plot plans, indicating where the building is located in relationship to property lines and any other buildings, and two (2) complete floor plans of the building, indicating all proposed uses, must be submitted to the Twin Falls fire department. The drawings shall be to scale.

(I) The maximum amount of safe and sane fireworks to be stored shall be indicated on the application. Such amount shall be specified in pounds.

(J) The applicant's state sales tax permit number.

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

(L) Such other information as the Twin Falls fire department may require on a standard form submitted to all applicants and which is reasonably necessary to protect the public health, safety and welfare. (Ord. 3042, 12-17-2012)

6-9-6: PERMIT CONDITIONS:

(A) Investigation And Recommendation For Permits: The Twin Falls fire department may cause an investigation to be made of each application and applicant.

(B) Grant Or Denial Of Permits: The Twin Falls fire department shall have the power in its discretion to grant or deny any application, subject to such reasonable conditions, if any, as it shall prescribe so long as the denial of the application or any conditions imposed on the granting of the application are reasonably necessary for protection of the public health, safety and welfare.

(C) Terms Of Permits: A safe and sane fireworks permit or a dangerous fireworks permit, issued pursuant to this chapter, shall be valid only within the calendar year in which issued. A permit shall be valid only for the specific premises or location designated in the permit. However, subject to reasonable conditions necessary for protection of the public health, safety and welfare, an applicant may be granted permits for more than one premises or location within the city. No permit shall be transferable or assignable.

(D) Time Of Application For Safe And Sane Fireworks Permit: Each application for a permit to sell safe and sane fireworks at retail shall be filed with the Twin Falls fire department, a minimum of thirty (30) days prior to a date on which the retail sale of safe and sane fireworks is authorized under this chapter.

(E) Appeal Of The Twin Falls Fire Department Decision: If the applicant is aggrieved by the decision of the Twin Falls fire department, the applicant may appeal such decision to the Twin Falls fire department administration, within seven (7) days of notice of the decision of the Twin Falls fire department. The applicant must, in writing, appeal to the Twin Falls fire department administration, and set forth the reasons therefor why the applicant should not be denied a license. The Twin Falls fire department administration shall set the time and place for a hearing a reasonable period of time subsequent to applicant's written notice of appeal. Notice of such hearing shall be personally served upon the applicant, or mailed postage prepaid to the applicant at his/her last known address, at least three (3) days prior to the date of the hearing. The order of the Twin Falls fire department administration shall be final.

(F) Miscellaneous Permit Conditions For The Storage Of Safe And Sane And Dangerous Fireworks:

1. Minimum occupancy separation shall be required pursuant to the international building code.

2. Exits shall comply with the international building code.

3. Portable fire extinguishers shall be installed in the building as required by the international fire code.

4. Automatic fire extinguisher systems shall be in accordance with the international building code.

5. License or permit holders shall maintain records of all transactions involving safe and sane fireworks regarding the sale and acquisition of such fireworks.

6. Conspicuous signs shall be placed and posted at intervals not less than fifty feet (50') inside and outside of the building with the language:

Warning - No Smoking

7. All provisions as currently adopted by the city pursuant to the international building code and international fire code shall be required. (Ord. 3042, 12-17-2012)

6-9-7: INSURANCE:

Each applicant for a safe and sane fireworks permit or for a dangerous fireworks permit shall have filed with the clerk, prior to the issuance and validity of any permit, a policy, or certified copy thereof, of public liability insurance, including both accident and occurrence coverage. The insurance coverage limits for public liability coverage shall be at least five hundred thousand dollars ($500,000.00) per person per occurrence bodily injury, five hundred thousand dollars ($500,000.00) per occurrence aggregate bodily injury and five hundred thousand dollars ($500,000.00) per occurrence aggregate property insurance. Each policy of insurance shall be in form and substance acceptable to the city and shall name as insured parties under the terms of the policy of the city, all officials, elected and appointed, of the city in performance of official functions regarding all operations under or pertaining to said permit, any licensee or licensor of the applicant, and all vendors of the fireworks covered by the permit to be issued to the applicant. Said policy of insurance shall be so written that it cannot be canceled without at least thirty (30) days' prior written notice to the city from the underwriting insurance company. Cancellation of a policy is a basis for revocation of the permit. A copy of said policy shall be filed with the city clerk prior to the issuance of the permit. (Ord. 2223, 12-7-1987)

6-9-8: AUTHORIZED DATES OF SALE AND HOURS OF USE:

Safe and sane, "nonaerial common fireworks" may be sold at retail beginning at twelve o'clock (12:00) midnight June 23, and ending at twelve o'clock (12:00) midnight July 5 and beginning at twelve o'clock (12:00) midnight December 26 and ending at twelve o'clock (12:00) midnight January 1. The authority having jurisdiction may at its discretion extend each period of sales by not more than five (5) days. Safe and sane, "nonaerial common fireworks" shall only be used or discharged within the city of Twin Falls between the hours of eight o'clock (8:00) A.M. and twelve o'clock (12:00) midnight June 23 through July 5 and December 26 through January 1.

Exception: In addition to the hours of use specified in this chapter, safe and sane, "nonaerial common fireworks" may be used or discharged within the city of Twin Falls between the hours of twelve o'clock (12:00) midnight and one o'clock (1:00) A.M. on January 1. (Ord. 3042, 12-17-2012)

6-9-9: REGULATIONS FOR FIREWORKS STANDS:

Temporary fireworks stands from which safe and sane fireworks are to be sold shall be subject to the following provisions:

(A) All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited.

(B) The stand in which the fireworks will be stored or sold shall not be located within twenty five feet (25') of any other building or within one hundred feet (100') of any gasoline station or flammable liquid dispensing device or installation.

(C) All such stands shall meet the requirements of the building code[1] of the city and all lighting circuits and other electrical equipment shall meet the requirements of the electrical code of the city [2] .

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

(E) Each stand shall be provided with a minimum of two (2) fire extinguishers with a 2A minimum rating, in good working order and easily accessible for use in case of fire, which shall be kept in immediate proximity to the location where the fireworks are retailed.

(F) There shall be at least one supervisor, twenty one (21) years of age or older, on duty at all times. All fireworks shall be effectively kept away from any kind of self-service by the public, and shall be placed in a location which is unavailable and inaccessible to members of the public in capacities other than as legal customers.

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

(H) "No Smoking" signs shall be prominently displayed both inside and outside the stand. No smoking shall be permitted within the stand or within twenty five feet (25') of the stand.

(I) No temporary stand shall be erected before June 10 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than twelve o'clock (12:00) noon on July 27.

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

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

(L) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured. If fireworks are not stored in the stand they shall be stored in compliance with section 39-2608, Idaho Code.

(M) No stand shall have a floor area in excess of seven hundred fifty (750) square feet. (Ord. 3042, 12-17-2012)

Notes

1 1. See title 4, chapter 1 of this code.

2 2. See title 4, chapter 2 of this code.

6-9-10: RECORDS:

Each permittee shall be required to retain at the licensed premises while said premises are open, and at his principal place of business for a year thereafter copies of all invoices, receipts and orders evidencing the source from which he acquired the fireworks which he handled. (Ord. 2132, 12-17-1984)

6-9-11: SHORT TERM STORAGE:

A short term storage facility may be used for the storage of safe and sane, "nonaerial common fireworks" for a period of sixty (60) days prior to, and fifteen (15) days after, any authorized retail sales date. The Twin Falls fire department shall be notified of the address or location of all short term storage facilities when fireworks will not be stored in a temporary fireworks stand. If the short term storage facility is not within the boundaries of the jurisdiction having issued the retail sales permit the permittee shall notify the authority having jurisdiction where the storage is to take place.

Short term storage is allowed in any of the following, provided it is locked or otherwise secured: a temporary fireworks stand, truck, trailer, or other vehicle. A truck, trailer or other vehicle used for short term storage must remain at least twenty five feet (25') from the stand during any time the stand is open for business, but may abut the stand when it is closed. A truck, trailer or vehicle used for short term storage must be at least twenty five feet (25') from any other inhabited building. Short term storage may occur in a locked or secured shed, garage, barn or other building or storage container which is detached from an inhabited building and contains no open flames, including heating and lighting sources. (Ord. 3042, 12-17-2012)

6-9-12: DUTY TO COMPLY:

It shall be the duty of every person issued a fireworks permit to comply with all the provisions of the Idaho state fireworks act of 1997 1 and this chapter. The conviction of violation of the aforesaid Idaho state fireworks act or any of the provisions of this chapter by the permittee, or by any of its agents, employees or officers shall constitute a cause, in and of itself, to deny any subsequent application for a permit. (Ord. 3042, 12-17-2012)

Notes

1 1. IC 39-2602 et seq.

6-9-13: REVOCATION OF PERMITS:

Any permit issued hereunder shall be subject to revocation by the city council for violation by the holder, his agents or employees, of any of the provisions contained herein or of any law of the state of Idaho or United States pertaining to fireworks, provided that at least one day notice of hearing upon said revocation shall be given to said holder by personal service or by leaving a copy of notice at the place of business of the holder. (Ord. 3042, 12-17-2012)

6-9-14: CONFISCATION OF ILLEGAL FIREWORKS:

The chief of police, or his agents, or employees, may confiscate any fireworks that are imported, exported, sold, offered for sale, given away, possessed, stored, displayed, or discharged in a manner violating any provision of this chapter. (Ord.

3042, 12-17-2012)

6-9-15: PENALTY:

The possession or discharge of dangerous fireworks without a dangerous fireworks permit shall be an infraction punishable by a fine of one hundred dollars ($100.00).

The use or discharge of safe and sane fireworks outside the designated dates of sale and hours of use specified within this chapter shall be an infraction punishable by a fine of one hundred dollars ($100.00).

All other violations of this chapter shall be a misdemeanor punishable by a fine of up to three hundred dollars ($300.00) and imprisonment for a period of time not to exceed six (6) months, or both. (Ord. 3042, 12-17-2012)

CHAPTER 10

BURGLAR ALARM SYSTEMS

SECTION:

6-10-1: Purpose

6-10-2: Definitions

6-10-3: Silencing Alarm Systems

6-10-4: Alarm Systems Maintenance

6-10-5: Reimbursement for False Alarm

6-10-6: Maintaining a Public Nuisance Alarm

6-10-7: Compliance

6-10-8: Prohibited Alarm Systems

6-10-9: Violations

6-10-10: Penalties

6-10-11: Enforcement

6-10-1: PURPOSE:

The purpose of this Chapter is to reduce the number of false alarms thereby enhancing response time on other critical calls for service. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-2: DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and words, and derivations thereof, shall have the meaning given herein. When consistent 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 mandatory and not merely directory.

ALARM AGENT: Any person employed by an alarm business whose duties include the installation, maintenance, repair, service, response to or summoning others to respond to an alarm system. When the alarm system is the sole responsibility of the user and no contractual agreements with another company exist for the maintenance of alarm equipment, the user shall be considered the alarm agent for purposes of this Chapter.

ALARM OFFICER: The Chief of Police of the City of Twin Falls or his designee.

ALARM SUBSCRIBER: Any person who purchases, leases, contracts for or otherwise obtains an alarm system or contracts for the servicing or maintenance of an alarm system.

ALARM SYSTEM: Any mechanical, electrical or other device which is designed or used for the detection of a trespass, burglary or robbery within a building, structure or facility, or for alerting others to a hazard or to the commission of an unlawful act within a building, structure or facility, or which emits a sound or transmits a signal or message when activated and which is designed to elicit a response from the Police Department. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms are

audible, visible or perceptible outside the protected building, structure or facility are not included within this definition. An alarm system includes all the necessary equipment designed and installed for the detection of a trespass, burglary, robbery or other hazard in a single building, structure or facility, or for alerting others to the commission of an unlawful act within a building, structure or facility.

AUDIBLE ALARM: A device designed for the detection of unauthorized entry or presence on certain premises when it is activated.

AUTOMATIC DIALING DEVICE: An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

EMERGENCY: Any condition for which the alarm was designed and installed, and which results in a response of police personnel. An emergency is a situation or condition which involves the imminent potential for serious injury, death, violent crime, serious public hazard or a felony crime in progress.

FALSE ALARM: An alarm signal, message, transmittal or communication which is activated from an alarm system which is responded to by personnel of the Police Department for which no emergency situation exists or existed as determined by the responding police personnel. False alarm shall not include alarms caused by natural occurrences such as hurricanes, tornadoes, earthquakes or other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm subscriber.

PENALTY STATUS: That status achieved by more than two (2) false alarms within the calendar year beginning January 1 and ending December 31.

PERSON: Any individual, partnership, association, corporation or organization of any kind, or any governmental entity or political subdivision thereof.

POLICE DEPARTMENT: The Twin Falls City Police Department.

PROPRIETOR ALARM: An alarm which is not serviced by an alarm agent. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-3: SILENCING ALARM SYSTEMS:

(A) Upon notification by the alarm officer or his designee that an alarm system is activated, the alarm subscriber, or the representative or alarm agent of the alarm subscriber, shall immediately proceed to silence the alarm. The silencing shall be completed within fifteen (15) minutes after notification when the alarm system is protecting a residential structure or within thirty (30) minutes when the alarm system is protecting a commercial or industrial structure.

(B) An alarm system may be equipped with an automatic shut-off device which shall silence the alarm within fifteen (15) minutes after activation when the alarm system is protecting a residential structure or within thirty (30) minutes of activation when the alarm system is protecting a commercial or industrial structure. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-4: ALARM SYSTEMS MAINTENANCE:

(A) Each alarm subscriber shall maintain each alarm system in good working order, and provide the necessary service to prevent malfunctions.

(B) It shall be unlawful for an alarm subscriber to allow, permit or use an alarm system which is not in good working order, or has fallen into disrepair, or has malfunctioned. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-5: REIMBURSEMENT FOR FALSE ALARM:

(A) An alarm subscriber shall reimburse the City for the cost of City services, including, but not limited to, responding police personnel and equipment utilized in responding to a false alarm of the alarm subscriber's alarm system.

(B) Any person who wilfully maintains, operates, uses or attempts to use, an alarm system which signals a false alarm shall reimburse the City for the cost of City services as provided.

(C) Any person who wilfully or negligently causes a false alarm shall reimburse the City for the cost of City services as provided. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-6: MAINTAINING A PUBLIC NUISANCE ALARM:

(A) No person, whether or not an alarm subscriber, shall maintain, operate, use or attempt to use, an alarm system which generates more than two (2) false alarms in a calendar year.

(B) Any alarm system maintained, operated, used or attempted to be used, in violation of this Chapter shall be deemed a public nuisance. In addition to reimbursement or any other remedy available to the City, the City may impose a penalty fee for each and every false alarm after the two (2) within the calendar year as determined by following the schedule below:

3rd false alarm within the calendar year	$ 25.00

4th false alarm within the calendar year	50.00
5th false alarm within the calendar year	75.00
6 and more within the calendar year	100.00

(C) Where the alarm system is deemed a public nuisance as provided in this Chapter, the alarm officer shall provide the alarm subscriber written notice informing the alarm subscriber of the penalty status and the finding of public nuisance.

(D) Review:

1. The alarm subscriber may request the alarm officer to review and reconsider the determination of public nuisance by submitting a written request to the alarm officer within ten (10) days upon receipt of the notice of penalty status and nuisance. Failure to submit a written request in compliance with this Section is deemed a waiver of any and all rights to appeal.

2. The alarm officer shall review the determination and send the alarm subscriber his findings as to whether the alarm system is a public nuisance in writing to the alarm subscriber by certified mailing within fifteen (15) days.

(E) Appeal: The alarm subscriber may request a hearing before the City Council after filing a notice for hearing in writing to the City Clerk no later than ten (10) days upon receipt of the alarm officer's finding of public nuisance. Any finding by the City Council is appealable to the District Court of the Fifth Judicial District provided filing and fees are submitted in accordance to Idaho law. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-7: COMPLIANCE:

(A) An alarm subscriber who has notice of his/her alarm system being deemed a public nuisance shall be assessed a penalty fee in accordance to these provisions.

(B) An alarm subscriber who has notice of the assessed penalty or for any amount due in reimbursement, shall remit within fifteen (15) days the amounts due to the City. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-8: PROHIBITED ALARM SYSTEMS:

No person shall use or operate an automatic dialing device or any device programmed to initiate and deliver a message or signal to any telephone number belonging to the City. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-9: VIOLATIONS:

(A) It shall be unlawful to operate or maintain any alarm system as herein defined in this Chapter for any purpose other than reporting such trespasses, burglaries, robberies or other crimes involving potential serious bodily injury or death.

(B) No person shall operate or use a public safety alarm system for any purpose other than that for which it is installed, or for any purpose other than detecting and reporting a trespass, burglary, robbery or other permitted purpose. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-10: PENALTIES:

(A) Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the County jail in an amount not exceeding that permitted by law.

(B) Each and every false alarm over two (2) within the calendar year shall be deemed a separate offense. (Ord. 2463, 11-7-94, eff. 1-1-95)

6-10-11: ENFORCEMENT:

The conviction or punishment of any person for violation of the provisions of this Chapter shall not release such person from paying any business taxes, charges, fees, license fees or reimbursement for false alarms due and unpaid at the time of such conviction, nor shall payment of any fee or reimbursement for false alarms prevent the criminal prosecution for violation of any of the provisions of this Chapter. All remedies shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy provided by law. (Ord. 2463, 11-7-94, eff. 1-1-95)

CHAPTER 11

NUISANCE ABATEMENT

SECTION:

6-11-1: Defined

6-11-2: Judgment; Bond

6-11-3: Bond Forfeiture

6-11-4: Evidence

6-11-1: DEFINED:

Any person who knowingly maintains a place to which persons habitually go for the purpose of committing acts in violation of any State law or of this Code maintains a "nuisance". (Ord. 2624, 7-26-1999)

6-11-2: JUDGMENT; BOND:

(A) A suit to enjoin and abate a nuisance may be brought by the City Attorney in the name of the City.

(B) If judgment is in favor the City, the court may grant an injunction ordering the defendant to abate the nuisance and to enjoin the defendant from maintaining or permitting the nuisance. The judgment may order that the place where the nuisance exists be closed for one year after the date of judgment unless the defendant or the real property owner, lessee, or tenant of the property posts bond.

(C) The bond must be payable to the City in the penal sum of ten thousand dollars ($10,000.00) by sureties authorized to do business in Idaho, conditioned upon the property not being used or permitted to be used for the violation of any State law or of this Code. (Ord. 2624, 7-26-1999)

6-11-3: BOND FORFEITURE:

If a condition of a bond filed or an injunctive order entered under this Code is violated, the City may apply to the court for an order forfeiting the bond and closing the premises for one year from the date of the bond forfeiture. (Ord. 2624, 7-26-1999)

6-11-4: EVIDENCE:

(A) Proof that law violations are frequently committed at the place involved is prima facie evidence that the proprietor or owner knowingly permitted the act or acts.

(B) Evidence that persons have been convicted of law violations at the place involved is admissible to show knowledge on the part of the defendant that the act occurred. Copies of judgments of convictions are admissible to show that the offenses for which a person was convicted were committed at the place involved.

(C) Evidence of the general reputation of the place involved is admissible to show the existence of the nuisance. (Ord. 2624, 7-26-1999)

CHAPTER 12

GAS DRIVE OFFS

SECTION:

6-12-1: Jurisdiction

6-12-2: Payment In Advance

6-12-3: Penalty

6-12-1: JURISDICTION:

The regulations set forth herein shall apply to all business establishments with self-service gasoline and/or diesel fuel pumps located thereon, engaged in the selling of gasoline and/or diesel fuel, and located in the corporate limits of the city. (Ord. 2810, 11-8-2004)

6-12-2: PAYMENT IN ADVANCE:

(A) All business establishments with gasoline and/or diesel fuel pumps located thereon must require full payment in advance for any quantity of self-service gasoline or diesel fuel sold at any time.

(B) This requires the business establishment and its representatives to receive payment in full prior to activating the self-service gasoline or diesel fuel pumping device.

(C) Payment includes purchase by any legal means: cash, credit card, debit card, checks or otherwise.

(D) This chapter shall not apply to transactions involving established charge account customers. (Ord. 2810, 11-8-2004)

6-12-3: PENALTY:

Any person or business establishment who violates any provision of this chapter shall be subject to a fine of not more than three hundred dollars ($300.00) for each offense. (Ord. 2810, 11-8-2004)

CHAPTER 13

GRAFFITI

SECTION:

6-13-1: Prohibited

6-13-2: Removal Required

6-13-3: Notice To Remove

6-13-4: City Abatement Option

6-13-5: Penalty

6-13-1: PROHIBITED:

It is hereby declared to be a nuisance and to be unlawful for any person to place or put, by any means, any drawing, inscription, figure, symbol, or mark of any type commonly known as graffiti on any public or private property without the permission of the owner of the premises on which the surface is located, or upon any natural surfaces such as rocks or trees, or any other surface whatsoever. (Ord. 2016-8, 6-27-2016)

6-13-2: REMOVAL REQUIRED:

Any person found to be in violation of section6-13-1 of this chapter may be required to remove or cause to be removed the graffiti from the surface on which it was placed. Inasmuch as it is often not possible to determine the identity of the person who applied the graffiti, it may be the duty of the owner or person in control of the premises on which the graffiti has been applied to promptly remove the graffiti after notice as hereinafter set forth.

The chief of police or his designated representative shall attempt to enlist partner agencies and organizations to aid in the removal of graffiti from private property, with the consent of the private property owner. (Ord. 2016-8, 6-27-2016)

6-13-3: NOTICE TO REMOVE:

(A) Whenever the chief of police or his designated representative discovers graffiti on any public or private property or any surfaces visible to persons utilizing public rights of way within the city, he may, whenever seasonal temperatures permit the painting of exterior surfaces, cause a notice to be issued to the owner or person in control of the premises to abate the nuisance and remove the graffiti or cover it with paint or other suitable substance.

(B) Said notice shall be served upon the owner(s) of the affected premises, as shown on the last property tax assessment rolls of Twin Falls County, Idaho, with a copy to the occupant of the premises. If there is no known address for the owner, the notice shall be served at the property address. Service of the notice may be accomplished through personal service on the owner, occupant, or person in charge or control of the property or by certified mail.

(C) Notice shall be in writing and shall clearly state that the owner or person in charge or control of the property is required by this chapter to remove from public view or paint over the graffiti within fifteen (15) days of receipt of the notice; that failure to so abate will cause the city to abate the nuisance and may assess the costs to the owner; that failure to pay said costs within thirty (30) days of receipt of billing shall result in an assessment against the property, collectible with the property taxes; that the owner or person served may, within ten (10) days of receipt of the notice, deliver in writing to the chief of police his objections to the removal requirement and request a hearing before the city council. (Ord. 2016-8, 6-27-

2016)

6-13-4: CITY ABATEMENT OPTION:

Nuisances which remain unabated after notice may, at the option of the city, be removed, abated or destroyed by the city or its agents, after the following steps have been taken:

(A) If after fifteen (15) calendar days from the date a written notice is personally delivered to the property owner, or mailed to the property owner's address as shown in current official Twin Falls County assessor records, no abatement of the nuisance has occurred, the designated enforcement officer shall provide a second ten (10) day notice to be delivered to the property owner by certified mail or personal service, which shall indicate the following:

1. That if the property owner fails to abate the nuisance, the city shall take steps to abate the same.

2. That the property owner may contract with the city to abate the nuisance and pay costs of the same.

3. That if the city abates the nuisance, all costs and expenses of abatement may be billed and assessed against the property owner, and if unpaid, shall become collectable as a special assessment with property taxes.

4. That the property owner has a right to appear before the city council to show cause as to why he or she should not be forced to abate or pay for abatement of the nuisance; furthermore, that if the property owner desires such a hearing, a request for hearing, in writing, shall be given to the designated enforcement officer prior to expiration of the ten (10) day notice, and that abatement by the city will proceed if the property owner has not exercised this option to request a hearing.

5. If said certified notice is returned as undeliverable, or is unclaimed by the property owner, nothing shall preclude the city from exercising its abatement option as specified herein.

(B) When the ten (10) day notice has expired without a request for hearing, the mayor's designated enforcement officer is authorized to remove, abate or destroy the nuisance. The designated enforcement officer is authorized to utilize city personnel to abate the nuisance or to contact the mayor or chief of police in regard to contracting for an outside party to abate the nuisance.

(C) If the city abates any nuisance under the provisions of this chapter, a statement of charges billed to the property owner may be mailed or personally delivered to the property owner.

(D) If payment is not received from the property owner within thirty (30) days, the amount billed shall, in accordance with state law, be assessed as a special assessment collectable against the subject property as other state, county and municipal taxes.

(E) If the property owner requests a hearing to show cause before the city council, the hearing shall, if feasible, be placed on the agenda of the next regularly scheduled city council meeting. The decision of the city council shall be final. A ten (10) day period shall be given the property owner after the council decision so that the property owner shall have additional opportunity to abate the nuisance or to pursue any legal remedies or defenses at the district court level. (Ord. 2016-8, 6-27-2016)

6-13-5: PENALTY:

A violation of section 6-13-1 of this chapter shall be a misdemeanor, punishable as provided in section1-4-1 of this code. A violation of any other provision of this chapter shall be an infraction, punishable by a fine of one hundred dollars ($100.00), plus court costs. (Ord. 2016-8, 6-27-2016)

CHAPTER 14

UNLAWFUL ASSEMBLY

SECTION:

6-14-1: Purpose

6-14-2: Unlawful Assembly In Public Spaces

6-14-3: Failure To Disburse

6-14-4: Enforcement And Penalties

6-14-5: Exemptions

6-14-1: PURPOSE:

The purpose of this chapter is to maintain public safety, ensure the free flow of commerce, and protect the rights of business owners and the public from unlawful assemblies that create hazardous or physically offensive conditions. (Ord. O-2025-007, 4-21-2025)

6-14-2: UNLAWFUL ASSEMBLY IN PUBLIC SPACES:

(A) Unlawful Conduct: It shall be unlawful for any person or group to assemble in a public space or a space open to the public without lawful and legitimate business with the property owner, business, or occupant adjacent to the immediate space, if such assembly:

1. Creates or establishes a hazardous or physically offensive condition, to include;
2. Causes significant disruption to normal operations of a property owner, occupant, or resident;
3. Results in substantial interference with pedestrian or vehicular traffic;
4. Results in the creation of excessive noise through amplified music, chanting, yelling, clatter, or vehicle use such as revving engines, burnouts, and racing;
5. Result in the creation and discard of excess garbage, waste, debris, trash, and/or litter;
6. Poses a substantial risk of injury, alarm, or serious disruptions to any person or property;
7. Blocks sidewalks with lawn chairs, tables, or other obstacles without a business license or special events permit allowing for the general use of the property by the public.

(B) Violation of this chapter constitutes an infraction and carries a $300.00 fine.

(C) Exemptions: Any special event, festival, sale, or other public activity organized and operated under a special event permit is exempt from this section. (Ord. O-2025-007, 4-21-2025)

6-14-3: FAILURE TO DISPERSE:

(A) Unlawful Conduct: When two (2) or more people congregate in a public place and the acts of such persons create a substantial risk of injury, alarm, or serious inconvenience to any person or property, or hinder or obstruct the free passage of any person or vehicle upon a public right-of-way, a peace officer or other public official engaged in executing and enforcing the law may order the participants and others in the immediate vicinity to disperse.

(B) Penalty: A person who refuses a lawful order to disperse or knowingly and intentionally fails to obey such an order is guilty of a misdemeanor and shall be subject to penalties including fines and/or imprisonment as determined by local statutes. (Ord. O-2025-007, 4-21-2025)

6-14-4: ENFORCEMENT AND PENALTIES:

(A) Law enforcement officers and other public officials are authorized to enforce this chapter to ensure public order and compliance.

(B) Violators of this chapter may be subject to fines, citations, or other penalties as prescribed by local law. (Ord. O-2025-007, 4-21-2025)

6-14-5: EXEMPTIONS:

This chapter shall not apply to lawful demonstrations, protests, rallies or gatherings protected under the First Amendment, provided such activities do not create hazardous or physically offensive conditions as outlined in Section 2. Exemptions from this chapter include special events such as parades, festivals, sidewalk sales, etc., that complete and receive appropriate permits through the City of Twin Falls Special Events Permit process. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he/she is physically obstructing lawful efforts by such officer to disperse the group. (Ord. O-2025-007, 4-21-2025)

TITLE 7

HEALTH AND SANITATION

CHAPTER 1

NUISANCES

SECTION:

7-1-1: Nuisances Declared

7-1-2: Owner Responsible For Sanitary Conditions

7-1-3: Animal Nuisances

7-1-4: Dairy Prohibited (Rep. by Ord. 2132, 12-17-1984)

7-1-5: Offensive Sewage

7-1-6: Cesspools

7-1-7: Irrigation Ditches; Obstruction, Destruction

7-1-8: Obstructing Gutters

7-1-9: Accumulation Of Materials Prohibited

7-1-10: Offensive Liquids

7-1-11: Deposit Of Putrid Matter

7-1-12: Waste Products; Deposit, Removal

7-1-13: Offensive Use Of Public Ways

7-1-14: Offensive Garbage, Waste Receptacles

7-1-15: Peddling Prohibited (Green River Ordinance) (Rep. by Ord. 2132, 12-17-1984)

7-1-16: Depositing Debris

7-1-17: Responsibility For Nuisances

7-1-18: Abatement, Notice Of

7-1-19: Duty Of Health Officer

7-1-20: Control Of Particulate Matter (Dust)

7-1-21: Control Of Smoke

7-1-1: NUISANCES DECLARED:

Every act or thing done or made, permitted, allowed or continued in violation of the provisions of this chapter, shall be deemed a nuisance. (1958 Code, ch. X, art. 4, sec. 13)

7-1-2: OWNER RESPONSIBLE FOR SANITARY CONDITIONS:

Whenever any owner or agent of the owner of any building shall rent, lease or hire out to be occupied any building or part or parts thereof as a home or residence for more than one family living independently of one another, or a building to different persons for stores and offices in said building, giving to each the common right to halls, yards, water closets or privies, or some of them, then such owner or agent shall be liable for the conditions of said halls, yards, water closets, or privies, and the said owner or agent may be made defendant in a prosecution for the violation of the provisions hereof. (1958 Code, ch. X, art. 3, sec. 4)

7-1-3: ANIMAL NUISANCES:

(A) Disposition Of Dead Animals: Every person being the owner of or having in his possession or under his control or charge any horse or other animal which shall in any manner come to his death, shall immediately remove or have removed the body or carcass of such horse or other animal, to the place provided for the disposition of such carcasses.

(B) Bins And Vaults For Animal Refuse: Every person owning, leasing or occupying any stall, stable or compartment where any horse or any cattle or mule shall be kept, and every owner of any horse, mule or head of cattle shall contain a durably made receptacle, bin, vault or cellar which must be so constructed as to preserve the contents at all times dry, free from rain and other moisture, and of such nature and character as to preclude the contamination of the atmosphere or the passage or breeding of flies; in which receptacles shall be placed all manure or refuse from such horse, mule or cattle.

(C) Offensive Animal Enclosures: It shall be unlawful for the owner, agent or occupant of any livery stable, cattle yard, or shed, barn, slaughterhouse or rendering establishment or structure of any kind, or for any person having charge of any stable, stall, shed, apartment or yard in which any animal shall be kept or in any place in which manure or liquid discharge of

any animals shall accumulate or collect, to permit the same to be kept in an unclean or unsanitary condition or to become nauseous, foul or offensive.

(D) Offensive Animals And Fowl[1] : No person owning, occupying or having charge of any building, stable or other premises shall keep or allow to be kept thereon any fowl, dog or other animal which shall by barking or other noise, or by offensive kennel or other place of keeping, disturb the quiet or repose or the purity of the air in the living rooms of those thereon or in the vicinity thereof, to the detriment of the life, health or comfort of any person.

(E) Burning Animal Refuse: It is hereby declared a nuisance to burn any refuse, manure or animal or poultry droppings and feathers within the City limits. (Ord. 2197, 3-16-87)

Notes

1 1. See also subsection 6-4-14(H) of this code.

7-1-4: DAIRY PROHIBITED:

(Rep. by Ord. 2132, 12-17-84)

7-1-5: OFFENSIVE SEWAGE:

It shall be unlawful for any person to permit any cellar, vault, private drain, pool, privy, sewer or grounds upon any premises belonging to or occupied by him to become nauseous, foul, offensive or injurious to the public health. (1958 Code, Ch. X, Art. 3, Sec. 1)

7-1-6: CESSPOOLS:

No person shall throw into or deposit in any closet, vault, sink, privy or cesspool any offal, ashes, garbage, swill or any similar substance. (1958 Code, Ch. X, Art. 3, Sec. 8)

7-1-7: IRRIGATION DITCHES; OBSTRUCTION, DESTRUCTION:

If any person shall suffer or permit any watercourse or ditch used for the purpose of carrying water to or from any building, lot or premises belonging to or occupied by him, to overflow or undermine, or otherwise to injure or obstruct any street, land, avenue, or alley, or to overflow or undermine, or otherwise injure any house, lot or premises, such person shall be deemed the author of a nuisance, and upon conviction, shall be fined in any sum not exceeding fifty dollars ($50.00) and a like fine for every twenty four (24) hours the same shall continue after notice has been given by any officer of the City to abate the same. (1958 Code, Ch. X, Art. 3, Sec. 5)

7-1-8: OBSTRUCTING GUTTERS:

No person shall deposit on any street, alley, private or public place any dirt, brick or other material in such manner as to obstruct the free flow along any gutter. (1958 Code, Ch. X, Art. 3, Sec. 5)

7-1-9: ACCUMULATION OF MATERIALS PROHIBITED:

(A) Unlawful Accumulation of Litter: No person, owner, agent, lessee or occupant of any building, yard or lot of ground shall allow to accumulate or remain in or on said building, yard or lot of ground, any putrid or unsound meat, pork, fish, hides, decayed vegetables or food, manure, filthy ash heaps, garbage, offal, rubbish, dirt or filth of any kind. (1958 Code, Ch. X, Art. 3, Sec. 3)

(B) Accumulation of Refuse: It shall be unlawful for any person to permit vegetable waste, litter, garbage, filth or refuse of any nature, kind or description detrimental to health to accumulate within or upon any private alley, yard or area. (1958 Code, Ch. X, Art. 4, Sec. 3)

7-1-10: OFFENSIVE LIQUIDS:

(A) Leaky Drains and Stagnant Liquids: No person shall allow any drain from any building or land of which he is the owner or occupant to leak, to be out of repair or to remain clogged, nor shall any person suffer sewage or waste or stagnant liquids to remain in any building or upon any land of which he is the owner or occupant. (1958 Code, Ch. X, Art. 3, Sec. 7)

(B) Liquid Tight Tanks: No person shall carry or convey in any vehicle any earth, sand, gravel, dirt, rubbish, ashes, manure or any loose fluid or semi-fluid, or offensive articles or matter, or any articles whatever, so that the same shall be scattered, dropped or spilled therefrom, and all vehicles conveying foul, dusty or offensive matter of any sort shall have liquid tight bodies. (1958 Code, Ch. X, Art. 3, Sec. 10)

7-1-11: DEPOSIT OF PUTRID MATTER:

No person shall throw or deposit on any premises any animal or vegetable substance, manure or any material whatsoever that is putrid or offensive, or that is liable to become so. (1958 Code, Ch. X, Art. 3, Sec. 9)

7-1-12: WASTE PRODUCTS; DEPOSIT, REMOVAL:

(A) Illegal Depository of Waste Matter: No person shall throw or let fall or allow to be thrown any refuse, liquid or solid or any water that has been used, swill, garbage, rubbish, ashes or any animal or vegetable matter, into or upon any street, alley, ditch or public place, premises or open lot. (1958 Code, Ch. X, Art. 3, Sec. 11)

(B) Waste Products to be Moved: No person in conducting or carrying on any business or employment shall permit to be placed or to remain on his premises any blood, bones, offal, filth, swill, slops, decayed fruits, vegetables or animal substances, or other offensive matter for a longer period than twelve (12) hours. (1958 Code, Ch. X, Art. 3, Sec. 12)

7-1-13: OFFENSIVE USE OF PUBLIC WAYS:

No person shall use the sidewalks, streets or gutters of the City as a drainage to carry off any water that has been used, or other fluids or soap suds or dye stuffs or liquid manures or any other liquids, whether from privies or otherwise. (1958 Code, Ch. X, Art. 3, Sec. 14)

7-1-14: OFFENSIVE GARBAGE, WASTE RECEPTACLES [1]:

(A) The occupant of any and all dwelling houses shall maintain a durably made garbage receptacle, constructed in such manner as to preclude the contamination of the atmosphere or the passage and breeding of flies, in which receptacle shall be placed all putrid and unsound meat, decayed vegetables, and food, garbage, offal, rubbish, dirt or filth of any kind, which by its decay or putrefaction could or would become detrimental to health. (1958 Code, Ch. X, Art. 3, Sec. 18)

(B) Defective Waste Receptacles: It shall be unlawful for any person to cause or permit any unclean, stinking, foul, defective or filthy drain, ditch, tank, gutter or any leaking or broken slop, garbage or manure box or receptacles of similar character to remain on his premises. (1958 Code, Ch. X, Art. 4, Sec. 2)

Notes

1 1. See also Section 7-3-5 of this Code.

7-1-15: PEDDLING PROHIBITED:

(Rep. by Ord. 2132, 12-17-84)

7-1-16: DEPOSITING DEBRIS [1]:

(A) Placing Debris in Streets, Alleys or Public Easements: No person shall wilfully or negligently deposit or throw from any vehicle or place upon or alongside any highway, street, alley or easement used by the public for public travel any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, cans, barbed wire, boards, trash or garbage, lighted materials or other waste substances. (1958 Code, Ch. X, Art. 3, Sec. 20)

(B) Placing Debris on Public or Private Property: No person shall wilfully or negligently deposit upon any public or private property within the City any debris, papers, litter, glass bottles, glass, nails, tacks, hooks, cans, barbed wire, boards, trash, garbage, lighted materials or other waste substances on any place not authorized by the State, County, City or the owner of the private property. (1958 Code, Ch. X, Art. 3, Sec. 21)

Notes

1 1. See also Section 6-2-14 of this Code.

7-1-17: RESPONSIBILITY FOR NUISANCES:

Where a nuisance exists upon property, and is the outgrowth of the usual, natural or necessary use of the property, the landlord thereof or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof, and shall be equally liable therefor; but where any such nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from business thereon conducted, then the occupants, and all other persons contributing to the continuance of such nuisance, shall be deemed the authors thereof. (1958 Code, Ch. X, Art. 4, Sec. 15)

7-1-18: ABATEMENT, NOTICE OF:

In case of neglect or refusal of any person to abate any nuisance defined herein, after notice in writing has been served upon him as hereinafter provided and within the time in said notice specified, the Health Officer shall abate or procure the abatement thereof, and the expense of such abatement shall be collected from the person so offending.

In order to carry out the provisions of this Chapter, the Health Officer may serve a written notice upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or upon him who may be the cause of such nuisance, requiring him to abate the same in such manner as the health officer may direct, and within a reasonable time to be fixed in the notice; and failure to give a notice as provided herein shall not relieve the author of any nuisance from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof. (1958 Code, ch. X, art. 4, sec. 16)

7-1-19: DUTY OF HEALTH OFFICER:

(A) It shall be the duty of the health officer to ascertain and cause all nuisances declared to be such in this chapter to be abated, and he shall have authority, either by himself or by his agents or deputies, in the daytime, to enter any house, stable, store or building in order to make a thorough examination of cellars, vaults, sinks or drains; to enter upon all lots and ground and cause all stagnant waters to be drained off, and pools, sinks, vaults, drains, holes or low grounds to be cleansed, filled up or otherwise purified, and to cause all noisome substances to be abated or removed.

(B) The Twin Falls City Manager shall be the designated Health Officer for the City of Twin Falls, with all powers and duties for this position as found within the City Code. (1958 Code, ch. X, art. 4, sec. 17; amd. Ord. 2024-009, 8-12-2024)

7-1-20: CONTROL OF PARTICULATE MATTER (DUST):

(A) General Rules: All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of particulate emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

1. Use Of Control Equipment: Installation and use of hoods, fans, fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.

2. Covering Of Trucks: Open trucks transporting materials which may potentially release particulate matter must be covered.

3. Removal Of Materials: Prompt removal of earth or other stored material from streets.

(B) Visible Emissions: No owner, occupant or tenant shall permit the discharge of any particulate matter into the atmosphere from any construction site, development site, unpaved parking lot, industrial yard, vacant lot or maneuvering areas where the emission becomes a public nuisance, health hazard or safety hazard.

Prima facia evidence of a public nuisance, health hazard or safety hazard shall exist if the emission for a period or periods aggregating more than thirty (30) seconds in any sixty (60) minute period is greater than fifty percent (50%) opacity as determined by procedures specified in 40 CFR 60, appendix A, method 9, appendix A, method 22, or a state of Idaho approved equivalent method.

(C) Control Methods: Control methods may include, but are not limited to, the following:

1. Dust Palliative: Use of water or other environmentally safe dust palliative for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land. The use of water resulting in mud on public streets will not be permitted. Any mud or spillage shall be immediately removed.

2. Dust Suppressants: Dust suppressants (such as water or other environmentally safe dust palliative) must be used to control the release of particulate matter when practicable.

3. Paving: Paving of roadways and their maintenance in a clean condition.

(D) Exceptions: The provisions of this section shall not apply to "agricultural land" as defined by section 10-2-1 of this code.

(E) Fines: In addition to criminal penalties set forth in section 1-4-1 of this code, any person who violates this section shall pay civil penalties to the city as follows:

1. First violation: Warning ticket.

2. Second offense in the same thirty (30) day period: Five hundred dollar ($500.00) fine.

3. Third offense in the same thirty (30) day period: One thousand dollar ($1,000.00) fine.

4. Each additional offense in the same thirty (30) day period: Two thousand dollar ($2,000.00) fine. (Ord. 2468, 12-19-1994)

7-1-21: CONTROL OF SMOKE:

The creation, maintenance or continuation of excessive quantities of smoke within the city is hereby declared a health hazard and a public nuisance.

(A) It shall be unlawful for any person to allow the production or continuation of excessive quantities of smoke which may be emitted by appliances or fireplaces, which disturbs, injures or endangers the comfort, repose, health, peace, safety and welfare of any other person or persons of any area within the city.

(B) It shall be unlawful for any person, after thirty (30) minutes from the initial start up of any appliance or fireplaces to allow emissions therefrom to exceed an opacity reading of twenty percent (20%) as determined by method 9 in the procedures manual for air pollution control, Idaho air quality bureau, department of environmental quality. This determination shall be made by a certified visual emissions evaluator. (Ord. 2896, 1-22-2007)

CHAPTER 2

OFFENSIVE BUSINESSES

SECTION:

7-2-1: Slaughterhouses and Meat Shops

7-2-2: Putrefaction of Waste

7-2-3: Offensive Rendering Unlawful

7-2-4: Clean Processing Plants

7-2-5: Offensive Premises

7-2-6: Operation of Dry Cleaning Plant

7-2-1: SLAUGHTERHOUSES AND MEAT SHOPS:

It shall be unlawful for any owner or occupant of any slaughterhouse, market, meat shop or other place wherein any animals are slaughtered, kept or sold or any meats are smoked, lard rendered or sausages or other meat products manufactured, to permit the said premises or yard connected therewith to remain unclean or unwholesome, or allow or permit any odors to arise therefrom.

7-2-2: PUTREFACTION OF WASTE:

It shall be unlawful for any person to allow any dirt to gather in cleaning yards, waste of mills or factories, or any rags, damaged merchandise, wet, broken or leaking barrels, casks, or boxes or any materials which are offensive or tend to decay, to become putrid or to render the atmosphere impure or unwholesome, the same shall be deemed a nuisance, and it shall be unlawful for any person occupying or owning such premises to fail to abate the same.

7-2-3: OFFENSIVE RENDERING UNLAWFUL:

The business of bone crushing, bone boiling, fat boiling, gut cleaning or the making of glue or the manufacture of fertilizing material from any dead animal, or part thereof, or any boiling of an offal, swill, fat or grease which shall be done or carried on in an offensive, unclean or defective manner in any building, yard or lot of ground, shall be deemed a nuisance, and it shall be unlawful for the owner or manager of any such business to fail to abate the same.

7-2-4: CLEAN PROCESSING PLANTS:

It shall be unlawful for the owner or occupant of any processing plant or factory to permit the same to remain unclean.

7-2-5: OFFENSIVE PREMISES:

(A) It shall be unlawful for the owner or occupant of any tannery, hide house, pork house, laundry, fish house or factory, or any yard or enclosure of any kind whatsoever, to place, conduct or discharge into or on any street, alley, sidewalk, gutter, water ditch or canal or any vacant lot, any filthy or offensive water, liquid waste, refuse or discharge of any kind which is offensive or liable to become so.

(B) It shall be unlawful for the owner or occupant of any tannery, livery stable, barn, laundry or factory of any kind, place or premises, to permit the same to become noisome, foul or offensive.

7-2-6: OPERATION OF DRY CLEANING PLANT:

7-2-6: OPERATION OF DRY CLEANING PLANT:

It shall be unlawful for any person to operate, control or manage or handle any dry cleaning plant or clothes pressing establishment in such manner and under such conditions that the smell or stench from such plant or clothes cleaning establishment shall become offensive. (1958 Code, Ch. X, Art. 4)

CHAPTER 3

GARBAGE AND SANITARY DISPOSAL

SECTION:

7-3-1: Purpose

7-3-2: Definitions

7-3-3: Placement Of Garbage In Containers

7-3-4: Preparation Of Garbage And Rubbish

7-3-5: Garbage And Rubbish Containers

7-3-6: Location Of Containers

7-3-7: Burning Restrictions

7-3-8: Collection Of Garbage

7-3-9: Collection Schedules

7-3-10: Licensing And Regulation Of Independent Collectors

7-3-11: City Sanitary Disposal Area (Rep. by Ord. 2132, 12-17-1984)

7-3-12: Service Charges

7-3-13: Administration

7-3-14: Inspection And Enforcement

7-3-1: PURPOSE:

This Chapter is declared to be an ordinance to promote the general health, welfare and safety of the people in the City; and is enacted for the promotion and protection of the public health and safety; and to prevent nuisances, the spread of disease and fire hazards. It is the purpose of this Chapter to aid the people in keeping the City clean, safe, sanitary and free from petty annoyances and nuisances. (1958 Code, ch. VII, art. 2)

7-3-2: DEFINITIONS:

GARBAGE: Includes all animal and vegetable refuse from kitchens and other places where food is prepared, all offal from fish, meat and vegetable markets and all organic substances unfit for food and subject to decay.

ITEMS EXCLUDED FROM CITY COLLECTION: Shall include discarded household furnishings, dirt or earth debris from construction or lawn renovation, rocks, stones, automobile bodies and parts, dead animals, manure, building materials such as mortar, plaster, scrap lumber and wood shavings, must be collected and disposed of by the building contractor, owner or occupant of premises.

PERSON: Shall include a normal person, his heirs, executors, administrators and assigns; and shall also include a firm, partnership or corporation, its or their successors or assigns. Singular includes plural. Male includes female.

RUBBISH: Includes all waste and refuse such as newspapers, magazines, wrapping and other paper products, packing cases and materials such as straw, shavings, excelsior, sawdust and discarded clothing, metals, tin cans, bottles, broken glass, ashes, lawn and tree trimmings and cuttings and weeds and leaves from residential property.

SHALL AND MAY: The word "shall" means mandatory and the word "may" means permissive. (1958 Code, ch. VII, art. 2)

USER: With respect to residential real property, the word “user” in this chapter means the owner of such property. With respect to non-residential real property, the word “user” in this chapter means the owner or occupant of the property.

7-3-3: PLACEMENT OF GARBAGE IN CONTAINERS:

No person shall deposit garbage or rubbish on or below the surface of the ground in a manner otherwise than herein prescribed. No person shall deposit or bury any garbage or rubbish in or upon a public street, alley, other public area, or upon the premises of another person, whether or not the garbage or rubbish is in a prescribed container. No garbage, dirt or rubbish of any kind shall be thrown, swept or pushed into the street in front of any place of business or residence, except on permission of the Sanitation Inspector, and the proprietor of the business and the owner of or occupant of the premises shall be responsible for the disposal of all such garbage or rubbish. All garbage and rubbish shall be placed in containers at locations as prescribed in this Chapter. (1958 Code, ch. VII, art. 2)

7-3-4: PREPARATION OF GARBAGE AND RUBBISH:

All garbage and rubbish shall be placed in containers except as herein otherwise provided. All garbage shall be drained of excess water and wrapped in paper, placed in containers lined with paper, or placed in plastic bags.

Tree trunks, large limbs and similar heavy objects shall be cut or knocked down to sizes not exceeding six feet (6') in length and fifty (50) pounds in weight. Brush, tree trimmings, shrubs and twigs must be tied in small bundles not to exceed three feet (3') in length for each handling and placed in piles and so covered as to prevent the same from blowing and being scattered about. (Ord. 2819, 3-28-2005)

7-3-5: GARBAGE AND RUBBISH CONTAINERS [1]:

(A) "Garbage", as herein defined, shall be placed in one or more leakproof and watertight metal or plastic containers, with tight fitting metal or plastic covers to be kept securely in place at all times.

Each container shall be provided with handles or a bale, and shall be no larger than thirty two (32) gallons, or weigh more than fifty (50) pounds when filled; plastic bags shall weigh no more than thirty five (35) pounds when filled.

The owners or occupants of the premises shall provide the number of containers adequate to store all garbage and rubbish accumulated between scheduled pick ups.

(B) "Rubbish", as defined herein, shall be placed in a sturdy and suitable container, the weight of which shall not exceed fifty (50) pounds when filled; plastic bags shall not exceed thirty five (35) pounds when filled; and each container shall be so designed as to permit quick and efficient pick up. (Ord. 2656, 6-12-2000)

Notes

[1] 1. See also section 7-1-14 of this title.

7-3-6: LOCATION OF CONTAINERS:

No garbage or rubbish containers or piles of rubbish shall be maintained in or upon alley right of way except commercial haulers may use dumpster type boxes where the type and location is approved by the sanitation inspector.

Containers or rubbish shall be placed in front of the premises in areas where there are no alleys and placed in alleys in areas where alleys are available, by the owners or occupants of such premises on the morning of or the evening before the day scheduled for collection; and the empty containers shall be withdrawn from the front of the premises, or the alleys as soon after collection as possible on the same day. (1958 Code, ch. VII, art. 2)

7-3-7: BURNING RESTRICTIONS:

It shall be unlawful for any person to suffer, cause or permit any open burning within the city if such burning is not in conformance with a permit issued by the Twin Falls fire department, except that permits shall not be required for open fires used for the preparation of food, campfires and fires for recreational purposes, under control of a responsible person.

Permits may be issued if the proposed burning is in compliance with the Idaho department of health and welfare regulations for air pollution, the international fire code and will not endanger life or property.

A fee may be charged for the issuance of an open burning permit, said fee to be based upon the estimated costs of administration of the permits. (Ord. 2765, 11-10-2003)

7-3-8: COLLECTION OF GARBAGE:

The city council shall be authorized to provide for the collection of garbage and rubbish as a city function or by contract with one or more independent collectors.

No person or firm shall engage in the collection of garbage or rubbish for monetary gain unless authorized and licensed by the council, which said council may establish the geographic limits for such collection. (1958 Code, ch. VII, art. 2)

7-3-9: COLLECTION SCHEDULES:

Garbage and rubbish shall be collected on schedule established and subject to revision by the city manager, but in no case will there be less than one collection provided each week for garbage, and one every two (2) weeks for rubbish. Collection schedules shall be published periodically. (1958 Code, ch. VII, art. 2)

7-3-10: LICENSING AND REGULATION OF INDEPENDENT COLLECTORS:

The city council may license independent contractors to collect garbage and rubbish within the city. Licenses shall be granted for a period of one year, beginning March 1 and ending the last day of February, upon payment of a fifty dollar ($50.00) annual fee and presentation of facts indicative of ability to properly execute collection. The council may revoke the license or the contract of any independent collector violating any of the provisions of this chapter.

All independent collectors shall provide the number of trucks sufficient to handle any and all garbage and rubbish offered for collection in conformance with the provisions herein contained.

The garbage portion of each conveyance of an independent collector, or private hauler, shall be equipped with watertight, leakproof bodies and provided with tightfitting covers to remain closed at all times except during the actual depositing of garbage into or out of the conveyance. All conveyances shall be cleaned and disinfected at regular intervals of not less than once every two (2) weeks, and shall be provided with adequate covers over the rubbish portion of the conveyance besides those tightfitting covers already mentioned herein. Garbage shall not be collected between the hours of six o'clock (6:00) P.M. and six o'clock (6:00) A.M. Independent collectors shall not collect garbage from any single-family or duplex residential dwellings. All garbage collected within the city of Twin Falls shall be deposited at the transfer station at 2186 Orchard Drive East, Twin Falls, Idaho. Failure to conform to the provisions of this section by any licensee or contractor shall be immediate cause for revocation of license and cancellation of contract by the city council. (Ord. 2849, 1-9-2006)

7-3-11: CITY SANITARY DISPOSAL AREA:

(Rep. by Ord. 2132, 12-17-1984)

7-3-12: SERVICE CHARGES:

For the service of collecting and disposing of garbage and rubbish, the user of each premise from which garbage and rubbish is collected by the City shall be charged such rates as may be established from time to time by resolution of the City Council. Said charges shall be considered a debt owing to the City from the user of said premises, and other persons using the disposal area. Fees and rates paid to and collected by independent collectors shall be approved from time to time by resolution of the Council.

No user of a premise within the City shall be exempt from the collection and disposal service provided by the City or by individual collectors and licensees, except by special permission of the City Council. All users of premises within the City shall be subject to service charges prescribed by the Council, and an adjustment for such charges shall be made at the discretion of said Council.

Charges for sanitation service shall be billed as a separate item on the water service bill. (Ord. 2022-18, 11-7-2022)

7-3-13: ADMINISTRATION:

The responsibility for the administering of this Chapter shall be vested in the City Manager and under the immediate direction of the City Sanitation Inspector.

7-3-14: INSPECTION AND ENFORCEMENT:

The Foreman of Sanitation shall inspect all premises at regular intervals to determine whether the provisions hereof as they apply to type and location of containers, burning practices and apparatus and other collection and disposal practices are being complied with; and shall call upon the City Sanitation Inspector for assistance in determining collection and disposal conditions detrimental to the public health, safety and welfare.

It shall be unlawful and punishable as hereinafter provided for any person to violate any of the regulations contained herein or to permit or maintain such violation or to refuse to obey any provision hereof or to fail or refuse to comply with any such provision or regulation herein provided. Each day that such violation shall be committed or permitted to continue shall constitute a separate offense hereunder. (1958 Code, ch. VII, art. 2; amd. Ord. 2132, 12-17-84)

CHAPTER 4

MEAT INSPECTION

SECTION:

7-4-1: Meat Inspection

7-4-1: MEAT INSPECTION:

It shall be unlawful for any person to sell, carry for sale, offer for sale or expose for sale any meat or by-products of meat animals, at wholesale or retail, within the corporate limits of the City, unless such meat and by-products of meat animals have been inspected and passed by a meat inspector of the Department of Agriculture of the State of Idaho. (1958 Code, Ch. VII, Art. 3)

CHAPTER 5

SNOW, WEEDS REMOVAL

SECTION:

7-5-1: Snow, Ice, Rubbish Removal

7-5-2: Weeds, Grass And Rubbish Removal

7-5-3: Spraying For Pests

7-5-4: Nuisance Declared

7-5-5: Penalty (Rep. by Ord. 2022-014, 8-1-2022)

7-5-1: SNOW, ICE, RUBBISH REMOVAL:

(A) Every owner, tenant or occupant of the premises abutting or adjoining any sidewalk or alley in the City shall be required to remove all snow, ice and rubbish from any such sidewalks and all rubbish from such alleys.

(B) Should any owner, tenant or occupant of premises abutting or adjoining any sidewalk in the City fail or neglect to remove such snow or ice from the sidewalk, then said City by its proper officers or employees may remove such snow or ice and assess the cost of such removal against the adjoining and abutting premises and the same shall be a lien thereon. Such assessment shall be certified by the City Clerk to the County Assessor or other proper County officer having charge of the making up of the assessment rolls and such assessment to be placed on the assessment rolls and collected in the same manner as other Municipal taxes are collected. (1958 Code, ch. VI, art. 8)

7-5-2: WEEDS, GRASS AND RUBBISH REMOVAL:

(A) Every owner, tenant or occupant of private property within the City shall cut and remove the weeds and grass and clean and remove rubbish as often as necessary to keep the property neat, and to prevent weeds from seeding on said private property to the center of any street or alley along or in front of such property, including the parking within and the curbing abutting such property. (Ord. 2009, 4-6-1981)

(B) Should any owner, tenant or occupant of private property within the City fail or neglect to cut or remove the weeds, grass and rubbish as herein required, the City may then have its proper officers or employees cut and remove the weeds, grass and rubbish and assess the cost of such cutting and removal against such property and the same shall be a lien thereon. Such assessment to be certified to the County Assessor or other proper County officer having charge of making up of the assessment rolls and such assessment to be placed on the assessment rolls and collected in the same manner as other Municipal taxes are collected. (1958 Code, ch. VI, art. 8)

(C) The City, through its employees, may issue warning notices for any violation of this Section. If the violation is not corrected by the reinspection date set on the warning notice, a civil penalty of one hundred dollars ($100.00) shall be assessed for the first violation, two hundred dollars ($200.00) for the second violation, and three hundred dollars ($300.00) for the third and subsequent violations during the same calendar year. (Ord. 2516, 1-22-1996)

(D) In addition to the civil penalties enumerated in Paragraph (C), violation of this Section is a misdemeanor punishable by up to sixty (60) days in jail and/or a three hundred dollar ($300.00) fine. Economic costs incurred by the city or another party expended to bring the property into compliance with this section may be charge as restitution in the criminal case. (Ord. 2022-014, 8-1-2022)

7-5-3: SPRAYING FOR PESTS:

(A) Every owner, tenant or occupant of private property within the City shall eradicate by spraying or treating any disease or pests, eggs or larvae or any pest injurious to trees, plants and shrubs or vines upon and from such property including the planting strip abutting such property by and not later than April 25 of each and every year and shall spray such plants and trees under the direction and supervision of the Superintendent of Streets.

(B) Should any owner, tenant or occupant of private property within the City fail or neglect to eradicate by spraying or treating any diseases or pests, eggs or larvae of pests injurious to trees, plants and vines as herein required, then the City may have its proper officers and employees spray or treat said trees, plants, shrubs and vines diseased or infected with pests, eggs or larvae of pests and assess the cost of such spraying or treating against said private property and the same shall be a lien thereon. Such assessment to be certified by the City Clerk to the County Assessor or to the proper County officer having charge of the making up of the assessment rolls and collected in the same manner as other Municipal taxes are collected. (1958 Code, ch. VI, art. 8)

7-5-4: NUISANCE DECLARED:

The failure to remove snow, ice and rubbish; or to cut and remove weeds, grass and rubbish; or to eradicate by spraying or otherwise treating diseases or pests injurious to trees, plants and shrubs, all as hereinabove provided for, is hereby declared to be a public nuisance, detrimental to the public health, safety and welfare. (Ord. 1850, 9-6-1977)

7-5-5: PENALTY:

(Rep. by Ord. 2022-014, 8-1-2022)

CHAPTER 6

FINANCING SEWER SYSTEM CONSTRUCTION

SECTION:

7-6-1: Definitions

7-6-2: Sewers Constructed by Public Funds

7-6-2-1: Purpose

7-6-2-2: Connection Allowed

7-6-2-3: Connection Assessment

7-6-2-4: Payment of Assessments

7-6-2-5: Authority of City Engineer

7-6-3: Privately Funded Sewer Systems

7-6-3-1: Construction Financing

7-6-3-2: Dedication and Use

7-6-3-3: City Fund Participation

7-6-1: DEFINITIONS:

For the purposes of this Chapter, the following definitions shall apply:

ADJACENT PROPERTY OWNER: An owner whose property is contiguous to a public right of way or easement that contains a public sewer.

PRIVATELY FUNDED SEWER: Public sewers that were financed by and are of primary benefit to a small group of adjacent property owners.

PUBLICLY FUNDED SEWERS: Public sewers that were financed wholly or in part by the general users of the City waste water system with no financial contribution by the adjacent property owners at the time of construction and that are of primary benefit to a large group of general users.

PROPERTY DEPTH: A distance measured perpendicular to the center line of a publicly funded sewer between the property line which is nearest to and the property line farthest from the center line of a publicly funded sewer. Whenever the property lines are not exactly parallel to the sewer center line, the average distance shall be used or such other distance that most

nearly satisfies the intent of this Chapter.

7-6-2: SEWERS CONSTRUCTED BY PUBLIC FUNDS:

7-6-2-1: PURPOSE:

The purpose of this Section is to provide for the collection of an assessment for sewer connection, which assessment shall be used by the City Waste Water Department to participate in the construction of privately funded sewers. The assessment for connection to a publicly funded sewer shall be equivalent to the average cost a property owner would pay as his share of group project to construct a privately funded sewer. The participation in the construction of privately funded sewers shall be equivalent to the cost a property owner would pay as his share of a group project to construct a privately funded sewer. The participation is to be paid when such a property owner is not participating in the group project by virtue of the fact that he has been allowed to connect to a publicly funded sewer and is therefor increasing the financial burden of the group of property owners who are not adjacent to the publicly funded sewer.

7-6-2-2: CONNECTION ALLOWED:

Whenever a property owner's property is contiguous for a distance of at least fifty feet (50') to the right of way or easement containing a publicly funded sewer, he shall be allowed to connect a building on such property to the publicly funded sewer, subject to the provisions contained herein, providing each building so connected is on a separate building lot conforming to the provisions of the City zoning regulations [1] and providing neither the service connection nor the building sewer exceeds fifty feet (50') in length. Such connections shall, in addition to the provisions contained herein, be subject to all regulations, charges and fees established by the City sewer system regulations. [2] (Ord. 1783, 9-7-76)

Notes

1 1. See Title 10 of this Code

2 2. See Chapter 7 of this Code

7-6-2-3: CONNECTION ASSESSMENT:

(A) Whenever a property owner connects directly to a publicly funded sewer he shall agree to pay a connection assessment, plus a system development fee. The assessment and fee shall be established by resolution of the City Council. (Ord. 1783, 9-7-76; amd. 1980)

(B) The assessment referred to shall represent the average cost a property owner would pay as his share of a group project to construct a privately funded sewer and shall be adequate to reimburse the Waste Water Department for its average participation in a group project as provided for herein. The assessment shall be a fixed cost for properties of average depth. The average depth shall be considered to be one hundred feet (100').

(C) All connection assessments paid shall be receipted to the Waste Water Revenue Fund as a general user charge and transferred into the Waste Water Improvement Fund Collection Division to be expended as a capital improvement.

7-6-2-4: PAYMENT OF ASSESSMENTS:

(A) Prior to connection to a publicly funded sewer, the property owner shall either pay the sewer connection assessment in full or enter into an agreement with the City to pay the assessment plus interest in two hundred forty (240) equal monthly payments. The rate of interest shall be established by resolution of the City Council.

(B) The interest rate so established shall be equivalent to the average interest rate paid on local improvement district bonds. The agreement shall provide for early debt retirement without penalty and for termination of sewer service for nonpayment of the monthly payments when due.

7-6-2-5: AUTHORITY OF CITY ENGINEER:

The City Engineer shall have the authority to determine the amount of connection assessments due and to determine the amount of financial participation in sewer projects. This determination shall be based on the intent of this Section. All such determinations shall be subject to review by the City Council. (Ord. 1783, 9-7-76)

7-6-3: PRIVATELY FUNDED SEWER SYSTEMS:

7-6-3-1: CONSTRUCTION FINANCING:

Whenever property owners within the City desire to construct a privately funded sewer system to serve the territory within which they live, the following methods of construction financing are suggested:

(A) Local improvement districts in conformance with State law.[1]

(B) Private finance agreements among the property owners concerned.

Notes

1 1. I.C. 50-1701 et seq.

7-6-3-2: DEDICATION AND USE:

Whenever the privately funded sewer is to be connected to the City waste water system, said privately funded sewer shall be dedicated to the public for public use and the same shall be maintained and operated by the City Waste Water Department for the benefit of the public at large.

7-6-3-3: CITY FUND PARTICIPATION:

(A) The Waste Water Department is authorized to participate financially in the construction of a privately funded sewer whenever (1) an adjacent property owner is not participating in the private sewer project because he was allowed to connect to a publicly funded sewer, and (2) the nonparticipation of the adjacent property owner will increase the financial burden to those persons participating.

(B) The Waste Water Department's financial participation shall be equal to what the nonparticipating owner's share will be; provided, however, that in calculating the share of the nonparticipating owner, the property depth used in the calculation shall not exceed one hundred twenty five feet (125').

(C) Funds for participation by the Waste Water Department shall be derived by a connection assessment, which assessment shall be paid by persons connecting to publicly funded sewers. Said assessment is provided for in Chapter 7 of this Title. (Ord. 1784, 9-7-76; amd. Ord., 2-7-77)

CHAPTER 7

SEWER USE

SECTION:

7-7-1: General Provisions

7-7-1-1: Purpose And Policy (EPA 1.1)

7-7-1-2: Administration (EPA 1.2)

7-7-1-3: Definitions (EPA 1.3)

7-7-1-4: Abbreviations (EPA 1.4)

7-7-2: General Requirements

7-7-2-1: Prohibited Discharge Standards (EPA 2.1)

7-7-2-2: Federal Categorical Pretreatment Standards (EPA 2.2)

7-7-2-3: State Requirements (EPA 2.3)

7-7-2-4: Local Limits (EPA 2.4)

7-7-2-5: City's Right Of Revision (EPA 2.5)

7-7-2-6: Special Agreement (EPA 2.6)

7-7-2-7: Dilution (EPA 2.7)

7-7-2-8: Pretreatment Facilities (EPA 2.8)

7-7-2-9: Deadline For Compliance With Applicable Pretreatment Requirements (EPA 2.9)

7-7-2-10: Additional Pretreatment Measures (EPA 2.10)

7-7-2-11: Accidental Spill Prevention Plans (EPA 2.11)

7-7-2-12: Septic Tank Wastes (EPA 2.12)

7-7-3: Industrial Wastewater Discharge Permit Requirements (EPA 3.0)

7-7-3-1: Industrial Wastewater Discharge Permitting; Existing SIU (EPA 3.1)

7-7-3-2: Industrial Wastewater Discharge Permitting; New Source And New User (EPA 3.2)

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7-7-1: GENERAL PROVISIONS:

7-7-1-1: PURPOSE AND POLICY (EPA 1.1):

(Hereafter, "EPA" is the comparable EPA Model Pretreatment Ordinance reference).

This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the City of Twin Falls and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

(A) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(B) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(C) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(D) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and

(E) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This chapter shall apply to all users of the POTW. The chapter authorizes the issuance of industrial wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 2020-018, 10-19-2020)

7-7-1-2: ADMINISTRATION (EPA 1.2):

Except as otherwise provided herein, the City shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the City may be delegated by the City to City personnel. Implementation of the provisions of this ordinance may be delegated to a contractor by consent of the City Council. (Ord. 2020-018, 10-19-2020)

7-7-1-3: DEFINITIONS (EPA 1.3):

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

ACT OR THE ACT: The federal water pollution control act, also known as the clean water act, as amended, 33 USC 1251 et seq.

APPLICABLE PRETREATMENT STANDARDS: For any specified pollutant, city prohibitive standards, city specific pretreatment standards (local limits), state of Idaho pretreatment standards, or EPA's categorical pretreatment standards (when effective), whichever standard is appropriate or most stringent.

APPROVAL AUTHORITY: Idaho Department of Environmental Quality (DEQ).

AUTHORIZED REPRESENTATIVE OF THE USER:

(A) If the user is a corporation:

1. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(B) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(C) If the user is a federal, state, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

(D) The individuals described in subsections (A) through (C) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

BEST MANAGEMENT PRACTICES OR BMPs: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in sections 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees Celsius (20°C), usually expressed as a concentration (milligrams per liter [mg/l]).

BYPASS: The intentional diversion of waste streams from any portion of an industrial user's treatment facility (cf. 40 CFR 403.17).

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD: Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with sections 307(b) and (c) of the act (33 USC 1317) which applies to a specific category of users and which appears in 40 CFR chapter I, subchapter N, parts 405-471 et seq.

CATEGORICAL USER: A user regulated by one of EPA's categorical pretreatment standards.

CITY: The city of Twin Falls or the city council of the city of Twin Falls.

CLEAN WATER ACT: The water quality act as amended, 33 USC 1251 et seq.

COMPOSITE SAMPLE: The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTROL AUTHORITY: Refers to: a) the POTW if the POTW's pretreatment program submission has been approved in accordance with the requirements of section 403.11; or b) the approval authority if the submission has not been approved.

COOLING WATER/NONCONTACT COOLING WATER: Water used for cooling which does not come into direct contact with

any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

DOMESTIC USER (RESIDENTIAL USER): Any person who contributes, causes, or allows the contribution of wastewater into the city POTW that is of a similar volume and/or chemical makeup to that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to one hundred (100) gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

ENVIRONMENTAL PROTECTION AGENCY (EPA): The U.S. environmental protection agency or, where appropriate, the director of the region 10 office of water, or other duly authorized official of said agency.

EXISTING SOURCE: A categorical industrial user, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pretreatment standards, which would be applicable to such source if and when the standard is thereafter promulgated in accordance with section 307 of the act.

EXISTING USER: Any noncategorical industrial user which was discharging wastewater prior to the effective date hereof.

GRAB SAMPLE: An individual sample collected over a period of time not exceeding fifteen (15) minutes (cf. 40 CFR 403, appendix E, condition II and 49 FR 31225, August 3, 1984).

INDIRECT DISCHARGE OR DISCHARGE: The introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

INDUSTRIAL USER OR USER: A source of indirect discharge (cf. 40 CFR 403.3 (j)).

INDUSTRIAL WASTEWATER DISCHARGE PERMIT: An authorization or equivalent control document issued by the city to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

INTERFERENCE: A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal: and therefore, is a cause of a violation of the City's IPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or more stringent state or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LIQUID WASTE HAULER: Any person involved in the transportation of any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks by means other than the city collection system (cf. section 7-7-3).

MAY: Is permissive (see definition of Shall).

MEDICAL WASTES: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD, OR STANDARD: Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the clean water act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5 (cf. 40 CFR 403.3(l)).

NEW SOURCE:

(A) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (A)2 or (A)3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(C) Construction of a new source as defined under this definition has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on site construction program:

(a) Any placement, assembly, or installation of facilities or equipment; or

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NEW USER: A user that is not regulated under federal categorical pretreatment standards but that applies to the city for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the city's collection system after the effective date of this chapter. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.

PASS-THROUGH: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

PERMITTEE: A user issued an industrial wastewater discharge permit.

pH: A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, BOD, chemical oxygen demand [COD], toxicity, or odor).

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard) (cf. 40 CFR 403.3(a)).

PRETREATMENT REQUIREMENT: Any substantive or procedural requirement related to pretreatment imposed on a user, other than a national pretreatment standard (cf. 40 CFR 403.3(t)).

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances, which appear in subsections 7-7-2-1(A) and (B) of this chapter.

PUBLICLY OWNED TREATMENT WORKS (POTW): A "treatment works", as defined by section 212 of the act (33 USC 1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the city.

SEPTIC TANK WASTE: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production (cf. 403.17(a)(2)).

SEWAGE: Human excrement and gray water (household showers, dishwashing operations, etc.).

SEWER: Any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

SHALL: Is mandatory (see definition of May).

SIGNIFICANT INDUSTRIAL USER:

(A) A user subject to categorical pretreatment standards; or

(B) A user that:

1. Discharges an average of twenty five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(C) Upon a finding that a user meeting the criteria in subsection (B) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the city may

at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 CFR 403.8(f)(6) determine that such user should not be considered a significant industrial user.

SLUG LOAD OR SLUG DISCHARGE: Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in sections 7-7-2-1 through 7-7-2-4 of this chapter or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause pass-through or interference.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: A classification pursuant to the "Standard Industrial Classification Manual" issued by the United States office of management and budget.

STORMWATER: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

TOTAL SUSPENDED SOLIDS: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

TREATMENT PLANT EFFLUENT: The discharge from the POTW into waters of the United States.

UPSET: An exceptional incident in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation (cf. 40 CFR 403.16).

USER OR INDUSTRIAL USER: A source of indirect discharge.

WASTEWATER: Liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT: That portion of the POTW which is designed to provide treatment including recycling and reclamation of municipal sewage and industrial waste.

(Ord. 2020-018, 10-19-2020)

7-7-1-4: ABBREVIATIONS (EPA 1.4):

The following abbreviations shall have the designated meanings:

ASPP	-	Accidental spill prevention plan
BOD	-	Biochemical oxygen demand
CFR	-	Code of federal regulations
COD	-	Chemical oxygen demand
EPA	-	U.S. environmental protection agency
GPD	-	Gallons per day
L	-	Liter
LEL	-	Lower explosive limit
mg	-	Milligrams
mg/l	-	Milligrams per liter
IPDES	-	Idaho Pollutant Discharge Elimination System
O&M	-	Operation and maintenance
POTW	-	Publicly owned treatment works
RCRA	-	Resource conservation and recovery act
SIC	-	Standard industrial classifications
SNC	-	Significant noncompliance
SWDA	-	Solid waste disposal act (42 USC 6901 et seq.)
TSS	-	Total suspended solids
USC	-	United States Code

(Ord. 2020-018, 10-19-2020)

7-7-2: GENERAL REQUIREMENTS:

7-7-2-1: PROHIBITED DISCHARGE STANDARDS (EPA 2.1):

(A) General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference.

These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment

standards or any other National, State, or local pretreatment standards or requirements.

(B) Specific Prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste-streams with a closed-cup flash point of less than 140ºF (60ºC) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 5.0 or greater than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference [but in no case solids greater than ½ inch (½") or 0.7 centimeter(s) (0.7cm) in any dimension];

4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

5. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104ºF (40ºC) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the City.

9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;

10. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the City in compliance with applicable State or Federal regulations;

11. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized;

12. Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;

13. Medical wastes, except as specifically authorized by the City;

14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

16. Any liquid, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

17. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

18. Any substance which will cause the POTW to violate its IPDES permit and/or other disposal system permits.

19. Any wastewater, which in the opinion of the City can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless waived by the City (except that no waiver shall be given from categorical pretreatment standards).

20. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater unless said person has first obtained testing and approval as may be generally required by the City of Twin Falls and has paid all fees assessed for the privilege of said discharge.

21. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA)

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. 2020-018, 10-19-2020)

7-7-2-2: FEDERAL CATEGORICAL PRETREATMENT STANDARDS (EPA 2.2):

The national categorical pretreatment standards as amended and promulgated by EPA pursuant to the act and as found at 40 CFR chapter I, subchapter N, parts 405-471, are hereby incorporated and shall be enforceable under this chapter. (Ord. 2020-018, 10-19-2020)

7-7-2-3: STATE REQUIREMENTS (EPA 2.3):

State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or in other applicable ordinances. (Ord. 2020-018, 10-19-2020)

7-7-2-4: LOCAL LIMITS (EPA 2.4):

Pollutant limits shall be established by resolution of the city council to protect against pass-through and interference. No SIU shall discharge wastewater containing pollutant levels in excess of the daily maximum allowable discharge limits.

The limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The city may impose mass limitations in addition to (or in place of) the concentration based limitations. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply. (Ord. 2020-018, 10-19-2020)

7-7-2-5: CITY'S RIGHT OF REVISION (EPA 2.5):

The city reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Ord. 2020-018, 10-19-2020)

7-7-2-6: SPECIAL AGREEMENT (EPA 2.6):

The city reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. A special agreement shall not constitute, nor be construed as a replacement for, an industrial wastewater discharge permit. However, if applicable, industrial users may request a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR 403.13. (Ord. 2020-018, 10-19-2020)

7-7-2-7: DILUTION (EPA 2.7):

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The city may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 2020-018, 10-19-2020)

7-7-2-8: PRETREATMENT FACILITIES (EPA 2.8):

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time limitations specified by the EPA, the state, or the city, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this chapter. (Ord. 2020-018, 10-19-2020)

7-7-2-9: DEADLINE FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS (EPA 2.9):

Compliance by existing sources covered by categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The city shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the federal categorical pretreatment standards.

New sources and new users are required to comply with applicable pretreatment standards within the shortest feasible time, not to exceed ninety (90) days from the beginning of discharge. New sources and new users shall install, have in operating condition, and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any industrial wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any

deadline date established in an applicable categorical pretreatment standard. Any other existing user or a categorical user that must comply with a more stringent local limit which is in noncompliance with any local limit shall be required to comply with a compliance schedule to ensure compliance within the shortest time feasible. The compliance schedule may be included in a control mechanism, administrative order or compliance order, or other appropriate enforcement or control remedy. (Ord. 2020-018, 10-19-2020)

7-7-2-10: ADDITIONAL PRETREATMENT MEASURES (EPA 2.10):

(A) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, issue an industrial wastewater discharge permit solely for flow equalization, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other actions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(B) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the city and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at the user's expense.

(C) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 2020-018, 10-19-2020)

7-7-2-11: ACCIDENTAL SPILL PREVENTION PLANS (EPA 2.11):

The city may require any user to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by the city, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the city for review and approval before implementation. The city shall determine which user is required to develop a plan and require said plan to be submitted within one hundred eighty (180) days after notification by the city. The city may develop such a plan for any user (cf. section 3.3 EPA model: January 2007 EPA 833-B-06-002). Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:

(A) Description of discharge practices, including nonroutine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the POTW of any accidental or slug discharges with procedures for follow up written notification within five (5) days. Such notification must also be given for any discharge which would violate any of the standards in sections 7-7-2-1 through 7-7-2-4 of this chapter; and

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response. (Ord. 2020-018, 10-19-2020)

7-7-2-12: SEPTIC TANK WASTES (EPA 2.12):

(A) Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the city. Such wastes shall not violate this section or any other requirements established or adopted by the city. Industrial wastewater discharge permits for individual vehicles to use such facilities shall be issued by the city.

(B) Septic tank waste haulers may only discharge loads at locations specifically designated by the city. No load may be discharged without prior consent of the city. The city may collect samples of each hauled load to ensure compliance with applicable pretreatment standards. The city may require the hauler to provide a waste analysis of any load prior to discharge.

(C) Septic tank waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.

(D) Fees for dumping hauled wastes will be established as part of the user fee system as authorized in section 7-7-14-1 of this chapter.

(Ord. 2975, 7-27-2009)

7-7-3: INDUSTRIAL WASTEWATER DISCHARGE PERMIT REQUIREMENTS (EPA 3.0):

No significant industrial user shall discharge wastewater into the POTW without first obtaining an industrial wastewater discharge permit from the city; the permit must be enforceable and contain all the elements as required by 40 CFR 403.8(f)(1)(iii)(B). Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this chapter and subjects the permittee to the sanctions set forth in this chapter. Obtaining an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

The city may require other users, including liquid waste haulers, to obtain industrial wastewater discharge permits or liquid waste hauler permits. (Ord. 2020-018, 10-19-2020)

7-7-3-1: INDUSTRIAL WASTEWATER DISCHARGE PERMITTING; EXISTING SIU (EPA 3.1):

Any SIU that was discharging wastewater into the POTW prior to the effective date hereof and that wishes to continue such discharges in the future shall, within thirty (30) days after notification by the city, submit a completed permit application to the city in accordance with section 7-7-3-4 of this chapter and shall not cause or allow discharges to the POTW to continue after ninety (90) days after notification by the city except in accordance with an industrial wastewater discharge permit issued by the city. (Ord. 2020-018, 10-19-2020)

7-7-3-2: INDUSTRIAL WASTEWATER DISCHARGE PERMITTING; NEW SOURCE AND NEW USER (EPA 3.2):

At least ninety (90) days prior to the anticipated startup, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any new user considered by the city to fit the definition of SIU shall apply for an industrial wastewater discharge permit and will be required to submit to the city at least the information listed in subsections 7-7-3-4(A) through (E) of this chapter. A new source or new user is prohibited from discharging without first being issued by the city an industrial wastewater discharge permit. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New sources and new users shall give estimates of the information requested in subsections 7-7-3-4(D) and (E) of this chapter. (Ord. 2020-018, 10-19-2020)

7-7-3-3: INDUSTRIAL WASTEWATER DISCHARGE PERMITTING; EXTRAJURISDICTIONAL USERS (EPA 3.3):

Any existing user who is located beyond the city limits and who is required to obtain an industrial wastewater discharge permit shall submit an industrial wastewater discharge permit application as outlined in section 7-7-3-4 of this chapter. New sources and new users who are located beyond the city limits and who are required to obtain an industrial wastewater discharge permit shall comply with section 7-7-3-2 of this chapter.

(A) If another municipality, or industrial user(s) located within another municipality, contributes wastewater to the city's collection system, the city shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by subsection (A) of this section the city shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the city by the contributing municipality;

2. An inventory of all users located within the contributing municipality that are discharging to the city's collection system; and

3. Any other information as the city may deem necessary to enter into an intermunicipal agreement.

(C) An intermunicipal agreement, as required by subsection (A) of this section, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in section 7-7-4-1 of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

2. A requirement for the contributing municipality to submit a revised industrial user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including industrial wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the city; and which of these activities will be conducted jointly by the contributing municipality and the city;

4. A requirement for the contributing municipality to provide the city with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it

discharges to the city's collection system;

6. Requirements for monitoring the contributing municipality's discharge;

7. A provision ensuring the city or its agents access to the facilities of industrial users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the city; and

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (Ord. 2020-018, 10-19-2020)

7-7-3-4: INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS (EPA 3.4):

All users required to obtain an industrial wastewater discharge permit must submit, at a minimum, the following information. The city shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with 40 CFR 403.12(b).

(A) Identifying Information: The user shall submit the name and address of the facility including the name of the operator and owners;

(B) Permits: The user shall submit a list of all environmental control permits held by or for the facility;

(C) Description Of Operations: The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.

(D) Flow Measurement:

1. Categorical user: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(a) Regulated or manufacturing process streams; and

(b) Other streams as necessary to allow use of the combined waste stream formula (40 CFR 403.6(e)).

2. Noncategorical user: The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(a) Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the city.

The city may allow for verifiable estimates of these flows where justified by cost or feasibility.

(E) Measurements Of Pollutants:

1. Categorical User:

(a) The user shall identify the applicable pretreatment standards for each regulated or manufacturing process.

(b) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the categorical pretreatment standard or as required by the city) of regulated pollutants (including standards contained in sections 7-7-2-1 through 7-7-2-4 of this chapter, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in section 7-7-5 of this chapter.

(c) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

(d) Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) for a categorical user, this adjusted limit along with supporting data shall be submitted as part of the application.

2. Noncategorical User:

(a) The user shall identify the applicable pretreatment standards for its wastewater discharge.

(b) In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration in the discharge (or mass where required by the city) of regulated pollutants contained in sections 7-7-2-1 through 7-7-2-4 of this chapter, as appropriate. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in

section 7-7-5 of this chapter.

(c) The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

(d) Where the city developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

(F) Certification: The user shall submit a statement, worded as specified in section7-7-3-5 of this chapter, which has been reviewed by an authorized representative of the user, and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet the applicable pretreatment standards and requirements.

(G) Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the applicable pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The user's schedule shall conform with the requirements of section 7-7-4-4 of this chapter. The completion date in this schedule shall not be later than the compliance date established pursuant to section 7-7-2-9 of this chapter.

1. Where the user's categorical pretreatment standard has been modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) at the time the user submits the report required by this subsection, the information required by subsection (F) of this section and this subsection (G) shall pertain to the modified limits.

2. If the categorical pretreatment standard is modified by a removal allowance (40 CFR 403.7), the combined waste stream formula (40 CFR 403.6(e)), and/or a fundamentally different factors variance (40 CFR 403.13) after the user submits the report required by subsection (F) of this section and this subsection (G), then a report containing modified information shall be submitted by the user within sixty (60) days after the new limit is approved.

(H) Additional Information: The user shall submit any other information as may be deemed necessary by the city to evaluate the industrial wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. 2020-018, 10-19-2020)

7-7-3-5: SIGNATORY AND CERTIFICATION REQUIREMENT (EPA 3.5):

All industrial wastewater discharge permit applications and user reports must be signed by a responsible officer or manager, or sole proprietor or general partner as applicable, or duly authorized representative.

(A) For the purpose of this section, a responsible officer or manager means:

1. A president, vice president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

2. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. This authorization must be made in writing by the principal executive officer or ranking elected official and submitted to the approval authority prior to or together with the report being submitted of the user and contain the following certification statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(B) A duly authorized representative is an individual designated by the responsible officer, manager, sole proprietor or general partner in writing. The written authorization must be submitted to the city and also specifies either an individual or a position having the responsibility of the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company. If an authorization in this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

(Ord. 2020-018, 10-19-2020)

7-7-3-6: INDUSTRIAL WASTEWATER DISCHARGE PERMIT DECISIONS (EPA 3.6):

The city will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete industrial wastewater discharge permit application, the city will determine whether or not to issue an industrial wastewater discharge permit. Upon a determination to issue, the permit shall be issued within thirty (30) days of full evaluation and acceptance of the data furnished. The city may deny any application for an industrial wastewater discharge permit. (Ord. 2020-018, 10-19-2020)

7-7-3-7: INDUSTRIAL WASTEWATER DISCHARGE PERMIT CONTENTS (EPA 3.7):

Industrial wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the city to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(A) Industrial wastewater discharge permits must contain the following conditions:

1. A statement that indicates industrial wastewater discharge permit duration, which in no event shall exceed five (5) years;

2. A statement that the industrial wastewater discharge permit is nontransferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing industrial wastewater discharge permit;

3. Applicable pretreatment standards and requirements, including effluent limits, best management practices (BMPs) based on applicable general pretreatment standards in 40 CFR part 403 which may be made a part of this chapter, categorical pretreatment standards, local limits, and any special state requirements;

4. Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

5. Requirement for immediate notification to the city where self-monitoring results indicate noncompliance;

6. Requirement to report a bypass or upset of a pretreatment facility;

7. Requirement to report immediately to the city all discharges, including slug loadings, that could cause problems to the POTW;

8. Requirement for the SIU who reports noncompliance to notify the city within twenty four (24) hours of becoming aware of the noncompliance and repeat the sampling and analysis and submit results to the city within thirty (30) days after becoming aware of the violation;

9. A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule;

10. Requirements to control slug discharges, if determined by the POTW to be necessary.

(B) Industrial wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

6. Requirements for installation and maintenance of inspection and sampling facilities and equipment including flow measurement devices;

7. A statement that compliance with the industrial wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the industrial wastewater discharge permit;

8. Other conditions as deemed appropriate by the city to ensure compliance with this chapter, and state and federal laws, rules, and regulations. (Ord. 2020-018, 10-19-2020)

7-7-3-8: INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPEALS (EPA 3.8):

Any person, including the user, may petition the city to reconsider the terms of an industrial wastewater discharge permit within thirty (30) days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the industrial wastewater discharge permit provisions objected to, the reasons for objections, and proposed alternative conditions, if any, it seeks to place in the industrial wastewater discharge permit.

(C) The effectiveness of the industrial wastewater discharge permit shall not be stayed pending the appeal.

(D) If the city fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an industrial wastewater discharge permit, not to issue an industrial wastewater discharge permit, or not to modify an industrial wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking judicial review of the final administrative industrial wastewater discharge permit decision must do so by filing a complaint with the clerk of the district court for the fifth judicial district, state of Idaho, within six (6) months. (Ord. 2020-018, 10-19-2020)

7-7-3-9: INDUSTRIAL WASTEWATER DISCHARGE PERMIT DURATION (EPA 3.9):

Industrial wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An industrial wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the city. Each industrial wastewater discharge permit shall indicate a specific date upon which it will expire. (Ord. 2020-018, 10-19-2020)

7-7-3-10: INDUSTRIAL WASTEWATER DISCHARGE PERMIT MODIFICATION (EPA 3.10):

The city may modify the industrial wastewater discharge permit for good cause including, but not limited to, the following:

(A) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of industrial wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(E) Violation of any terms or conditions of the industrial wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required report;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(H) To correct typographical or other errors in the industrial wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership and/or operation to a new owner/operator. (Ord. 2020-018, 10-19-2020)

7-7-3-11: INDUSTRIAL WASTEWATER DISCHARGE PERMIT TRANSFER (EPA 3.11):

Industrial wastewater discharge permits may be transferred to a new owner and/or operator only if the permittee gives at least thirty (30) days' advance notice to the city and the city approves the industrial wastewater discharge permit transfer. The notice to the city must include a written certification by the new owner and/or operator which:

(A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(B) Identifies the specific date on which the transfer is to occur; and

(C) Assumes full responsibility for complying with the existing industrial wastewater discharge permit beginning on the date of the transfer.

Failure to provide advance notice of a transfer renders the industrial wastewater discharge permit void as of the date of facility transfer.

Provided that the notice required above occurred and that there were no significant changes to the manufacturing operation or wastewater discharge and provided that the industry is not subject to categorical standards or requirements, the new owner will be considered an existing user and will be covered by the existing limits and requirements in the previous owner's permit. (Ord. 2020-018, 10-19-2020)

7-7-3-12: INDUSTRIAL WASTEWATER DISCHARGE PERMIT REVOCATION (EPA 3.12):

Industrial wastewater discharge permits may be revoked for, but not limited to, the following reasons:

(A) Failure to notify the city of significant changes to the wastewater prior to the changed discharge;

(B) Failure to provide prior notification to the city of changed conditions;

(C) Misrepresentation or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application;

(D) Falsifying self-monitoring reports and/or certification statements;

(E) Tampering with monitoring equipment;

(F) Refusing to allow the city timely access to the facility premises and records;

(G) Failure to meet discharge limitations;

(H) Failure to pay fines;

(I) Failure to pay sewer charges;

(J) Failure to meet compliance schedules;

(K) Failure to complete a wastewater survey or the industrial wastewater discharge permit application;

(L) Failure to provide advance notice of the transfer of a permitted facility;

(M) Violation of any pretreatment standard or requirement, or any terms of the industrial wastewater discharge permit or this chapter; or

(N) If the city has to invoke its emergency provision as cited in section7-7-9-7 of this chapter.

Industrial wastewater discharge permits shall be void upon cessation of operations. All industrial wastewater discharge permits issued to a particular user are void upon the issuance of a new industrial wastewater discharge permit to that user. (Ord. 2020-018, 10-19-2020)

7-7-3-13: INDUSTRIAL WASTEWATER DISCHARGE PERMIT REISSUANCE (EPA 3.13):

A user who is required to have an industrial wastewater discharge permit shall apply for industrial wastewater discharge permit reissuance by submitting a complete industrial wastewater discharge permit application, in accordance with section 7-7-3-4 of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing industrial wastewater discharge permit. A user whose existing industrial wastewater discharge permit has expired and who has submitted its reapplication in the time period specified herein shall be deemed to have an effective industrial wastewater discharge permit until the city issues or denies the new industrial wastewater discharge permit. A user whose existing industrial wastewater discharge permit has expired and who failed to submit its reapplication in the time period specified herein will be deemed to be discharging without an industrial wastewater discharge permit. (Ord. 2020-018, 10-19-2020)

7-7-4: REPORTING REQUIREMENTS:

7-7-4-1: BASELINE MONITORING REPORTS (EPA 4.1):

(A) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4) (whichever is later) existing categorical users currently discharging to or scheduled to discharge to the POTW, shall submit to the city a report which contains the information listed in subsection (B) of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the city a report which contains the information listed in subsection (B) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below:

1. Identifying Information: The name and address of the facility, including the name of the operator and owner.

2. Environmental Permits: A list of any environmental control permits held by or for the facility.

3. Description Of Operations: A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

5. Measurement Of Pollutants:

(a) The pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be collected and analyzed in accordance with procedures set out in section 7-7-5 of this chapter.

(c) In cases where a pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit sufficient documentation as required by the city or the applicable standard to determine compliance with the standard.

(d) Sampling must be performed in accordance with procedures set out in section7-7-5 of this chapter.

6. Certification: A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

7. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 7-7-4-4 of this chapter.

8. Signature And Certification: All baseline monitoring reports must be signed and certified in accordance with section 7-7-3-5 of this chapter. (Ord. 2020-018, 10-19-2020)

7-7-4-2: FINAL COMPLIANCE REPORT (INITIAL COMPLIANCE REPORT) (EPA 4.2):

(A) Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in subsections 7-7-4-1(B)4, (B)5 and (B)6 of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in subsections 7-7-3-4(E)1(d) and (E)2(d) of this chapter, this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsections 7-7-3-4(E)1(d) and (E)2(d) of this chapter. All sampling shall be done in accordance with section 7-7-5-1 of this chapter.

(B) For users subject to equivalent mass or concentration limits established by the city in accordance with procedures established in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. (Ord. 2020-018, 10-19-2020)

7-7-4-3: PERIODIC COMPLIANCE REPORT (EPA 4.3):

(A) Any user that is required to have an industrial wastewater discharge permit and performs self-monitoring shall comply with all applicable requirements under 40 CFR 403.12 and submit to the city during the months of June and December, unless required on other dates or more frequently by the city, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial wastewater discharge permit. At a minimum, users shall sample their discharge at least twice per year.

(B) The report shall include a record of the concentrations (and mass if specified in the industrial wastewater discharge permit) of the pollutants listed in the industrial wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by this chapter or the industrial wastewater discharge permit. Production data shall be reported if required by the industrial wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by the city or by this chapter, using methodologies in 40 CFR part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

(C) Any user subject to equivalent mass or concentration limits established by the city or by unit production limits specified in the applicable categorical standards shall report production data as outlined in subsection 7-7-4-2(B) of this chapter.

(D) If the city calculated limits to factor out dilution flows or nonregulated flows, the user will be responsible for providing flow data including regulated process flows, dilution flows and nonregulated flows.

(E) Flows shall be reported on the basis of actual measurement, provided, however, that the city may accept reports of average and maximum flows estimated by verifiable techniques if the city determines that an actual measurement is not feasible.

(F) All wastewater samples shall be representative of discharges and samples shall be taken in accordance with the

requirements specified in section 7-7-5 of this chapter.

(G) The city may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

(H) The city may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the city agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the city for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The city is under no obligation to perform periodic compliance monitoring for a user. (Ord. 2020-018, 10-19-2020)

7-7-4-4: COMPLIANCE SCHEDULES FOR MEETING APPLICABLE PRETREATMENT STANDARDS (EPA 4.4):

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(B) No increment referred to in subsection (A) of this section shall exceed nine (9) months.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

(D) In no event shall more than nine (9) months elapse between such progress reports. (Ord. 2020-018, 10-19-2020)

7-7-4-5: NOTIFICATION OF SIGNIFICANT PRODUCTION CHANGES (EPA 4.5):

Any user operating under an industrial wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the city within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its industrial wastewater discharge permit. (Ord. 2020-018, 10-19-2020)

7-7-4-6: HAZARDOUS WASTE NOTIFICATION (EPA 4.6):

(A) Any user who commences the discharge of hazardous waste shall notify in writing: the city, the EPA region 10 office of air, waste, and toxics director, and the Idaho department of health and welfare, division of environmental quality remediation section, of any discharge into the city's sewage collection system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.

Such notification shall include:

1. The name of the hazardous waste as set forth in 40 CFR part 261;

2. The EPA hazardous waste number; and

3. The type of discharge (continuous, batch, or other).

4. If an industrial user discharges more than one hundred (100) kilograms of such waste per calendar month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the industrial user:

(a) An identification of the hazardous constituents contained in the wastes;

(b) An estimation of the mass and concentration of such constituents in the waste stream(s) discharged during that calendar month; and

(c) An estimation of the mass of constituents in the waste stream(s) expected to be discharged during the following twelve (12) months.

All notifications must take place no later than one hundred eighty (180) days after the discharge(s) commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under this chapter.

The notification requirements of this section do not apply to pollutants already reported by industrial users under self-monitoring requirements of this chapter.

(B) Dischargers are exempt from the requirements of subsection (A) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes

in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which an industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, an industrial user shall notify the city, the EPA region 10 office of air, waste, and toxics director, and the Idaho department of health and welfare, division of environmental quality remediation section, of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(D) In the case of any notification made under this section, an industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued hereunder, or any applicable federal or state law. (Ord. 2020-018, 10-19-2020)

7-7-4-7: NOTICE OF POTENTIAL PROBLEMS, INCLUDING ACCIDENTAL SPILLS, AND SLUG LOADS (EPA 4.7):

(A) In case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load as defined in section 7-7-1-3 of this chapter, that might cause potential problems for the city's collection and/or treatment system, an industrial user shall immediately telephone and notify the city of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, or an estimate if unknown, and corrective actions taken by the industrial user.

(B) Within five (5) days following such discharge, the industrial user shall, unless waived by the city, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future recurrence. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the city's collection system and/or treatment facilities, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on an industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (A) of this section. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedures.

(D) Significant industrial users shall notify the city immediately of any changes at their facilities affecting the potential for a slug discharge. (Ord. 2020-018, 10-19-2020)

7-7-4-8: NONCOMPLIANCE/REPEAT SAMPLING AND REPORTING (EPA 4.8):

If sampling performed by an industrial user indicates a violation, the user shall notify the city within twenty four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to the city within thirty (30) days after becoming aware of the violation. (Where the city has performed the sampling and analysis in lieu of the industrial user, the city must perform the repeat sampling and analysis unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat analysis.) Resampling is not required if:

(A) The city performs sampling at the industrial user at a frequency of at least once per month, or

(B) The city performs sampling at the industrial user between the time when the initial sampling was conducted and the time when the industrial user or the city receives the results of this sampling. (Ord. 2020-018, 10-19-2020)

7-7-4-9: NOTIFICATION OF CHANGED DISCHARGE (EPA 4.9):

All industrial users shall promptly notify the city in advance of any significant changes in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under section 7-7-4-6 of this chapter (cf. 40 CFR 403.12 (p)).

(A) The city may require an industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application.

(B) The city may issue an industrial wastewater discharge permit or modify an existing industrial wastewater discharge permit in response to changed conditions or anticipated changed conditions. (Ord. 2020-018, 10-19-2020)

7-7-4-10: REPORTS FROM UNPERMITTED USERS (EPA 4.10):

All users not required to obtain an industrial wastewater discharge permit shall provide appropriate reports to the city as the city may require. (Ord. 2020-018, 10-19-2020)

7-7-4-11: RECORD KEEPING (EPA 4.11):

Industrial users subject to the reporting requirements of this chapter shall retain and make available for inspection and

copying all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the industrial user independent of such requirements, and documentation associated with best management practices (BMPs) that may be established in this chapter. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses including documentation associated with best management practices. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the industrial user or the city, or where the industrial user has been specifically notified of a longer retention period by the city. (Ord. 2020-018, 10-19-2020)

7-7-5: SAMPLING AND ANALYTICAL REQUIREMENTS:

7-7-5-1: SAMPLING REQUIREMENTS FOR USERS (EPA 5.1):

(A) Except as indicated in subsections (B) and (C) of this section, industrial users must collect wastewater samples using twenty four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the city. Where time proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharges and authorization documentation included in the users' files. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(B) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(C) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in sections 7-7-4-1 (pertaining to BMRs), 7-7-4-2 (pertaining to FCRs), and 7-7-4-3 (pertaining to periodic compliance reports for categorical and noncategorical SIUs) of this chapter, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfides and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For the reports, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(D) Samples shall be taken immediately downstream from pretreatment facilities if such exist, immediately downstream from the regulated or manufacturing process if no pretreatment exists, or at a location determined by the city and specified in the user's industrial wastewater discharge permit. For categorical users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula at 40 CFR 403.6(e) in order to evaluate compliance with the applicable categorical pretreatment standards. For other SIUs, for which the city has adjusted its local limits to factor out dilution flows, the user shall measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standard(s). Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) the adjusted limit along with supporting data shall be submitted to the city and included in the industrial user's file.

(E) All sample results shall indicate the time, date and place of sampling and methods of analysis and shall certify that the waste stream sampled is representative of normal work cycles and expected pollutant discharges from the user. If a user sampled and analyzed more frequently than what was required in its industrial wastewater discharge permit, using methodologies in 40 CFR part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report. (Ord. 2020-018, 10-19-2020)

7-7-5-2: ANALYTICAL REQUIREMENTS (EPA 5.2):

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. (Ord. 2020-018, 10-19-2020)

7-7-5-3: CITY MONITORING OF INDUSTRIAL USER'S WASTEWATER (EPA 5.3):

If the city elects to conduct periodic monitoring of an industrial user's discharge, the city shall follow the same procedures outlined in sections 7-7-5-1 and 7-7-5-2 of this chapter as required of industrial users. (Ord. 2020-018, 10-19-2020)

7-7-6: COMPLIANCE MONITORING:

7-7-6-1: RIGHT OF ENTRY; INSPECTION AND SAMPLING (EPA 6.1):

The city shall have the right to enter the premises and facilities of any industrial user to determine whether the user is complying with all requirements of this chapter and any industrial wastewater discharge permit or order issued hereunder.

Industrial users shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(A) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(B) The city shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the industrial user's operations.

(C) The city may require an industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency to ensure continuous accuracy.

(D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(E) Unreasonable delays in allowing the city access to the industrial user's premises shall be a violation of this chapter. (Ord. 2020-018, 10-19-2020)

7-7-6-2: MONITORING FACILITIES (EPA 6.2):

The city may require an industrial user, at the user's expense, to install a monitoring station, facilities and/or equipment as necessary to allow inspection, sampling, and flow measurements of each sewer discharge to the city and to ensure compliance with this chapter. All monitoring facilities shall be constructed and maintained in accordance with all applicable city construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated at a frequency that will ensure their continuous accuracy.

There shall be ample room in or near sampling facilities to allow accurate sampling and preparation of samples for analysis. Sampling facilities, including sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the user's expense. (Ord. 2020-018, 10-19-2020)

7-7-6-3: SEARCH WARRANTS (EPA 6.3):

If the city has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any industrial wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant from the district court of the fifth judicial district, Twin Falls County, Idaho. (Ord. 2020-018, 10-19-2020)

7-7-6-4: VANDALISM (EPA 6.4):

No person shall wilfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the city's sanitary collection system or treatment facilities. (Ord. 2020-018, 10-19-2020)

7-7-7: CONFIDENTIAL INFORMATION (EPA 7.0):

Information and data on an industrial user obtained from reports, surveys, industrial wastewater discharge permit applications, industrial wastewater discharge permits, and monitoring programs, and from city inspection and sampling activities shall be available to the public without restriction, unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the IPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 2020-018, 10-19-2020)

7-7-8: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE (EPA 8.0):

The city shall publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the city, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements. For the purposes of this provision, an industrial user is in SNC if its violation meets one or more of the following criteria:

(A) "Chronic violations of wastewater discharge limits", defined herein as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) "Technical review criteria (TRC) violations", defined herein as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l), multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of city personnel or the general public;

(D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within forty five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s), which may include a violation of best management practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 2020-018, 10-19-2020)

7-7-9: ADMINISTRATIVE ENFORCEMENT REMEDIES:

7-7-9-1: NOTIFICATION OF VIOLATION (EPA 9.1):

When the city finds that a user has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the city may serve upon that user a written notice of violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the city. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 2020-018, 10-19-2020)

7-7-9-2: CONSENT ORDERS (EPA 9.2):

The city may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 7-7-9-4 and 7-7-9-5 of this chapter and shall be judicially enforceable. (Ord. 2020-018, 10-19-2020)

7-7-9-3: SHOW CAUSE HEARING (EPA 9.3):

The city may order a user which has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, to appear before the city and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 2020-018, 10-19-2020)

7-7-9-4: COMPLIANCE ORDERS (EPA 9.4):

When the city finds that a user has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the city may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a

bar against, or a prerequisite for, taking any other action against the user. (Ord. 2020-018, 10-19-2020)

7-7-9-5: CEASE AND DESIST ORDERS (EPA 9.5):

When the city finds that a user has violated (or continues to violate) any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the city may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(A) Immediately comply with all requirements; and

(B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 2020-018, 10-19-2020)

7-7-9-6: ADMINISTRATIVE FINES (EPA 9.6):

(A) When the city finds that a user has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount not to exceed one thousand dollars ($1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed interest at the same rate and in the same manner as that established by the federal government for the internal revenue service for unpaid taxes and penalties (currently 6 percent on the date of adoption hereof). A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the city may convene a hearing on the matter within thirty (30) days of receiving the request from the user. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 2020-018, 10-19-2020)

7-7-9-7: EMERGENCY SUSPENSIONS (EPA 9.7):

The city may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

(A) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings in section 7-7-9-8 of this chapter are initiated against the user.

(B) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future recurrence, to the city prior to the date of any show cause or termination hearing under sections 7-7-9-3 and 7-7-9-8 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 2020-018, 10-19-2020)

7-7-9-8: TERMINATION OF DISCHARGE (EPA 9.8):

In addition to the provisions in section7-7-3-12 of this chapter, any user that violates the following conditions is subject to discharge termination:

(A) Violation of industrial wastewater discharge permit conditions;

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(C) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to

discharge;

(D) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

(E) Violation of the pretreatment standards in section7-7-2 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 7-7-9-3 of this chapter why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 2020-018, 10-19-2020)

7-7-10: JUDICIAL ENFORCEMENT REMEDIES:

7-7-10-1: INJUNCTIVE RELIEF (EPA 10.1):

When the city finds that a user has violated, or continues to violate, any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the city may petition the district court of the fifth judicial district of the state of Idaho in and for the county of Twin Falls through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the industrial wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 2020-018, 10-19-2020)

7-7-10-2: CIVIL PENALTIES (EPA 10.2):

(A) A user which has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of one thousand dollars ($1,000.00) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The city may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(C) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 2020-018, 10-19-2020)

7-7-10-3: CRIMINAL PROSECUTION (EPA 10.3):

(A) A user who wilfully or negligently violates any provision of this chapter, an industrial wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(B) A user who wilfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of at least one thousand dollars ($1,000.00), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(C) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, industrial wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not more than one thousand dollars ($1,000.00) per violation per day, or imprisonment for not more than six (6) months, or both. (Ord. 2020-018, 10-19-2020)

7-7-10-4: REMEDIES NONEXCLUSIVE (EPA 10.4):

The enforcement remedies provided for in this chapter are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user. (Ord. 2020-018, 10-19-2020)

7-7-11: SUPPLEMENTAL ENFORCEMENT ACTION:

7-7-11-1: PERFORMANCE BONDS (EPA 11.1):

The city may decline to issue or reissue an industrial wastewater discharge permit to any user which has failed to comply with any provision of this chapter, a previous industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the city to be necessary to achieve consistent compliance. (Ord. 2020-018, 10-19-2020)

7-7-11-2: LIABILITY INSURANCE (EPA 11.2):

The city may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ord. 2020-018, 10-19-2020)

7-7-11-3: PAYMENT OF OUTSTANDING FEES AND PENALTIES (EPA 11.3):

The city may decline to issue or reissue an industrial wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this chapter, a previous industrial wastewater discharge permit, or order issued hereunder. (Ord. 2020-018, 10-19-2020)

7-7-11-4: WATER SUPPLY SEVERANCE (EPA 11.4):

Whenever a user has violated or continues to violate any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply. (Ord. 2020-018, 10-19-2020)

7-7-11-5: PUBLIC NUISANCES:

A violation of any provision of this chapter, an industrial wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the city. Any person(s) creating a public nuisance shall be subject to the provisions of this code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance. (Ord. 2020-018, 10-19-2020)

7-7-11-6: INFORMANT REWARDS:

The city may pay for information leading to the discovery of noncompliance by a user. (Ord. 2020-018, 10-19-2020)

7-7-11-7: CONTRACTOR LISTING:

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the city. (Ord. 2020-018, 10-19-2020)

7-7-12: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS:

7-7-12-1: UPSET (EPA 12.1):

(A) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (C) of this section are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

3. The user has submitted the following information to the city and treatment plant operator within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of their treatment facilities until the facilities are restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails. (Ord. 2020-018, 10-19-2020)

7-7-12-2: PROHIBITED DISCHARGE STANDARDS (EPA 12.2):

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in subsections 7-7-2-1(A) and (B)3 through (B)7 of this chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either: a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its IPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 2020-018, 10-19-2020)

7-7-12-3: BYPASS (EPA 12.3):

(A) Definitions: For the purposes of this section:

BYPASS: The intentional diversion of waste streams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) Occurrence Of Bypass: A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (C) and (D) of this section.

(C) Bypass Notifications:

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW at least ten (10) days before the date of the bypass, if possible.

2. A user shall submit oral notice to the city of an unanticipated bypass that exceeds applicable pretreatment standards within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The city may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.

(D) Bypass Prohibition And Conditions:

1. Bypass is prohibited, and the city may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under subsection (C) of this section.

2. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in subsection (D)1 of this section. (Ord. 2020-018, 10-19-2020)

7-7-13: WASTEWATER TREATMENT RATES:

[RESERVED] (Ord. 2020-018, 10-19-2020)

7-7-14: MISCELLANEOUS PROVISIONS:

7-7-14-1: PRETREATMENT CHARGES AND FEES (EPA 14.1):

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

(A) Fees for industrial wastewater discharge permit applications including the cost of processing such applications;

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals;

(E) Fees to recover administrative and legal costs associated with enforcement activity taken by the city to address industrial user noncompliance; and

(F) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city. (Ord. 2020-018, 10-19-2020)

7-7-14-2: SEVERABILITY (EPA 14.2):

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. (Ord. 2020-018, 10-19-2020)

7-7-14-3: CONFLICTS (EPA 14.3):

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of the inconsistency or conflict. (Ord. 2020-018, 10-19-2020)

7-7-15: EFFECTIVE DATE:

This chapter shall be in full force and effect immediately following its passage, approval and publication, as provided by law. (Ord. 2020-018, 10-19-2020)

CHAPTER 8

WATER SYSTEM REGULATIONS

SECTION:

7-8-1: Definitions

7-8-2: Damage To, Improper Use Of Water System Prohibited

7-8-3: Use Of Public Or Private Water Supply Required

7-8-4: Connection To Public Water Line, Procedure

7-8-5: Use Of Public Water Lines

7-8-6: Private Water Supply

7-8-7: Building Water Lines And Service Connections

7-8-8: User Fees And Charges

7-8-9: Funds Established

7-8-10: Design And Construction Of Public Water Lines

7-8-11: Inspection And Administration Of Water Facilities

7-8-12: Restriction, Termination Of Water Use

7-8-13: Adoption Of Rules And Regulations

7-8-14: Water Conservation

7-8-1: DEFINITIONS:

The definitions given herein shall govern the construction of this chapter and its application unless otherwise apparent from the context:

ASTM: American Society for Testing Materials.

AWWA: American Water Works Association.

BUILDING WATER LINE: The water line between the water meter and the building.

CITY ENGINEER: As provided in this code.

MAY: Is permissive (see definition of Shall).

OWNER: A person owning real estate which is or proposes to be, connected to the water system.

PERSON: Any individual, firm, company, association, society, corporation or group.

PUBLIC WATER LINE: A common water line controlled by a governmental agency or public utility.

SHALL: Is mandatory (see definition of May).

USER: With respect to residential real property, “user” means the owner of the real property. With respect to non-residential property, “user” means the occupant or owner of the real property.

WATER: Potable water intended for human consumption and free from any bacteria which are harmful to health. All other water shall be considered as polluted water.

WATER DISTRIBUTION SYSTEM: A collective term referring to the entire piping system that transports water from the water reservoirs to the users.

WATER SUPERINTENDENT: The person appointed by the city manager to be responsible for the operation and maintenance of the water supply and distribution department.

WATER SUPPLY SYSTEM: A collective term referring to all facilities necessary to purify and transport water from its source to the water distribution system.

WATER SYSTEM: A collective term referring to all supply and distribution facilities necessary to transport water from its source to the users. (Ord. 1758, 3-5-1976; amd. 1980; Ord. 3106, 10-5-2015; Ord. 2022-08, 11-7-2022)

7-8-2: DAMAGE TO, IMPROPER USE OF WATER SYSTEM PROHIBITED:

It shall be unlawful for any person to maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water supply system or for any person except authorized city employees, to operate or attempt to draw water from or obstruct, cover or otherwise deny or restrict access to or the use of any fire hydrant, water meter, valve or other outlet or access point designed for the use of the city personnel unless written permission is obtained from the water superintendent.

If any water user fails to remove any tree limbs, shrubs or other restrictions or obstructions to any fire hydrant, water meter, valve or other outlet or access point designed for use by city personnel, after ten (10) days' prior written notice mailed to the water user's billing address, the city may hire the work done and the cost of this service shall be the obligation of the water user and will be charged to the water bill next following the removal of the restriction or obstruction. (Ord. 2374, 4-20-1992)

7-8-3: USE OF PUBLIC OR PRIVATE WATER SUPPLY REQUIRED:

(A) It shall be unlawful to construct or maintain any private water source or to connect to or use the city water system except as herein provided.

(B) All houses, buildings or properties under the jurisdiction of the city used for human occupancy, employment, recreation or other purposes that contain facilities designed to supply water for human consumption shall connect such facilities to a public or private water source conforming to the provisions contained herein and no permit to construct a building shall be issued until evidence has been submitted to the building official that the owner has obtained a permit as provided herein to construct a private water supply or to connect to a public water line for the purpose of water supply.

(C) The owners of all new houses, buildings or properties abutting on any street, alley or other right of way in which there is located a public water line of the city, shall, at the owner's expense, make the necessary line extensions, connect to and use the water from the public water lines as provided herein; providing, that said public water line is within one hundred feet (100') (30.5 meters) of his property line.

(D) The owners of all existing houses, buildings or properties served by a private water supply shall, at the owner's expense, abandon the private water supply and make the necessary line extensions, connect to and use the water from the public water line, at any time a public water line becomes available for extension and/or connection within one hundred feet

(100') (30.5 meters) of the property line, providing the state department of health and welfare or the city water superintendent notifies the owner, in writing, that the private water supply is polluted.

(E) The developer of a new subdivision shall, at his expense, construct the necessary extensions of the public water system to provide a public water supply for each lot in his subdivision, providing the boundary line of the subdivision is within one-half ($^1/_2$) mile of a public water line.

(F) Notwithstanding the foregoing, the use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited, unless negotiated and approved by the City Engineer. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA.

(Ord. 1758, 3-15-1976; amd. 1980; Ord. 3082, 12-8-2014; Ord. O-2025-003, 1-27-2025)

7-8-4: CONNECTION TO PUBLIC WATER LINE, PROCEDURE:

Any owner of property outside the corporate limits of the city who desires to connect to a public water line shall first obtain approval of the city council and upon such approval shall sign a contract for providing water service. Approval by the city council shall be based on the availability of surplus capacity in the public facility and the council's determination that the connection will not have a detrimental effect on the health, safety or welfare of the other users of the water system. The contract for providing water service shall, as a minimum, contain the following provisions:

(A) A request that the property served be annexed into the city immediately upon becoming contiguous to said city.

(B) An agreement to comply with all policies, rules and regulations governing the water system and to pay all fees and charges for services provided, all as established herein.

(C) An agreement to comply with all provisions of the building, zoning and subdivision regulations[1] of this code; except, that the requirements for a city issued building permit shall not apply to property which is not then eligible for annexation.

(D) An acknowledgment that the use of the public water system is granted only because surplus capacity is available and agreement that such use may be terminated by the city council at any time said council determines that such surplus capacity is no longer available or determines the terms of the agreement are not being complied with by the owner.

(E) Notwithstanding the foregoing, the use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited, unless negotiated and approved by the City Engineer. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA.

(Ord. 1758, 3-15-1976; amd. 1980; Ord. 3082, 12-8-2014; Ord. O-2025-003, 1-27-2025)

7-8-5: USE OF PUBLIC WATER LINES:

It shall be unlawful for any person to do any of the following:

(A) To discharge or cause to be discharged any substance into any public water line without written permission from the water superintendent or city engineer.

(B) To allow a public water source to be connected directly to or an opening from such source to come in contact with any polluted waters or substances that could cause the water source to become polluted.

(C) To waste water or allow it to be wasted by imperfect stops, valves, leaky joints or pipes or allow water to wastefully run from any source, whether he is paying for such wasted water or not. (Ord. 1758, 3-15-1976; amd. 1980)

(D) To use water from a public water line unless he has made application therefor, paid all required fees and charges, and signed an agreement with the city to pay all water, sanitation and wastewater user charges when due, and to be governed by all rules and regulations as provided herein[2].

If a water user fails to pay the water, sanitation or wastewater user charges within thirty (30) days after due, the city shall have the power to turn off the water at said premises and assess a service charge of ten dollars ($10.00) against the delinquent account. Said user and his guarantor shall not receive water service at said premises or elsewhere until all delinquent user charges and service charges have been paid and he has made a new application therefor in accordance with the provisions herein.

If the city has found it necessary to turn off water as provided above, two (2) or more times due to nonpayment of user charges by the same user, it shall have the power to require that the user deposit with the city a sum of money equal to the estimated user charges for a three (3) month period as a guarantee that said user charge will be paid when due. In the event a water user, owner or guarantor has a deposit and defaults in the payment of the water, sanitation or wastewater user charges or service charges as required herein, the deposit or as much thereof as may be necessary shall be applied upon the delinquent charges and the balance thereof refunded to said user and the water service shall not be turned on again until said user again meets the requirements as above provided. (Ord. 2496, 7-10-1995)

Notes

2 2. See section 7-3-12 of this title.

7-8-6: PRIVATE WATER SUPPLY:

(A) When connection to a public water supply is not required as provided herein, then an owner may construct and maintain at his expense a private water supply in accordance with this section.

(B) Before commencement of construction of a private water system the owner shall obtain a permit from the Idaho department of health and welfare. The application for such permit shall be made through said department and the applicant shall furnish any plans, specifications and other information as are deemed necessary by said department.

(C) A permit for a private system shall not become effective until the installation is completed to the satisfaction of the Idaho department of health and welfare. The department's representative shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the department when the work is ready for final inspection and before any underground portions are covered.

(D) The type, capacity, location and layout of a private water system shall comply with all recommendations of the Idaho department of health and welfare.

(E) The owner shall operate and maintain the private water system in a sanitary manner at all times, at no expense to the city.

(F) Whenever an owner connects to the public water system he shall, at his expense, physically disconnect any private water source from the public water source in such a manner that water from a private source will never pass through the same pipes that carry any water from the public source except as may be approved by the city council, water superintendent and state department of health and welfare. Such approval shall be contingent upon the owner, at his expense, adequately testing the private water source to assure the water superintendent that the private source is not and has not become polluted and the construction of an approved positive air separation or reduced pressure backflow prevention system, or double check valve device between the private source and the public water line to guarantee that no water from the private source can enter a public water line if a negative pressure should occur in the public water line, all as required by law. (Ord. 1758, 3-15-1976; amd. 1980)

(G) No statement contained in this section shall be construed to interfere with or supersede any additional requirements that may be imposed by the Idaho department of health and welfare. (Ord. 1758, 3-15-1976)

7-8-7: BUILDING WATER LINES AND SERVICE CONNECTIONS:

(A) No person except authorized city employees shall uncover, make any connections with or openings into, use, alter or disturb, any public water line or appurtenances thereof without first obtaining a written permit from the city engineer or water superintendent.

(B) There shall be two (2) classes of water service connection permits:

1. A general permit for general use of water; and
2. A fire permit for use of water only for fire protection systems.

Both classes of permits shall be further classified by size and as in-city and out of city permits.

In-city permits shall be applied for by the owner or his agent on a form provided by the city clerk. In-city permits shall be approved by the water superintendent. Approval shall only be contingent upon the availability of a public water line adjacent to the owner's property and the applicable provisions of this chapter.

Out of city permits shall be applied for by the owner on a form provided by the city engineer and shall be accompanied by an executed copy of the standard agreement for services outside the city limits. Out of city permits shall be approved by the city council based on recommendation by the water superintendent and the city engineer. Approval shall be contingent upon the availability of a public water line adjacent to the owner's property, execution of the agreement for services outside the city limits, conformance of the proposed land use with city comprehensive plans and the applicable provisions of this chapter. (Ord. 1758, 3-15-1976)

(C) Service connections shall include the tap into the public water line, the water service line between the tap and the water meter, the water meter, meter stand and meter vault. All taps which are constructed into public water lines shall be constructed by city forces. Service connections to existing public water lines shall be constructed by city forces. Water service lines in new subdivisions shall be constructed by city forces or by a qualified contractor after first obtaining a written permit from the city engineer or water superintendent. All such service lines shall be as directed and approved by the city engineer or water superintendent. The owner shall construct all other portions of the building water system.

The owners or group of owners constructing new public water line extensions in new subdivisions shall include new service connections for each potential user and construct the water service line connections thereto, all as directed and approved by the city engineer or water superintendent.

Service connections or meters installed in new subdivisions which require relocation will be relocated by city forces. Any cost for relocation of service connections or meter relocations will be the responsibility of the person requesting said relocation. The cost of relocation or removal will be based upon actual time, equipment and materials expended by city forces in doing said work. Until said cost is paid by the person requesting same, no water service will be provided to said location. (Ord. 2399, 1-4-1993)

(D) A separate and independent building water line and service connection shall be provided for every building, except where one building stands at the rear of another on an interior lot and no public water line is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the water superintendent may allow the front building water line to be extended to the rear building and the whole considered as one building water line, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

When such connection is allowed through one meter, it shall be assumed that each user uses an equal portion of the total volume of water passing through such meter and each such user shall be charged for water service as though he were on a separate meter. A violation of the water or wastewater regulations [1] by one user which results in termination of service will cause termination of service to all of the other users on such a connection.

(E) Old building water lines may be used in connection with new buildings only when they are found, on examination and test by the water superintendent, to meet all requirements of this chapter. (Ord. 1758, 3-15-1976)

(F) The size, alignment and materials of construction of a building water line, and the methods to be used in excavating, placing of the pipe, connection into the public water line, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes [2] or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and AWWA standards shall apply. (Ord. 1758, 3-15-1976; amd. Ord. 3072, 6-2-2014)

(G) No person except authorized city employees shall turn water on or off at the meter or otherwise tamper with a meter or box. A water valve for the use of the owner shall be installed in all building water lines so that water may be turned off and on between the meter box and the building. (Ord. 1758, 3-15-1976)

(H) Water of quality, quantity and pressure type characteristics as shall supply general public domestic use and city fire department uses will be provided by the city in conformance with this code. A water user desiring water characteristics in excess of general public domestic use for the purpose of, but not limited to: water softening, mineral removal and increased pressures, may apply to the city council for approval of securing such additional characteristics at the applicant's full expense, cost and payment. (Ord. 1798, 2-7-1977)

Notes

1 1. See chapter 7 of this title.

2 2. See title 4, chapters 1 and 3 of this code.

7-8-8: USER FEES AND CHARGES:

(A) Water connection fees shall be established by resolution of the city council. The fee so established shall be sufficient to reimburse the city for all connection costs, excluding the cost of the meter. Each fee, including the system development fee, unless otherwise provided herein, shall be a fixed amount representing the average cost incurred for performing the service for which reimbursement is sought. The following fees shall be established: (Ord. 1758, 3-15-1976; amd. 1980)

1. General Permit: Reimbursement for processing applications for a general water permit, tapping the public water line and constructing the meter and box.

2. Fire Permit: Reimbursement for processing applications for a fire water permit and tapping the public water line.

3. Service Line: Reimbursement for constructing a water service line.

4. Fire Line: Reimbursement for constructing a fire line.

All owners applying for a general permit or fire permit shall pay the respective permit fee. When city forces are required, as provided herein, to construct the water service line or fire line, the owner shall also pay the respective line fee.

There shall be established fixed fees for standard size connections which are fifty feet (50') or less in length. If a larger than standard size connection is required the owner shall pay the fixed fee for the largest standard size connection plus the cost of the larger size connection to include the extra cost of any larger size meter. If a longer than fifty foot (50') service or fire line is required the owner shall pay the fee for the standard length plus the actual cost of the extra length. If any rock excavation is required the owner shall pay the cost of such excavation in addition to any other fees or charges.

(B) General user charges shall be established by resolution of the City Council. All charges so established shall be in proportion to the benefits derived by the user from the water service. The charges so established shall generate sufficient revenue to repay any indebtedness, to operate and maintain the water supply and distribution facilities and to build a

reserve fund sufficient to pay for future capital improvements to the water system. The cost to be paid by each user shall be based on the volume of water supplied.

(C) Fire user charges may be established by resolution of the City Council. All users with a fire connection shall pay the fire user charge so established. Any charge so established shall be a fixed monthly charge to reimburse the general users for providing an adequate supply of water for fire protection.

(D) Turn-on charges shall be established by resolution of the City Council. The charge so established shall be a fixed charge to reimburse the City for turning water on and off at the meter and for processing user applications for water service. Turn-on charges shall be paid at the time a water turn-on is requested.

(E) The City shall install, as provided herein, a flow measuring device to measure the volume of water used. The City will read all flow measurements required to calculate the user charges.

7-8-9: FUNDS ESTABLISHED:

There are hereby established the following funds for the purpose of accounting for revenues received and expenditures made in the Water Supply and Distribution Department of the City.

(A) Water Works Fund: This Fund shall be used to receive all revenues and to disperse expenditures for the operation and maintenance of the Water Supply Division and the Water Distribution Division and to disperse funds into the 1965 Water Bond Fund. Expenditures for water supply shall be accounted for separately from expenditures for water distribution.

(B) 1965 Water Bond Fund: This Fund shall be used to receive funds transferred from the Water Works Fund and to disperse expenditures to redeem the 1965 water bonds. This Fund shall show a minimum balance in accordance with the requirements of the Water Bond Ordinance and shall carry all differences between the total amount of accumulated revenue received and the expenditures that have been made during a given year.

The above Funds shall be shown in the annual accounting of the City as follows:

WATER WORKS FUND

REVENUE	**EXPENDITURE**
REVENUE	**EXPENDITURE**
1. User Charges	1. Water Supply M & O
2. Connection Fees	2. Water Distribution M & O
3. Miscellaneous	3. 1965 Water Bond Fund

1965 WATER BOND FUND REVENUE EXPENDITURE

REVENUE	**EXPENDITURE**
1. Water Works Fund	1. Bond Redemption
	2. Accumulated Reserves

7-8-10: DESIGN AND CONSTRUCTION OF PUBLIC WATER LINES:

(A) All design plans and specifications for the construction of public water lines shall be prepared and approved by a professional engineer registered in the State of Idaho. All plans and specifications shall conform to standards established by the City Engineer and shall be approved by him and the Water Superintendent prior to construction of any public water line.

(B) All public water lines shall be constructed in a public utility easement, traffic way or other approved right of way, properly dedicated to the public, which is not less than fifteen feet (15') in width.

(C) The user shall be responsible for the design and construction of a public water line in accordance with the policies established by a resolution of the City Council for the "engineering and construction of improvements within public rights of way and easements within the jurisdiction of the City and payment of same" and in accordance with any special agreements required by the City Council.

(D) Construction of public water lines shall conform to the approved plans and specifications, this City Code and the standards established by the City Engineer and shall be approved by the City Engineer before the City assumes any responsibility for the maintenance of the water line. The owner or his contractor shall notify the City Engineer one day before any excavation is begun. No trench backfill shall be placed until the City has inspected and approved the water pipe and a City inspector is available to inspect and test the backfill material.

7-8-11: INSPECTION AND ADMINISTRATION OF WATER FACILITIES:

(A) The water superintendent or city engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement and other work pertinent to supply of water from the city water system in accordance with the provisions of this chapter.

(B) The water superintendent and other duly authorized employees of the city bearing proper credentials and

identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, repair and maintenance of any portion of the water facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(C) While performing the necessary work on private properties referred to herein, the water superintendent or other duly authorized employees of the city shall observe all safety rules applicable to the premises established by the user, and the user shall be held harmless for injury or death to the city employees, and the city shall indemnify the user against loss or damage to his property by city employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of such work, except when the same may be occasioned by the negligence of the user.

(D) The water superintendent may require a user of water services to provide information needed to determine compliance with this chapter. (Ord. 1758, 3-15-1976)

7-8-12: RESTRICTION, TERMINATION OF WATER USE:

(A) The city manager is hereby empowered to declare an emergency and issue a written order limiting or terminating the use of all or any part of the public water system in the event the supply or pressure of the water in the public system should for any reason become diminished or in danger of becoming diminished or for the protection of the health, safety or welfare of the residents of the city. The effective time of said restrictive use of water shall be at the hour and day said order is issued and any person using water in violation of said order shall be in violation of this code.

(B) Should any person violate the water or wastewater regulations[1] established by the city council, the water superintendent is hereby empowered to terminate water and wastewater service to such person until the violation is rectified. (Ord. 1758, 3-15-1976)

Notes

1 1. See chapter 7 of this title.

7-8-13: ADOPTION OF RULES AND REGULATIONS:

(A) The 1977 edition of the Idaho regulations for public drinking water systems, section 1-8306, as promulgated by the Idaho department of health and welfare and as now or hereafter amended, is adopted as law by the city together with all subsequent amendments. The most current version of these regulations shall prevail.

(B) One copy of said regulations shall be kept on file at the office of the city clerk.

(C) The penalty provisions of section 1-4-1 of this code shall be applicable to violations of the above regulations. (Ord. 2037, 2-1-1982)

7-8-14: WATER CONSERVATION:

(A) Minimum Standards: The following minimum standards are considered the foundation to "best practices of water use". These standards are in effect from June 1, 2004:

1. Increase public awareness of the water supply situation and provide educational materials about best practices of water use.

2. Encourage the entire community to conserve water wherever possible.

3. No eating establishment, restaurant, hotel, cafe, cafeterias, etc., shall serve drinking water unless expressly requested by a patron and will display notice of such policy.

4. Hotels will provide notice of declared water conservation program and encourage conservation practices.

5. City facilities will be limited to the following irrigation schedule:

   (a) Three (3) days a week for facilities using a potable water source,

   (b) Every other day for facilities using TFCC shares through a pressure irrigation (PI) system.

6. Vehicles will be washed only on scheduled irrigation day.

7. When using the city of Twin Falls potable water source, landscape irrigation is restricted to the following schedule:

Even numbered addresses: Tuesday, Thursday, Saturday.

Odd numbered addresses: Wednesday, Friday, Sunday.

Premises with no street address, such as a median: Monday, Wednesday, Friday.

8. When using the city of Twin Falls potable water source, watering will only be allowed on appropriate irrigation days before ten o'clock (10:00) A.M. or after five o'clock (5:00) P.M.

9. Outdoor landscape watering with a drip irrigation system or handheld container is allowed at any time.

10. All irrigation systems must be maintained in a manner that promotes efficient watering and limits leaks or damage to the system that would allow flow of water beyond property lines.

11. When using TFCC shares through a pressure irrigation system, landscape irrigation is restricted to the following schedule:

Even numbered addresses: Irrigate on even calendar days.

Odd numbered addresses: Irrigate on odd calendar days.

Premises with no street address, such as a median: Every other day.

(B) Additional Stage 1 Through 3 Restrictions: When deemed appropriate based on engineering evaluation of projected supply and demand of the city's potable water sources, the city council may move to additional restrictions for use of the city's potable water supply as outlined in stages 1 through 3.

1. Stage 1:

   (a) No water customer shall apply water to impervious surfaces such as streets, sidewalk, patio, deck, etc.

   (b) Landscape irrigation two (2) days per week on designated days.

City facilities are restricted to two (2) days a week.

Even numbered addresses: Tuesday, Saturday.

Odd numbered addresses: Wednesday, Sunday.

Premises with no street address, such as a median: Monday, Friday.

2. Stage 2:

   (a) No water customer shall apply water to impervious surfaces such as streets, sidewalk, patio, deck, etc.

   (b) Landscape irrigation one day per week on designated days.

City facilities are restricted to one day a week.

Even numbered addresses: Tuesday.

Odd numbered addresses: Friday.

Premises with no street address, such as a median: Monday.

3. Stage 3:

   (a) No water customer shall apply water to impervious surfaces such as streets, sidewalk, patio, deck, etc.

   (b) Indoor use may be reduced by a percentage to be determined by city council.

   (c) Landscape irrigation two (2) days per month on designated days.

City facilities are restricted to one day a week during the first and third weeks of the month.

Even numbered addresses: Second and fourth Tuesday.

Odd numbered addresses: First and third Friday.

Premises with no street address, such as a median: Second and fourth Monday.

(C) Additional Restrictions: Based upon evaluations of the expected yield of the city's potable water supply and projected demands the city council may impose additional restrictions on water use of the city's potable water supply during any stage up to and including, but not limited to, any of the following:

1. No additional water connections to the system allowed; moratorium on building permits.

2. Outdoor watering prohibited except for large trees with trunks of at least six inches (6") in diameter.

3. Operation of water features prohibited.

4. Filling or refilling of water features, pools or ponds prohibited.

(D) Duration Of Restrictions: Regular evaluations of the expected yield and projected demands to determine whether it is necessary to continue the water use restrictions. If water supply conditions warrant restrictions may be either downgraded or withdrawn subject to city council approval by resolution.

(E) Exceptions: Water customers may use water essential to protect the general public health, safety or welfare. Irrigation

systems may be operated at any time for maintenance purposes (not to exceed 10 minutes per station). Customers may apply for relief from the watering schedule for purposes of establishing a new lawn not to exceed three (3) months.

(F) Alternate Water Management Plans: A water customer may request relief from applicable restrictions by filing an alternative water management plan with the city's water conservation committee. The city will provide customers with the ability to design water management alternatives that give customers flexibility in meeting the restrictions while achieving maximum conservation goals. The city must give approval to the plan and may require periodic reporting and posted notice of alternate water management plan.

(G) Violations And Fines:

1. Water Customer's Premises: Each water customer shall be responsible for compliance with this section with respect to the water customer's premises, and shall be responsible for applicable fines for noncompliance with this section. In the event of an alleged violation of this section, proof of the existence of a declared water shortage and proof of any violation of any restriction set forth in this section, together with proof that the violation originated at any water customer's premises shall constitute a rebuttable presumption that the water customer is responsible for the violation.

2. Fines Through Stage 2:

First violation: Written warning.

Second violation: Written notice and add a forty dollar ($40.00) fine to the water bill for the premises.

Third violation: Written notice and add an eighty dollar ($80.00) fine to the water bill for the premises.

Fourth violation and subsequent: Written notice and add a one hundred twenty dollar ($120.00) fine to the water bill for the premises.

3. Fines Through Stage 3:

First violation: Written notice and add an eighty dollar ($80.00) fine to the water bill for the premises.

Second violation: Written notice and add a one hundred sixty dollar ($160.00) fine to the water bill for the premises.

Third and subsequent: Written notice and add a two hundred forty dollar ($240.00) fine to the water bill for the premises.

4. Fine Assessed: Any fine assessed shall be added to the customer's water bill.

5. Appeal: Any appeal of a fine imposed may be appealed within fifteen (15) days of the billing date through the water conservation committee. Any decision of the water conservation committee may be appealed to the city council within fifteen (15) days of the decision. Appeals must be in writing addressed to the utility billing department.

6. Notice: Written warning or notice shall be delivered in person to the customer's premises by leaving it with a person at the premises or posted on the front door if no one is present to accept it. (Ord. 2940, 5-27-2008)

CHAPTER 9

CROSS CONNECTION CONTROL

SECTION:

7-9-1: Definitions

7-9-2: Water Supply Protection

7-9-3: Duty To Install And Inspect Annually

7-9-4: New Construction

7-9-5: Installation Required

7-9-6: Existing Equipment

7-9-7: Repair And Maintenance Of Equipment

7-9-8: Access For Inspection

7-9-9: Certified Backflow Technician

7-9-10: Notification Of Public

7-9-11: Records

7-9-12: Violations

7-9-1: DEFINITIONS:

BACK PRESSURE: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

BACK SIPHONAGE: The flowing back of used water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

BACKFLOW: The reversal of the normal flow of water in a potable water distribution system as a result of cross connection.

BACKFLOW PREVENTION DEVICE OR ASSEMBLY: A device, assembly or means designed to prevent backflow. See plumbing code, as adopted for specifications of such devices or assemblies.

CROSS CONNECTION: Any actual or potential connection between a potable water system and any other source or system through which it is possible to introduce into the public drinking water system any used water, industrial fluid, gas or substance other than the intended potable water. (Ord. 2638, 12-27-1999; amd. Ord. 2671, 10-30-2000; Ord. 3072, 6-2-2014)

7-9-2: WATER SUPPLY PROTECTION:

No water service connection to any premises shall be installed or maintained by the city or any other water utility, unless the water supplying the premises is protected as required by state and city laws and regulations. Atmospheric and pressure vacuum breakers must be approved by the International Association Of Plumbing And Mechanical Officials. It shall be the responsibility of the owner of occupiable premises to effect installation and inspections as required herein, and to immediately give notice to the supplier water utility of any deficiencies of his/her water system in that regard. (Ord. 2671, 10-30-2000)

7-9-3: DUTY TO INSTALL AND INSPECT ANNUALLY:

It shall be the responsibility of the owner of property where water is consumed to purchase, install, test and maintain backflow prevention devices or assemblies commensurate with the degree of hazard wherever it will be possible for used, unclean, polluted or contaminated water, mixtures, or substances to enter any portion of his/her potable water system, and to otherwise control cross connections. Such owner shall have certified inspections and operational tests made at least once a year at the owner's own expense. Where the city deems the hazard to be great, the city may require the owner to have such inspections and tests at a more frequent interval as prescribed by the city. All such tests shall be made according to the standards set forth by the state of Idaho department of environmental quality (DEQ). Test reports will be made in triplicate, with copies going to the owner, the city water department and one retained by the inspector for their records. (Ord. 2671, 10-30-2000)

7-9-4: NEW CONSTRUCTION:

The building official of the city and the state plumbing inspector will review all plans and inspect new construction to ensure that unprotected cross connections are not an integral part of the owner's water system. If a cross connection cannot be eliminated, protection will be required. Installation of an air gap or other approved backflow prevention device or assembly, in accordance with the plumbing code, Idaho Code 37-2102, IDAPA 58.01.08, table 900.02, and the current edition of the "Accepted Procedures And Practice In Cross Connection Control Manual - Pacific Northwest Section Of American Water Works Association (AWWA)", as adopted. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical backflow prevention device or assembly as required by said code. The owner shall provide the building official with verification of a certified test of the backflow prevention device or assembly before a certificate of occupancy is issued. (Ord. 2719, 4-15-2002; amd. Ord. 3072, 6-2-2014)

7-9-5: INSTALLATION REQUIRED:

Whenever the city deems that a service connection's water usage contributes a sufficient hazard to the water supply and a property owner has not made appropriate installation, the installation of an approved backflow prevention device or assembly shall be required on the lateral service line of the owner's water system, at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral service line in any event. The type of protective device or assembly required shall comply with local and state requirements. The owner shall provide the city water department with a certified test of such backflow prevention devices or assemblies within ten (10) working days after their initial installation in order to determine their adequacy. (Ord. 2638, 12-27-1999)

7-9-6: EXISTING EQUIPMENT:

All backflow prevention assemblies existing, which do not meet the requirements hereof shall nonetheless be required to comply with the requirements of this chapter. Backflow prevention assemblies that are deemed by the building official or the water department to be nonetheless adequate for the purposes intended, in which event compliance with any particular

provision hereof may be waived in writing by the city. Such previously existing assemblies shall be subject in any event to the periodic inspection and testing. Whenever an existing assembly is moved to another location, or requires more than minimum maintenance, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved backflow prevention device or assembly meeting the requirements of this chapter. (Ord. 2638, 12-27-1999)

7-9-7: REPAIR AND MAINTENANCE OF EQUIPMENT:

The maintenance, including necessary repairs, of all backflow prevention devices or assemblies and cross connection control devices required by this chapter shall be the responsibility of the owner of property where an assembly or device is installed, and failure to adequately maintain any required equipment shall be a violation hereof. All installations and repairs of such equipment shall be effected by a certified journeyman plumber or other agent of the owner, provided he/she is a certified backflow technician. (Ord. 2638, 12-27-1999)

7-9-8: ACCESS FOR INSPECTION:

All water systems shall be open for inspection at all reasonable times by authorized representatives of the city water department in order to determine whether cross connections or other structural or sanitary hazards including violations of this chapter exist. In order to make such determination, the inspection shall include access to above ceiling areas, pits, paneled interior areas, or their locations where cross connections might exist. The owner and any occupant shall be responsible to provide a route of access across the property for inspection purposes that is free from litter, overgrowth, the threat of a vicious animal, or other hindrance that may be detrimental to the safety of the inspector or obstructive to his/her ease of access. (Ord. 2638, 12-27-1999)

7-9-9: CERTIFIED BACKFLOW TECHNICIAN:

All tests of backflow prevention devices or assemblies shall be conducted by a certified backflow technician who will be responsible for the competence and accuracy of all tests and reports. Such technician shall be responsible for the following:

(A) Assure that acceptable testing equipment and procedures are used for the testing, repairing or overhauling of backflow prevention devices or assemblies.

(B) Make report of such testing and/or repair within required times to the owner and the city water department on a form approved for such use by the city water department.

(C) Include in all reports a list of any materials or replacement parts used.

(D) Assure that replacement parts are equal in quality to original parts and that any testing, repair or replacement does not change the design or operational characteristics of the assembly.

(E) Maintain his/her license in current condition and his/her testing equipment in proper operating condition.

(F) Be equipped with, and competent to use, all necessary tools, gauges, and other equipment necessary to properly test and maintain backflow prevention devices or assemblies. (Ord. 2638, 12-27-1999)

(G) Tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly or other backflow prevention device or assembly showing the serial number, date tested, and by whom, together with the technician's license number.

(H) Inspect high hazard air gap assemblies. (Ord. 2671, 10-30-2000)

(I) Comply with all OSHA standards on confined spaces, including procedures for entering such spaces and required safety equipment. (Ord. 2719, 4-15-2002)

7-9-10: NOTIFICATION OF PUBLIC:

Although failure of a consumer to be aware of this chapter shall be no defense to violation hereof, the water department shall use reasonable means to notify its customers of the hazards of cross connections and the need for annual inspection of backflow prevention devices or assemblies. (Ord. 2638, 12-27-1999)

7-9-11: RECORDS:

The water department shall keep records of cross connection hazards and the condition of backflow prevention devices or assemblies, including those records required by state and federal agencies. (Ord. 2638, 12-27-1999)

7-9-12: VIOLATIONS:

Service of water to a consumer on property found to be in violation of this chapter should be discontinued by the city after written notice of the violation to both the owner and consumer, if different. A violation exists if:

(A) Backflow prevention assemblies required by this chapter for control of cross connections that are not installed, tested, or maintained, as required herein.

(B) It is found that a backflow prevention assembly has been removed or bypassed.

(C) An unprotected cross connection exists on the premises.

(D) The periodic system inspection required herein has not been conducted.

(E) A false report or false information is provided to the city by or on behalf of the owner or consumer, with regard to the cross connection or backflow prevention assembly.

Where written notification of a deficiency is provided by the city, and the owner fails to take the required corrective action within ten (10) days after the date of mailing such notice, the city shall immediately discontinue water service unless the city, at the request of the owner, authorizes a longer time for completion. Water service will not be restored until all existing conditions or defects are corrected. In the event that there exists a noncompliance with state or local law or other circumstances, which poses a significant health hazard, the city may immediately discontinue water service until compliance is attained or the significant health hazard is removed. (Ord. 2638, 12-27-1999)

TITLE 8

PUBLIC WAYS AND PROPERTY

CHAPTER 1

PUBLIC WAYS

SECTION:

8-1-1: Designation

8-1-2: Street Grades

8-1-3: Names of Streets and Avenues

8-1-4: House Numbering

8-1-5: Vegetation Encroachment

8-1-1: DESIGNATION:

All streets, avenues and alleys within the corporate limits of the City which have been laid out, platted and dedicated as required by law by any owner or owners of the land included in such plats and dedications, which have been accepted by the City by special ordinance, or by being worked by the City under the authorization therefor by the City Council, and which have not been vacated, are the streets and avenues and alleys of the City, subject to the power of the Council to open, close, widen, extend and vacate the same as provided by law. (1958 Code, ch. IV, art. 1)

8-1-2: STREET GRADES:

The grades given and shown in detail upon the plat of the City, as prepared by C.H. Mull, City Engineer, under certificate of said Engineer, dated May 20, 1909, as subsequently amended, and on file in the office of the City Clerk, be and the same are hereby adopted and declared to be the established grades of said City upon the streets and alleys as shown thereon.

The City Engineer shall establish grades for all new streets and alleys taken into the City and for all streets and alleys not now graded and shall file records of the same in the form of profile drawings with the City Clerk. Such grades shall become official upon filing with the City Clerk.

The elevation figures shown upon maps and profile drawings or set forth in ordinances refer to Local Datum which is hereby established by the monument at the corner common to Sections 15, 16, 21 and 22, Township Ten (10) South, Range Seventeen (17) East, B.M., the top of said monument being at elevation 3812.07 feet above sea level. (1958 Code, ch. IV, art. 1)

8-1-3: NAMES OF STREETS AND AVENUES:

The names of streets and avenues as given and shown on the map of the City adopted by the City Council on February 25, 1957, and on file in the office of the City Clerk, or as may hereafter be renamed by said Council, are hereby declared to be the names of the same. Names of all streets and avenues hereafter dedicated shall be approved by the City Council. (1958

Code, ch. IV, art. 1)

8-1-4: HOUSE NUMBERING:

All dwelling and business house numbers within the City shall be determined and assigned by the City Engineer and shall conform to the numbering map approved by the City Council, February 25, 1957, and on file in the office of the City Engineer.

Every owner, or other person having control of any dwelling or business house within the City, shall place or cause to be placed on the front of said building the proper number thereof in conformity with the provisions of this Section, which numbers shall be not less than three inches (3") in height and shall be so placed as to be plainly visible from the street. (1958 Code, ch. IV, art. 1)

8-1-5: VEGETATION ENCROACHMENT:

Every owner, tenant, or occupant of the premises abutting or adjoining any public right of way shall be required to trim or remove any trees, shrubbery, or plant growth which encroaches over any sidewalk, beyond any curb line, or over the edge of the pavement in such a manner as to violate the following provisions:

(A) No trees, shrubbery or plant growth of any kind shall encroach over any sidewalk below a height of seven feet (7') above the sidewalk.

(B) No trees, shrubbery or plant growth of any kind shall encroach beyond the curb line or edge of pavement into any street or alley below a height of thirteen feet (13') above the street or alley surface. (Ord. 2491, 7-3-95)

CHAPTER 2

USE OF STREETS

SECTION:

8-2-1: Permit Required

8-2-2: Application And Permits

8-2-3: Denial Of Application

8-2-4: Approval Of Permits

8-2-5: Progress Of Work

8-2-6: Safety, Warning Signs, And Barricades

8-2-7: Ditching Across Public Right Of Way

8-2-8: Awnings

8-2-9: Use Restrictions

8-2-10: Weight Restrictions

8-2-11: Council May Order Construction

8-2-12: Sidewalks, Curbs And Driveway Approaches

8-2-13: Liability For Damages Or Injuries Occurring On Sidewalks, Curbs And Driveway Approaches

8-2-14: Bench Seats And Signs

8-2-15: Inspections, Street Restoration, And Bond Requirements

8-2-16: Permit Fees

8-2-17: Suspension, Revocation, Or Modification Of Permit

8-2-18: Cuts In New Pavement Prohibited

8-2-1: PERMIT REQUIRED:

It is unlawful for any person, firm or corporation, other than authorized City employees, to commence to repair, improve,

alter or otherwise perform any street maintenance or work upon the public streets or Rights-of-Way within the City without first having obtained a permit from the Public Works Director. In granting a permit under this Chapter, the Director shall have the authority to impose any conditions necessary to safeguard the public interest, including, but not limited to, conditions on use, construction, indemnity, insurance and compensation to the City for degradation of the useful life of streets and the Rights-of-Way. (Ord. O-2022-009, 2-28-2022)

8-2-2: APPLICATION AND PERMITS:

Any person, firm or corporation required to obtain a permit for work in, or business use of, a public street or Rights-of-Way shall file an application therefor with the Director of the Department of Public Works. The application shall be in writing, shall conform to the City Specifications and Standard Drawings and any amendments thereto, and shall be upon forms provided by the City. It shall contain information showing the type of construction, the length, the exact location, the purposes and other information which may be required by the Public Works Director. The provisions of this section shall apply to any person, firm or corporation qualified for and seeking permits for street openings or work in the public streets and Rights-of-Way of the City. (Ord. O-2022-009, 2-28-2022)

8-2-3: DENIAL OF APPLICATION:

Wherever work in the public streets or Rights-of-Way within the City will create an exceptional traffic hazard or will unreasonably restrict the use of City streets, will create an impediment to the free movement of vehicles upon the aforementioned streets, or an inordinate disruption of parking space at the curb of aforementioned streets, or a hazard to the travel or safety of pedestrians thereon, the Public Works Director, at his/her discretion, may deny any application, or part thereof, made under the terms of this Chapter. (Ord. O-2022-009, 2-28-2022)

8-2-4: APPROVAL OF PERMITS:

Permits for any work involving the removal or destruction of any street surfacing, curb, curb and gutter, sidewalks, signs or other structure with public right of way shall be approved by the City Engineer.

A permit for performing work in or upon any public right of way shall not relieve the permittee of responsibility for the safety of water lines, sewer lines, electrical cables, conduit or any other structures, material or equipment which may be either above or below the ground, nor shall any such permit allow the permittee to enter upon any private property.

Permits shall not be granted for any improvement, excavation, fill, construction, repairs or any other work within the public right of way unless the contemplated work includes the construction of curb on all streets adjoining the property where adequate curbing does not exist at the time of application nor shall any permit be granted for any work within the streets adjoining any business property unless the contemplated work includes the construction of curb and sidewalk on all streets adjoining the property where adequate curbing and sidewalks do not exist at the time of application, except that in the Manufacturing Zones, as defined in this Code [1], this requirement may be waived on approval of the City Council.

Permits shall not be granted for any work within or upon any public right of way bordering on any property having motor vehicle fuel pumps, driveway approaches, signs, sidewalks, curbs or other structures which do not conform to the existing requirements unless such items are to be reconstructed, removed or altered to conform to the existing requirements and regulations.

Permits shall not be granted for the use of any material other than Portland cement concrete for any new construction bordering on any business property within the space between the property line and the curb line of any street. (Ord. O-2022-009, 2-28-2022)

Notes

[1] 1. See Title 10 of this code.

8-2-5: PROGRESS OF WORK:

Whenever any work is done in or upon any public right of way, such work shall, when once commenced, be continued to completion without unnecessary delay. If, at any time during the progress of the work, the work is left unattended for a period of more than twenty-four (24) hours, the superintendent of streets may restore the site to its original condition and the person responsible for the work shall be billed for the expense of such restoration. (Ord. O-2022-009, 2-28-2022)

8-2-6: SAFETY, WARNING SIGNS, AND BARRICADES:

The safety requirements of the City and of the state of Idaho, as applicable to any work for which a permit is required hereunder, shall be observed.

Anyone doing any work in or upon any public right of way, whether by permit or otherwise, shall, if such work is not completed before sunset, provide a fence or other suitable obstruction around the site of such work and shall provide a

minimum of four (4) flares or lights and keep them burning throughout the hours from sunset to sunrise. (Ord. O-2022-009, 2-28-2022)

8-2-7: DITCHING ACROSS PUBLIC RIGHT OF WAY:

When, for any reason, it is necessary to run a ditch of any depth across more than one-half (½) the width of any street, excavation and backfilling shall be completed on one-half (½) of the street before any excavation is started on the other half. Whenever such ditching is to be done, the person responsible for the work shall inform the police and fire departments not less than two (2) hours before the work is scheduled to start and shall notify the police and fire departments as soon as the work is completed. Backfilling shall be done in accordance with city specifications for sewer construction. (Ord. O-2022-009, 2-28-2022)

8-2-8: AWNINGS:

It shall be unlawful for any person to place, erect, construct or maintain any awning, shade or other structure of any kind or for any purpose over or above the sidewalk space of any street or avenue within the city, unless each and every part thereof other than the cloth or fabric covering shall be at least seven feet (7') above the surface of the sidewalk, and unless each and every part of the cloth or other fabric covering and fringe be at least six and one-half feet (61/2') above the sidewalk. Provided, that this section does not, and shall not, be deemed to affect or change in any way the provisions for height of electric or other signs [1] . (Ord. O-2022-009, 2-28-2022)

Notes

1 1. See title 10, chapter 9 of this code.

8-2-9: USE RESTRICTIONS:

(A) Fires: It shall be unlawful for any person to set or maintain a fire on any public right of way[1] .

(B) Rubbish And Waste: It shall be unlawful for any person to sweep, throw, drop, leave or otherwise place any paper, rubbish, dirt, ashes, waste, trash, weeds, grass or other like substances on any public right of way.

(C) Obstruction Of Streets: It shall be unlawful for any person to obstruct in any way any public right of way except by permit issued under this code.

(D) Horses And Animals: It shall be unlawful for any person to leave any horse, mule or team standing in any street or public place or an enclosure without a rider or driver, unless such horse, mule or team is securely fastened.

(E) Driving Over Curb: It shall be unlawful for any person to drive or cause to be driven any vehicle, team, or wagon over or upon any curbing or sidewalk, except at locations where an approved crossing has been provided. (Ord. O-2022-009, 2-28-2022)

Notes

1 2. See also section 7-3-7 of this code.

8-2-10: WEIGHT RESTRICTIONS:

It shall be unlawful to drive or haul or cause to be driven or hauled any vehicle of which the weight, or distribution of the weight or the length of a single vehicle, or the combined length of joined vehicles or the width shall exceed in any respect that or those allowed by any statute of the state now or hereafter in effect, or any regulation of the state highway department now or hereafter in effect, or any regulation of any highway district in the city which now is or hereafter may be in effect; or to drive or haul, or cause to be driven or hauled, any vehicle having projecting hard knobs or parts upon any of its wheels, except upon permission of the city engineer, which permit shall designate the street or streets to be traveled; or to move any weight or article upon or over any street or streets to be traveled; or to move any weight or article upon or over any street unless the same be mounted upon, and the weight thereof borne by, wheels. Provided, however, that this section shall not apply to the moving of buildings [1] under special permit granted by the city council or to the operation of any vehicles or equipment by the City in the care of or work upon its streets and alleys. (Ord. O-2022-009, 2-28-2022)

Notes

1 1. See title 4, chapter 8 of this code.

8-2-11: COUNCIL MAY ORDER CONSTRUCTION:

The City Council may from time to time by order or resolution entered upon its minutes, order and direct the construction or repair of any sidewalk in the manner designated in the order and when any sidewalk shall be so ordered built, rebuilt or repaired, and the owner shall fail or neglect to build, rebuild or repair the same, the same may be done by the Superintendent of Streets or by the contractors who may agree to do the same, and such contract shall be awarded to the lowest responsible bidder therefor. The City Clerk shall, as the City Council may direct, advertise for bids for the construction of sidewalks in a newspaper published in the City.

The Clerk shall, upon the passage of any order or resolution of the Council directing the building or repair of any sidewalk, cause a written notice to be served on the owner or owners of the property abutting, fronting on or adjacent to the sidewalks to be constructed, notifying them to construct the same in accordance with the provisions of this Chapter and the order or resolution directing the construction of the same, within fifteen (15) days from the date of the service of said notice, which notice may be served by delivering a copy thereof to the owner or owners, his or their agent, or by leaving a copy thereof at the usual place of abode of the owner with any member of the owner's family over the age of fifteen (15) years. In case any owner is a nonresident, or his place of abode cannot be found, then the Clerk shall cause said notice to be published for four (4) weeks in a newspaper published in the City.

If, at the expiration of the time for which said notice is given, the said sidewalk shall not be built by the owner of the property abutting, fronting on or adjacent to the same, then the Superintendent of Streets or contractor shall proceed as soon as practicable to construct the proper sidewalk as provided by this Code, and in accordance with the order or resolution directing the construction of the same.

When any sidewalk shall need repairing or rebuilding to conform to the requirements of this Code, the Superintendent of Streets may cause notice signed by the City Clerk to be given to the owner of the property fronting on or abutting on or adjacent to such walk requiring the repair to be made within fifteen (15) days, or the rebuilding to be done in fifteen (15) days. The serving of notice shall be made in the same manner as provided above and if the same is not repaired or rebuilt within the time above specified, it may be repaired or rebuilt by the Superintendent of Streets or contractor in the same manner and upon the same terms as provided for first construction.

As soon as the building, rebuilding or repairing of any sidewalk shall be completed, the sidewalk shall be inspected by the City Engineer, and if it be constructed or repaired in conformity with this Code and the order or resolution ordering the same and the contract, if one is made, a certificate shall be issued to the Superintendent of Streets or contractor as the case may be, which shall state the amount of sidewalk constructed by the Superintendent of Streets or contractor, the street or avenue, where constructed and the description of the lots and blocks in front of, abutting on or adjacent to which such sidewalk is built and the amount due for that fronting on, abutting or adjacent to each lot.

Upon the presentation of one or more such certificates to the City Clerk, he shall assess the amount of such certificates separately upon the lots fronting, abutting on or adjacent to the sidewalks built or repaired, and record and file the assessment roll in his office. At the next regular meeting of the City Council the Clerk shall notify said Council of the fact that he has made such assessment.

The City Clerk shall immediately thereafter give the lot owner notice of such assessment by publication for a period of three (3) days in a newspaper published in the City, notifying such owner to appear before the Council at its next regular meeting, giving time and place of such meeting, that such property owner may be heard before the Council as to the justness and correctness of the amount so assessed.

In case the owner shall fail to pay such assessment or fail to appear and make objections or shall fail to have his objections sustained by the Council, then the assessment, unless the same be paid within ten (10) days after such hearing, shall be certified by the City Clerk to the proper County officer having custody of the tax list of Twin Falls County, at the time the said certificate is made, in the same manner as other City taxes are certified to said officer.

All such assessments shall be known as special assessments for sidewalk, and shall be levied and collected as a separate tax in addition to the taxes for general revenue purposes to be placed on the tax roll for collection, subject to the same penalties and collected in the same manner as other City taxes.

As soon as the City Clerk has so certified such assessment he shall draw and issue a warrant to the contractor or Superintendent of Streets as the case may be for the amount called for in the certificate by the City Engineer upon the sidewalk fund which shall be signed by the proper officers of the City and registered in the office of the City Treasurer.

All warrants so issued shall be payable out of the moneys collected by the County Collector from said sidewalk assessment and the City shall in no event be liable on such warrants except to the amount collected from said assessment.

When any warrant drawn on the sidewalk fund is presented to the City Treasurer for payment and there are no funds in the Treasury for the payment of the same, the Treasurer shall endorse upon the back of said warrant the date of presentation for payment with words "No Funds"

8-2-12: SIDEWALKS, CURBS AND DRIVEWAY APPROACHES: [1]

(A) Property Owner Responsibility: Sidewalks, curbs and driveway approaches shall be constructed and repaired by the owners of the property adjoining the location of the work at their expense, at such times and in such places and manner as herein provided. The City Engineer is hereby authorized and directed to inspect all such work and to obtain compliance with

this Code and the specifications and drawings herein referred to.

(B) Regulations: It shall be unlawful for any person to lay, place or construct any crossing over curbing in the City by means of cutting or removing such curb, or otherwise, without first obtaining a permit from the City Engineer to be issued according to the regulations contained herein.

Any property owner desiring to obtain a permit for a service driveway or driveways to serve his property, shall file application therefor with the City Engineer. Said application shall be in writing and upon a form provided by the City and shall contain information showing the type of construction, the length of driveway desired, location of driveway and any other information which may be required by the City Engineer.

The permit fee for cutting a curb shall be ten dollars ($10.00) per each thirty five feet (35') or less of driveway.

If the proposed alteration as set forth in said application conforms with the regulations herein contained and the provisions of Resolution No. 1048 and amendments thereof, the City Engineer shall issue a permit therefor.

The city council reserves the right to review any decision of the city engineer upon any application and to permit curb cuts for a distance in excess of thirty five feet (35') in a commercial or manufacturing district where it appears that it is necessary to accommodate large trucks and trailers. The public welfare, safety and convenience shall be considered in granting any such application.

(C) Line And Grades: All lines and grades for all construction within the public right of way shall be established by the city engineer. If sidewalks, curbing, driveway approaches or other construction in the public right of way is not set to the lines and grades as established by the city engineer, the city council may direct removal and reconstruction to the proper grades. (Ord. O-2022-009, 2-28-2022)

Notes

1 1. See Section 10-12-4-2(C).

8-2-13: LIABILITY FOR DAMAGES OR INJURIES OCCURRING ON SIDEWALKS, CURBS AND DRIVEWAY APPROACHES:

Since the owners of property adjoining right of way are responsible for the construction and repair of sidewalks, curbs and driveway approaches, the city, its officers and employees shall not be liable for injuries or damages resulting from a failure to construct, rebuild or repair sidewalks, curbs and driveway approaches. (Ord. O-2022-009, 2-28-2022)

8-2-14: BENCH SEATS AND SIGNS:

The city council may permit placement of bench seats or bench signs on public right of way at a specific location under the following conditions:

(A) Application: The application shall contain the name and address of the applicant, location of the proposed bench, a site plan showing all structures and improvements within twenty five feet (25').

(B) Permit Fee: Any person desiring to place a bench seat or bench sign on public right of way shall pay a permit fee of fifty dollars ($50.00) per year per bench sign and five dollars ($5.00) per year per bench seat for use of the right of way.

(C) Special Use Permit: No bench sign shall be placed without prior approval by special use permit pursuant to subsection 10-9-8(C) of this code.

(D) Liability Insurance: No bench seat or bench sign shall be placed on public right of way until the person desiring to place the bench provides a certificate of insurance insuring the city of Twin Falls in the amount of five hundred thousand dollars ($500,000.00) per occurrence.

(E) Location: Benches shall be placed parallel to the edge of the sidewalk opposite the street and with a clear space for pedestrian traffic of at least five feet (5') between the front edge of the bench and the edge of the sidewalk closest to the street.

(F) Liability: Notwithstanding any other provision in this code, the permit holder shall have the sole responsibility for inspection and maintenance of any benches permitted and, by applying for the permit, agrees to release and indemnify the city and all adjoining property owners of and from any liability arising out of the placement, maintenance or use of the benches. (Ord. 2306, 4-16-1990; amd. Ord. 3005, 6-6-2011; Ord. O-2022-009, 2-28-2022)

8-2-15: INSPECTIONS, STREET RESTORATION, AND BOND REQUIREMENTS:

(A) Inspections: The Department of Public Works, or qualified designee, shall inspect Rights-of-Way occupancy permit locations/sites to evaluate the condition of public infrastructure (including but not limited to; curb/gutter, sidewalk, roadway/street and alley paving, grading, drainage structures, bridges [vehicular and pedestrian], railings, retaining walls, boulevard or median improvements, driveway approaches, alley approaches, curb ramps, landscaping, street lighting, traffic management signs, traffic signals, curb and pavement markings, traffic management structures, public utility connections

and other related appurtenances to determine if any harm, damage, degradation [1] , or other adverse condition to the public infrastructure has occurred. Any/all resultant harm, damage, degradation, or other adverse condition to the public infrastructure shall be fully restored to prior condition or better, as determined feasible and/or appropriate by the Public Works Department. The permittee accepts full responsibility, including any/all resultant costs, for restoration of the public infrastructure. Failure to comply with restoration requirements may result in the City completing the restoration work and;

1. Assessing the person, firm or corporation; and

2. Drawing against the bonds posted by one or more licensed contractors; and

3. Refusing future ROW permits for nonperformance until performance issues are resolved.

(B) Street Restoration:

1. The permittee, or its agent or contractor, shall restore, repair and replace any portion of the improvements or infrastructure located within Rights-of-Way that is damaged or disturbed by the permittee's work in or adjacent to the Rights-of-Way.

2. If the permittee fails to timely restore, repair or replace the Rights-of-Way as required in this subsection, the City or its contractor may do so and the permittee shall pay the City's reasonable costs and expenses in completing the restoration, repair or replacement including reasonable attorneys' fees and expenses.

(C) Bond Requirements:

The Public Works Director is authorized to require a bond, or deposit, from any permittee under this Chapter, in order to guarantee the restoration of the street and Rights-of-Way or use thereof to its original condition and to compensate the City for the degradation of the street and Rights-of-Way.

Bond amounts shall be at the discretion of the Public Works Director, utilizing commonly used estimation formulas for Public Works Construction. (Ord. O-2022-009, 2-28-2022)

Notes

[1] 1. As used in the Chapter, Degradation means a decrease in the useful life of the infrastructure located in Rights-of-Way or damage to any landscaping within the Rights-of-Way caused by excavation in or disturbance of the Rights-of-Way, resulting in the need to reconstruct the surface and/or subsurface structure of any such Rights-of-Way earlier than would be required if the excavation or disturbance did not occur.

8-2-16: PERMIT FEES:

(A) Permits required under this Chapter specifying the authorized work shall be issued by the Public Works Director, or their designee, upon proper application therefore and upon payment of the fees required as follows:

1. A basic fee in an amount established by the City; and

2. The estimated cost of administration and inspection as determined by the Public Works Director, including the City's labor, overhead and all other costs for street work, said amount shall not exceed 20% percent of the estimated cost of construction.

3. In the event that reinspection or other actions are necessary, an additional fee shall be charged in an amount determined by the Public Works Director to equal the City's costs of performing the reinspection or other actions, including all labor, overhead and other costs.

4. A payment of all related street degradation costs.

5. Any permit for temporary use or occupation of the public Rights-of-Way, where there is no construction involved, shall not require payment of a degradation cost as part of the permit fee.

6. Before a permit is issued pursuant to this article, the applicant shall pay to the City a permit application fee, which shall be determined in accordance with a fee schedule adopted by the City from time to time.

(B) Fees will be reasonably related to the costs inherent in managing the public Rights-of-Way. As used in this Chapter, these costs include, but are not necessarily limited to:

1. The costs of permitting Rights-of-Way occupant(s),

2. Verifying Rights-of-Way occupation(s),

3. Mapping Rights-of-Way occupation(s),

4. Inspecting job site(s) and Rights-of-Way restoration(s),

5. Administering this Chapter,

6. Costs relating to the degradation of the Rights-of-Way (i.e., the cost to achieve a level of restoration as determined by the City at the time the permit is issued); and (7) disruption costs resulting from traffic disruption and delay.

(C) The portion of the permit fee relating to degradation costs shall be reduced by the City in cases where the applicant demonstrates to the satisfaction of the Public Works Director that the excavation proposed will be used by two (2) or more entities, legally and financially unrelated, for the installation, maintenance, or repair of facilities.

(D) The degradation cost portion of the permit fee shall be further reduced in cases where the applicant demonstrates to the satisfaction of the Public Works Director that the excavation to be made will be commenced and completed during the twelve-month period immediately prior to the scheduled repaving or resurfacing of a street, as indicated in the most recent edition of the City's repaving plan. (Ord. O-2022-009, 2-28-2022)

8-2-17: SUSPENSION, REVOCATION, OR MODIFICATION OF PERMIT:

(A) The Public Works Director may suspend, revoke, or modify any permit issued under this section when such permit holder, or any party to the permit:

1. Violates any of the terms and requirements outlined in the approved permit;

2. Exceeds the scope of the use or work outlined in the permit application;

3. Has obtained a permit by fraud, misrepresentation, concealment, or through inadvertence or mistake; or

4. Makes a misrepresentation or fails to disclose a material fact to the City related to any of the obligations set forth in this Chapter. (Ord. O-2022-009, 2-28-2022)

8-2-18: CUTS IN NEW PAVEMENT PROHIBITED:

(A) For the purposes of this section, "new pavement" includes any paving or surface treatment that has been in place less than five (5) years; nominal surface treatments such as chip, slurry, or fog seals are excluded from this definition.

(B) A permit to cut new pavement shall not be granted. Permittees shall determine alternate methods to avoid cutting new pavement.

(C) Exceptions:

1. Emergency which endangers life or property;

2. Interruption of essential utility service;

3. Work that is mandated by City or by state, or federal legislation;

4. Service for buildings or customers where no other feasible means of providing service exists; and

5. Cuts smaller than two (2) square feet, only permitted outside of a wheel path as determined by Public Works Director.

(D) Permits issued under (C)(1) to (C)(4) above require mill and inlays of all lanes affected. Unless otherwise specified by the Public Works Director or their designee, mill and inlays shall extend at least one hundred (100) feet on arterials, or at least fifty (50) feet on collectors.

(E) Permits issued under (C)(5) above shall be in accordance with the City Specifications and Standard Drawings. (Ord. O-2022-009, 2-28-2022)

CHAPTER 3

PUBLIC PARKS

SECTION:

8-3-1: Title

8-3-2: Definitions

8-3-3: Regulations Governing Park Property

8-3-4: Sanitation Regulations

8-3-5: Traffic Regulations

8-3-6: Recreation Activities

8-3-7: Behavior In Parks

8-3-8: Merchandising, Advertising And Signs

8-3-9: Park Operating Policy

8-3-10: Penalty

8-3-11: Enforcement

8-3-1: TITLE:

This chapter shall be known and may be cited as the*TWIN FALLS CITY ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS*. (Ord. 1920, 1-2-1979)

8-3-2: DEFINITIONS:

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meanings 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.

CITY: The city of Twin Falls.

DIRECTOR: A person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

PARK: A park, reservation, playground, trail, swimming pool, beach, recreation center or any other area in the city, owned or used by the city, and devoted to active or passing recreation.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE: Any device, structure, or conveyance used for transporting individuals, goods, or equipment within or through park grounds. This encompasses various modes of propulsion and specifically distinguishes among:

(A) *Motorized Vehicles:* Includes automobiles, motorcycles, trucks, all-terrain vehicles (ATVs), golf carts, go-carts, dune buggies, hover boards, and any other conveyance equipped with a combustion engine or electric motor primarily intended for roadway or off-road travel designed for recreational or competitive driving, not intended for use on park trails or paths due to their potential environmental impact and safety risks.

(B) *Electric Bicycles Class 1, 2 and 3:*Human powered bicycles with an integrated electric motor to assist propulsion.

(C) *Electric Scooters:* Stand-up scooters powered by an electric motor, typically up to 20 mph.

(D) *Monowheels and Other Devices:* Single-wheel transport devices and other similar electric personal mobility devices like hoverboards and electric skateboards, complying with specific speed and usage limits.

(E) *Non-Motorized Vehicles:* Includes traditional bicycles, skateboards, roller skates, and any manually powered wheeled equipment or devices.

Exclusions:

(A) *Mobility Devices:* Devices specifically designed to aid individuals with mobility impairments, such as wheelchairs and mobility scooters.

(B) *Children's Play Vehicles:* Items like tricycles and non-electric scooters, restricted to designated play areas.

(C) *Park Service Vehicles:* Vehicles operated by park staff or emergency personnel in the performance of their official duties. (Ord. 1920, 1-2-1979; amd. Ord. 2735, 9-16-2002; Ord. 2025-027, 11-17-2025)

8-3-3: REGULATIONS GOVERNING PARK PROPERTY:

No person, without the authorization of the director, in a park shall:

(A) Buildings And Other Property:

1. Disfiguration And Removal: Wilfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, rocks, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

2. Removal Of Natural Resources: Remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other

means or agency.

3. Erection Of Structures: Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(B) Trees, Shrubbery, Lawns:

1. Injury And Removal: Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(C) Climbing Trees: Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.

(D) Wild Animals, Birds:

1. Hunting: Hunt, molest, harm, frighten, kill, trap, chase, tease, annoy, shoot or throw missiles at any animal, reptile or bird; nor shall they remove or have in their possession the young of any wild animal, or the eggs, nest, or young of any reptile or bird; nor destroy the nests or habitat of any wild animal; nor shall they collect, remove, have in their possession, give away, sell or offer to sell, buy or offer to buy, or accept as a gift, any specimen alive or dead collected from any park area except for an authorized licensed trapper.

2. Feeding: Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substance. (Ord. 2735, 9-16-2002)

8-3-4: SANITATION REGULATIONS:

No person in a park shall:

(A) Pollution Of Waters: Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(B) Refuse And Trash: Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, pet waste, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (Ord. 1920, 1-2-1979; amd. Ord. 2025-027, 11-17-2025)

8-3-5: TRAFFIC REGULATIONS:

No person, without the authorization of the director, in a park shall:

(A) State Motor Vehicle Laws Apply: Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this and other provisions of this code.

(B) Enforcement Of Traffic Regulations: Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director.

(C) Obey Traffic Signs: Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(D) Speed Of Vehicles: Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, unless otherwise posted.

(E) Operation Confined To Roads: Drive any vehicle on any area except the paved roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

1. Drive a motorized vehicle, or a vehicle that is not capable of being solely human powered in any area of the Rock Creek Canyon Parkway or the Snake River Canyon Rim Trail System. Prohibited vehicles include one-wheel vehicles, hoverboards, electric motorbikes, or other vehicles that are ridden upon and cannot be pedaled or propelled.

(F) Parking:

1. Designated Areas: Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

2. Parking: Park on the road or driveway at any time unless directed by a police officer or a park attendant. All unauthorized motorized vehicles shall be prohibited from standing or parking within any Twin Falls park during their closed

hours.

3. Muffler Required: Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(G) Non-motorized vehicles, E-Bikes, Electric Scooters, Monowheels and other devices:

1. Confined To Roads: Operate a non-motorized vehicle, e-bike or other device on other than a paved vehicular road or path designated for that purpose. Users shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(H) Trucks, Trailers And Other Equipment: Operate or park trucks or trailers of one and one-half ($1\frac{1}{2}$) ton capacity or more or other equipment on any city park parking lot without the authorization of the city. (Ord. 2735, 9-16-2002; amd. Ord. 2025-027, 11-17-2025)

8-3-6: RECREATION ACTIVITIES:

No person in a park shall:

(A) Scuba Diving: Scuba dive in any designated swim area in Dierkes Lake.

(B) Golf: Golfing or hitting golf balls is prohibited except where specific facilities have been provided.

(C) Boating:

1. Designated Areas: Bring into or operate any boat, raft or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(D) Hunting And Firearms: Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess loaded firearms of any descriptions, or air rifles, spring guns, bow and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device for the purpose of hunting, trapping, or pursuing wildlife. It is lawful for authorized licensed animal control officer or state or federal wildlife officer to hunt or trap in any park area. Provided further that this provision does not apply to lawful use, possession and transportation of firearms on designated firing ranges or the possession or carrying of firearms as allowed by state law when done without the intent to hunt, trap, or pursue wildlife. Shooting into park areas from beyond park boundaries is forbidden.

(E) Picnic Areas And Use:

1. Regulated: Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

2. Gatherings: Conduct or be a part of any large group, meeting, assembly or audience consisting of fifty (50) or more persons without permission of the director.

3. Duty Of Picnicker: Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(F) Camping: No camping is allowed without the director's prior permission. Permission is limited to organized groups that are given a designated area for camping. For the purposes of this ordinance, "camping" shall be defined as any of the following (subsections 1 through 4):

1. Use of City Parks and Public Spaces for Living Accommodations:

a. Utilizing city parks or public spaces for living accommodations or habitation purposes through the use of temporary or permanent structures, equipment, or facilities.

2. Structures and Equipment:

a. Erecting, maintaining, or occupying any structure, tent, shelter, vehicle, or other enclosure to serve as a dwelling, sleeping quarters, or place of living.

3. Typical Activities Indicating Camping:

a. Engaging in activities commonly associated with residency, such as:

(1) Setting up beds, mattresses, sleeping bags, or other sleeping facilities.

(2) Cooking or preparing meals consistent with prolonged occupation.

4. Time and Presence:

a. Sleeping or remaining in parks or public spaces during hours when they are ordinarily closed.

b. Leaving personal belongings unattended for extended periods, suggesting habitation or intent to occupy.

5. Exceptions:

a. Officially sanctioned events or activities specifically permitted by the city, which may allow temporary overnight stays or the erection of temporary structures.

6. Purpose of Definition:

a. This definition is intended to ensure city parks and public spaces remain accessible, clean and secure for all residents and visitors by preventing unauthorized occupation and use for living purposes.

(G) Games: Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation.

(H) Horses: Have a horse in any designated park or park area without written permission of the director.

(I) Keg Beer: Possess or use keg beer without a permit issued pursuant to section 3-7-12 of this code.

(J) Fishing: Fish in any waters, whether by the use of a hook and line net, trap, or other device, except in water designated for that use and must follow the Idaho fish and game regulations.

(K) Hot Air Balloons: Launch, land, or tether a hot air balloon except with written permission from the director. (Ord. 2735, 9-16-2002; amd. Ord. O-2025-027, 11-17-2025)

8-3-7: BEHAVIOR IN PARKS:

No person in a park shall:

(A) Intoxicating Beverages: Possess or consume any alcohol or intoxicating beverage where posted signs prohibit such possession or consumption, or be under the influence of any intoxicating beverage.

(B) Fireworks And Explosives: In accordance with Twin Falls City Code 6-9-1 and 6-9-2, Bring or have in their possession, or set off or otherwise cause to explode or discharge or burn, any dangerous fireworks, fireworks, safe and sane fireworks or explosives or inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(C) Domestic Animals: Permit or allow a dog or other domestic animal to enter or remain in any park except on a leash and/or carried while leashed by such person owning or having the care, custody and control of dog or domestic animal, except as specifically authorized by the city within temporary or permanent "dog parks". No dogs or other domestic animal shall be permitted at Dierkes Lake except for water dog training shall be allowed in those areas of Dierkes Lake specifically signed for that purpose. In no event shall firearms be used during said training. Unless said training is actually taking place, the dog shall at all times be leashed. Owners are responsible for picking up and disposing of pet waste.

(D) Fires: Build or attempt to build a fire except in fireplaces provided for that purpose. No person shall drop, throw or otherwise scatter burning material or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(E) Loitering And Boisterousness: Engage in any conduct, alone or in a group, that results in disturbance or interference with the normal use of the park by others. Stand, sit or lie in a manner that blocks or restricts the passage of others or remain in a public park without a clear purpose for an extended period of time that disturbs or interferes with normal use of the park by others. Behave in loud, boisterous, threatening, abusive, insulting manner; use indecent language, or engage in any unlawful conduct or criminal activity or in any way commit a violation or breach of the peace.

(F) Glass Containers: Bring to the park or have in his possession while in the park any glass bottle or other glass beverage container.

(G) Safety: Endanger the safety or health of any person by any conduct or act.

(H) Interference: Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this chapter and the rules and regulations applicable to such use.

(I) Soliciting: Solicit or accost other persons for the purpose of begging or soliciting.

(J) Reckless Behavior on Trails: Engage in conduct which poses or could reasonably pose a significant risk of injury to oneself or others, or damage to the trail and its environment. This includes but is not limited to:

1. Operating any vehicle, bicycle, skateboard, scooter, monowheel or similar conveyance at speeds or in a manner that is unsafe, considering the condition of the trail, traffic, or visibility.

2. Operating a vehicle that cannot be propelled solely by human power.

3. Engaging in activities such as racing, aggressive stunt riding, or intentionally causing harm to flora, fauna, or the trail infrastructure.

4. Using the trail under the influence of alcohol or drugs in a way that impacts control and safety. (Ord. 2735, 9-16-

2002; amd. Ord. 2936, 4-28-2008; Ord. 3024, 1-17-2012; Ord. O-2025-027, 11-17-2025)

8-3-8: MERCHANDISING, ADVERTISING AND SIGNS:

No person in a City park or recreational facility shall:

(A) Vending And Peddling: Expose or offer for sale any article, thing, or service; nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article, thing, or service. Exception is herein made as to any regularly licensed concessionaire acting by and under the authority and regulation of the director. (Ord. 1920, 1-2-1979; amd. Ord. 2021-013, 6-28-2021)

8-3-9: PARK OPERATING POLICY:

(A) Hours: Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M. except as otherwise posted. Violation of any curfew established by resolution of the city council shall be a misdemeanor and punishable as provided in section 8-3-10 of this chapter.

(B) Closed Areas: Any section or part of any park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regularly and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.

(C) Effect Of A Permit: A Twin Falls park permittee shall be bound by all park rules and regulations and all applicable ordinances as fully as though the same were inserted in said permit. The person or persons to whom a permit is issued shall be liable for any loss, damage or injuries sustained by any person or property by reason of the negligence of the person or persons to whom such permit shall have been issued. The director, or a duly authorized representative, shall have the authority to revoke a permit upon finding of violation of any rule or ordinance, or upon good cause. (Ord. 2735, 9-16-2002)

8-3-10: PENALTY:

Any person violating any of the provisions of this chapter, with the exception of 8-3-6(F) Camping, shall be deemed guilty of an infraction and shall be assessed a fixed penalty of one hundred dollars ($100.00), excluding court costs and fees. A second and any subsequent conviction for a violation of the provisions of this chapter within one (1) year shall constitute a misdemeanor, punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars ($1,000.00), or by both. The penalty for any person violating the provisions of 8-3-6(F) Camping, shall be deemed guilty of an infraction and shall be assessed a fixed penalty of ten dollars ($10.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 1920, 1-2-1979; amd. Ord. O-2025-027, 11-17-2025)

8-3-11: ENFORCEMENT:

(A) Officials: Police officers, the director, and park attendants, or duly authorized representatives of the director, shall enforce the provisions of this chapter.

(B) Ejectment: A police officer, any park attendant, the director, or their duly authorized representative, shall have the authority to eject from the park any person acting in violation of this chapter. Any person ejected from the park who has not been previously ejected during the preceding three hundred sixty five (365) days shall leave promptly and peaceably and shall not return to the park for any reason for a period of one week from the day of their ejectment. Any person ejected from the park who has been previously ejected during the preceding three hundred sixty five (365) days shall be served a no trespass order by the police, and shall leave promptly and peaceably and shall not return to the park for any reason for a period of one year after the day of their ejectment. Any person charged with committing a crime at any park shall be barred from returning to the park during the pendency of criminal charges, and for a period of one year following the incident if the person pleads guilty or is found guilty of any criminal offense as a result of the charge.

Any person aggrieved by the decision to eject or bar them from a park may appeal such decision to the city manager within seven (7) days. The appeal to the city manager must be in writing and must set forth the reasons therefor why the person should not be denied entrance to the park. The city council shall set the time and place for a hearing a reasonable period of time subsequent to the applicant's written notice. Notice of such hearing shall be personally served upon the person, or mailed postage prepaid to the person at his last known address, at least three (3) days prior to the date of the hearing. The order of the city manager shall be final.

(C) Seizure Of Property: A police officer shall have the authority to seize and confiscate any property, thing or device in the park, or used in violation of this chapter.

(D) Removal Of Vehicles: Whenever any police officer or duly authorized representative finds a vehicle unattended in the park and the vehicle is parked in violation of this chapter, such officer may provide for the removal of such vehicle to the nearest available garage or place of safety. (Ord. 2900, 3-26-2007; amd. Ord. O-2025-027, 11-17-2025)

CHAPTER 4

TREE ORDINANCE

SECTION:

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8-4-2: Statement Of Purpose

8-4-3: Definitions

8-4-4: Responsibilities Of Adjacent Property Owners

8-4-4-1: Adjacent Property Owners' Responsibilities For Public Trees

8-4-4-2: Responsibilities For Private Trees

8-4-4-3: Responsibilities For Alley Trees

8-4-5: Licensing Of Private Tree Service Companies

8-4-6: Notification And Permits

8-4-7: Damaging, Destroying, Mutilating Or Removing Public Trees

8-4-8: Public Nuisances

8-4-9: Abatement Of Public Nuisances

8-4-10: Penalties For Violation

8-4-11: Severability

8-4-1: TITLE:

This chapter shall be known as the *TWIN FALLS TREE ORDINANCE*. (Ord. 2791, 7-6-2004)

8-4-2: STATEMENT OF PURPOSE:

The purpose of this chapter is to ensure the implementation and continuation of proper professional care of the city's public trees by setting forth and enforcing a set of tree care regulations and standards by which the community forest shall be managed. (Refer to the "Twin Falls City Arboricultural Specifications And Standards Guide".) This chapter is not intended to resolve or regulate disputes or tree management issues on private property that do not affect the safety of the general public.

This chapter is enacted to:

(A) Promote the general welfare of the community.

(B) Protect public safety, welfare, property and health.

(C) Preserve and enhance the community's social and economical environment with a diverse range in size, maturity and species of public trees.

(D) Increase awareness and appreciation of maintaining a healthy community forest by both professionals and the general public.

(E) Encourage building, development, site and utility planning/practices that prevent and prohibit not only the indiscriminate removal or destruction of trees but also avoidance of unnecessary disturbance to trees, above and below ground, within the city.

(F) Provide a stable and sustainable community forest by establishing common guidelines and enforcement procedures for proper tree management practices such as contained in ANSI A300 and the "Twin Falls City Arboricultural Specifications And Standards Guide". (Ord. 2791, 7-6-2004)

8-4-3: DEFINITIONS:

ANSI A300: The "American National Standard For Tree Care Operations - Tree, Shrub And Other Woody Plant Maintenance - Standard Practices". This document outlines basic national performance standards for tree pruning and maintenance. It was first published in 1995 and revised in 2002 by the American National Standards Institute (ANSI).

ADJACENT PROPERTY OWNER: Any person(s) owning property adjacent to public rights of way.

ARBORICULTURE: The management of trees including planting, pruning, watering, fertilizing, removal or any other action

which affects the healthy growth and maintenance of trees.

COMMUNITY FOREST: The collective masses of trees found within a city's boundaries, including both publicly and privately owned trees.

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

DISEASE: A process that causes anatomical disruptions, physiological dysfunctions, and energy disruptions that lead to decline and/or death of an organism or any of its parts.

HAZARD TREE: Any tree or part thereof (public or private) that poses a high risk (upon fracture or failure) for damage or injury to property, power lines, or people.

PERMIT: Written approval issued by the city and required for any activity above or below ground that may impact the canopy or the critical root zone of any public tree.

PEST: Any insect, disease, animal or other organism that causes harm or damage to trees.

PRIVATE TREE: Any tree whose trunk is located entirely on or within the legal boundaries of a property, which is owned by private individuals or organizations.

PROPERTY OWNER: The recorded owner or contract purchaser of any parcel of land.

PRUNING: The practice of managing tree health according to the national standards as set forth in ANSI A300 and the "Twin Falls City Arboricultural Specifications And Standards Guide".

PUBLIC NUISANCE: See section 8-4-8 of this chapter.

PUBLIC PROPERTY: Real property owned, managed, or leased to the city and dedicated to the public for present or future use.

PUBLIC RIGHTS OF WAY: Improved or unimproved public property owned by, dedicated to, or deeded to the public or public's use, for the purpose of providing vehicular, pedestrian and other public use. Such public property provides circulation and travel to abutting properties and includes, but is not limited to, streets, alleys, sidewalks, landscaping, provisions for public utilities, cut and fill slopes, and open public space.

PUBLIC SAFETY: The condition of being safe from bodily harm or injury and/or property damage resulting from tree conditions and/or failures while using public property.

PUBLIC TREE: Any tree whose trunk is located partly or in whole on public property.

STREET TREE: Trees located on a public right of way between the private property line and the curb and/or edge of pavement adjacent to a city street, alley, avenue, boulevard, or public rights of way in street medians within the city.

TOPPING: The removal of the top portion of the leader stem(s). "Rounding", "heading back" or any other term demonstrated by severe cutting back of limbs within a tree crown to laterals, stubs, or buds that are not large enough to assume a terminal (leader) role is also considered "topping".

TREE: Any perennial woody plant that generally grows taller than twelve feet (12') and branches several feet above the ground from the stem or trunk of the plant.

TREE COMMISSION: See section 2-8-1 of this code. (Ord. 2791, 7-6-2004)

8-4-4: RESPONSIBILITIES OF ADJACENT PROPERTY OWNERS:

Any person in possession of private property shall maintain trees upon adjacent public rights of way and any trees upon private property, which may affect public property, in a safe, healthy condition in compliance with the provisions of this chapter. Adjacent property owners have the following responsibilities. (Ord. 2791, 7-6-2004)

8-4-4-1: ADJACENT PROPERTY OWNERS' RESPONSIBILITIES FOR PUBLIC TREES:

(A) Permits: Adjacent property owners shall:

1. Meet all requirements and obtain all permits necessary for work done on any public trees as required in section 8-4-6 of this chapter.

2. Meet all requirements and obtain all permits necessary prior to commencing repair of damage done to public streets or sidewalk adjacent to any public trees as required in section 8-4-6 of this chapter.

3. Meet all requirements and obtain all permits necessary for any tree planting on public property as required in section 8-4-6 of this chapter.

(B) Routine Maintenance: Routine public tree maintenance for trees planted after July 1, 2004:

1. Adjacent property owners shall:

(a) Prune and maintain trees planted according to ANSI A300.

(b) Topping, heading, shearing or rounding over are not acceptable forms of tree pruning and are not allowed on public trees.

(c) Except as otherwise determined by the tree commission, branches that overhang sidewalks or streets shall be pruned to provide sufficient vertical clearance over the sidewalk and street so as not to interfere with "public travel" as defined by section 8-1-5 of this title.

(d) Trees shall be pruned to remove dead limbs or other limbs that are considered a "public nuisance" as defined in section 8-4-8 of this chapter.

(e) Any commercial chemical application on public trees or public rights of way trees must be applied by a state of Idaho department of agriculture licensed professional applicator.

2. Control pests on trees located on public rights of way adjacent to the owners' private real property.

3. Provide water sufficient to keep trees located on public rights of way adjacent to the owners' private real property in a healthy, growing condition.

(C) Protection/Preservation:

1. Obtain a permit from the tree commission before performing any activity, which may harm any part of a public tree (inclusive of the critical root zone).

2. Notify the tree commission when any part of a public tree is damaged or destroyed. (Ord. 2791, 7-6-2004)

8-4-4-2: RESPONSIBILITIES FOR PRIVATE TREES:

(A) Routine Tree Maintenance:

1. Removal or pruning of trees located on the owner's private real property that are considered a "public nuisance" as defined in section 8-4-8 of this chapter.

2. Pruning of trees located on the owner's private real property that are considered a "public nuisance" as defined in section 8-4-8 of this chapter. Branches that overhang sidewalks or streets shall be pruned to provide sufficient vertical clearance over the sidewalk and street so as not to interfere with "public travel" as defined in section 8-1-5 of this title.

3. Control of pests on trees located on the owner's private real property that may pose a threat to public trees upon determination by the tree commission.

4. Remove or barricade all debris (wood, branches and leaves) on public property at the end of the working day on which any tree work is done. (Ord. 2791, 7-6-2004)

8-4-4-3: RESPONSIBILITIES FOR ALLEY TREES:

Prune, remove or otherwise abate "public nuisances" as defined in section 8-4-8 of this chapter. (Ord. 2791, 7-6-2004)

8-4-5: LICENSING OF PRIVATE TREE SERVICE COMPANIES:

Tree service companies performing work on public trees are required to apply for a license through the Twin Falls parks and recreation department. Applications are then reviewed by designated members of the Twin Falls tree commission and the Twin Falls parks and recreation department to ensure applicants meet the "Twin Falls City Arboricultural Specifications And Standards Guide". Upon approval, licenses shall be issued by the Twin Falls parks and recreation department valid for two (2) years from the date of issue for a fee of twenty five dollars ($25.00).

(A) Licensing Requirements:

1. International Society of Arboriculture (ISA) certified arborist on staff.

2. An ISA certified arborist or an ISA certified tree worker to be on site while work is being performed.

3. Liability insurance in the amount of one million dollars ($1,000,000.00).

4. Knowledge and compliance of ANSI A300 section 2.3.

(B) Revocation Of License: The Twin Falls parks and recreation department with the recommendation of the Twin Falls tree commission may revoke a license for violation of any section of this chapter. (Ord. 2791, 7-6-2004)

8-4-6: NOTIFICATION AND PERMITS:

(A) Notification: No person may perform any of the following acts without first notifying the Twin Falls parks and recreation department. Contact the Twin Falls parks and recreation department via mail, phone, fax, or e-mail at a minimum of two (2) business days prior to commencement of the proposed work. Nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as required by law:

1. Prune or otherwise disturb any public tree. This provision shall not be construed to prohibit owners of property adjacent to public rights of way from minor pruning, watering, or fertilizing such trees;

2. Attach any object to public tree(s);

3. Dig, trench, excavate or pile soil or any other materials within the critical root zone of any public tree(s);

(B) Application Procedures And Requirements: Permit application procedures and requirements for public tree(s) removal:

1. This is in no way intended to interfere with the immediate removal of a tree that presents a hazardous or emergency situation;

2. Upon inspection, the Twin Falls tree commission may issue a permit through the Twin Falls parks and recreation department. Permits are available at the Twin Falls parks and recreation office (136 Maxwell Avenue) between the hours of eight o'clock (8:00) A.M. to twelve o'clock (12:00) noon and one o'clock (1:00) P.M. to five o'clock (5:00) P.M., Monday through Friday;

3. The Twin Falls parks and recreation department may condition the approval of any permit;

4. Prior to the removal of any public, street, or alley tree, the property owner or private tree service company intending to perform the work, which is currently licensed by the city of Twin Falls, must make a request for permit. All work must be completed within thirty (30) days of issuance of said permit;

5. Whenever a public or street tree is removed, the stump of said tree shall also be removed. Permit holders shall then replace the removed tree in accordance with subsection 8-4-7(E) of this chapter. Tree replacement shall be a condition of issuance of a permit for removal, unless the Twin Falls tree commission for good cause shown waives such requirement. Tree replacement is the responsibility of the permit holder. (Ord. 2791, 7-6-2004)

8-4-7: DAMAGING, DESTROYING, MUTILATING OR REMOVING PUBLIC TREES:

It shall be unlawful for any person to:

(A) Damage, destroy, mutilate, or remove any public tree.

(B) Attach any device or structure (i.e., tree houses, lights, signs, etc.) to or on public trees unless otherwise authorized by the tree commission.

(C) Store, spill or dump substances, whether liquid or solid, which may be harmful to trees, on any part of a public tree or within the critical root zone of a public tree.

(D) Damage public trees through construction activities in violation of the conditions of a permit issued under this chapter. Such activities include, but are not limited to:

1. Making excavations or cuts in the soil near roots of public trees unless otherwise approved by the tree commission.

2. Damage roots of a public tree by compacting or placing fill within the critical root zone of a tree.

3. Engage in any pruning activity on public trees not in accordance with ANSI A300, including, but not limited to: topping, heading, rounding or shearing unless otherwise approved by the tree commission.

(E) Remove any public or street tree and fail to plant a replacement tree. The replacement tree shall be an approved variety from the city of "Twin Falls Tree Selection Guide" and shall be a minimum of a ten (10) gallon size specimen. Where utility lines are present, a class I type tree (mature height not greater than 20 feet) shall be required. Replacement tree shall be planted within thirty (30) days of removal of said tree, or as soon as weather conditions allow. (Ord. 2791, 7-6-2004)

8-4-8: PUBLIC NUISANCES:

The following are hereby declared public nuisances under this chapter:

(A) Any tree or part thereof (public, street or private) which, by reason of location or condition, constitutes a hazard to public safety as determined by an International Society of Arboriculture (ISA) certified arborist in conjunction with the Twin Falls tree commission.

(B) Any tree or part thereof (on public or private property) which obstructs the free passage of pedestrian or vehicular traffic or which obstructs public street lighting.

(C) Any tree or alternate host plant or part thereof (on public or private property) which harbors pests which reasonably may be expected to injure or harm public trees.

(D) It shall be unlawful to plant, transplant or set out any poplar (cottonwood) or willow tree on any street, alley, avenue, sidewalk or other public place or within fifty feet (50') of any sidewalk, paved street, alley or avenue or on any private property within seventy five feet (75') of any main or lateral sewer of the sewer system.

(E) When the roots of any poplar (cottonwood) or willow tree planted on private property or on public property by the adjoining property owner have obstructed or are about to obstruct or damage any sewer line, curb, gutter, sidewalk or street,

it shall be the duty of the owner of said private property to remove the encroachment within ten (10) days from the service of the notice. (Ord. 2791, 7-6-2004)

8-4-9: ABATEMENT OF PUBLIC NUISANCES:

The following are the prescribed means of abating public nuisances under this chapter:

(A) Any tree or alternate host plant or part thereof (public or private) declared to be a public nuisance as set forth in section 8-4-8 of this chapter shall be pruned, removed or otherwise treated in accordance with the requirements of this chapter. Costs for nuisance abatement are the responsibility of the adjacent property owner of a street tree or the property owner of a "private tree" as defined in section 8-4-3 of this chapter.

(B) The tree commission may cause a written notice to be personally served or sent by mail to the owner of the particular property.

(C) In the event the nuisance is not abated by the date specified in the notice, the tree commission is authorized to cause the abatement of said nuisance without further notice. The reasonable cost of such abatement will be charged to the subject property owner. Monies which have not been recovered through the city bill collection procedures may result in a lien against the property or assessed on taxes as provided for in Idaho Code title 50. In addition, the owner of the property upon which the nuisance is located may be subject to prosecution under this chapter, or any other chapter of this code or the Idaho Code for maintaining a public nuisance. Nothing in this provision shall be construed to exempt any person from the requirement of obtaining permits under section 8-4-6 of this chapter.

(D) The tree commission is empowered to cause the immediate abatement of any nuisance if it is determined by the tree commission to be an emergency or immediate hazard to public safety.

(E) If the tree commission determines that disposal of the wood, branches and soil from removal or pruning of a nuisance tree is required to complete abatement, such disposal shall be done as required by the tree commission. Costs associated with the disposal of material from private trees shall be the responsibility of the property owner. (Ord. 2791, 7-6-2004)

8-4-10: PENALTIES FOR VIOLATION:

Any person performing tree work that violates any provisions of this chapter may be punishable by a fine equal to or less than the monetary value of the tree as assessed by a certified arborist or certified tree appraiser using the guidelines established by the International Society of Arboriculture and the degree of damage to the tree. (Ord. 2791, 7-6-2004)

8-4-11: SEVERABILITY:

The provisions of this chapter shall be deemed severable and a finding by a court of law that a provision of this chapter is unlawful shall have no effect on the remaining provisions. (Ord. 2791, 7-6-2004)

CHAPTER 5

WATER SYSTEM REGULATIONS

(Rep. by Ord. 2019, 8-10-1981)

CHAPTER 6

CITY IRRIGATION SYSTEM

(Rep. by Ord. 2132, 12-17-1984)

CHAPTER 7

AIRPORT REGULATIONS

SECTION:

8-7-1: Authorization (Rep. by Ord. 2631, 10-12-1999)

8-7-2: Joint Service Agreement

8-7-3: Airport Advisory Commission Created

8-7-4: Airport Commercial Ground Transportation Regulations

8-7-5: Airport Traffic And Parking Regulations

8-7-6: Fees And Charges

8-7-7: Off-Airport Rental Car Businesses

8-7-7-1: Purpose

8-7-7-2: Scope

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8-7-7-8: Violation Procedure

8-7-7-9: Hearing Before Airport Advisory Commission

8-7-7-10: Appeals

8-7-7-11: Permit Application Fee

8-7-7-12: Violation And Penalty

8-7-7-13: Severance

8-7-1: AUTHORIZATION:

(Rep. by Ord. 2631, 10-12-1999)

8-7-2: JOINT SERVICE AGREEMENT:

The joint service agreement between the City of Twin Falls, Idaho, and the County of Twin Falls, Idaho, entered into on December 10, 1968, and designated Document C-375 and as on file in the City Clerk's office is confirmed and ratified in all respects. (Ord. 2631, 10-12-1999)

8-7-3: AIRPORT ADVISORY COMMISSION CREATED:

There is hereby created an Airport Advisory Commission of six (6) members. The members are to be selected three (3) by the City and three (3) by the County from the general populace residing within the respective jurisdictions. No member of said Airport Advisory Commission may hold an elective public office. The term of each member shall be three (3) years. Any vacancy which occurs on this Commission shall be filled by the jurisdiction losing a position on the Airport Advisory Commission and for the remaining portion of the vacated term. No compensation shall be provided for members of the Airport Advisory Commission. Each jurisdiction may appoint a nonvoting, ex officio member of the Commission from the respective governing body. The Commission shall elect a chairman for the conduct of business, and the Airport Manager shall serve as secretary and a nonvoting ex officio member of the Commission.

The Airport Advisory Commission shall plan the operation, construction, improvement and development of said Airport; shall recommend the annual budget for operation, improvement, construction and development of said Airport shall recommend employment of Airport personnel; consider and recommend contract and lease provisions for all operations conducted at the Airport and shall recommend and advise generally the respective governing bodies as to all matters concerning the Airport.

All meetings of the Airport Advisory Commission shall be called by the Airport Manager or the chairman of the Airport Advisory Commission and shall be conducted at the Airport. A quorum shall consist of four (4) representatives. The passage

of any action shall require a minimum of four (4) votes. (Ord. 2636, 12-6-1999)

8-7-4: AIRPORT COMMERCIAL GROUND TRANSPORTATION REGULATIONS:

All commercial ground transportation at the Airport and the parking of all commercial ground transportation vehicles shall be under the direction and supervision of the Airport Manager.

No ground transportation carrier shall be allowed to solicit any business in the air terminal building or upon any area adjacent to the air terminal building; provided, however, counter space within the air terminal building may be allowed by written agreement.

It shall be unlawful for any commercial ground transportation carrier who does business at the Airport to fail to post in the air terminal building a schedule of its rates and tariffs to all points serviced by the carrier. (Ord. 2631, 10-12-1999)

8-7-5: AIRPORT TRAFFIC AND PARKING REGULATIONS:

(A) Speed Regulations: It shall be unlawful for any person to drive any motor vehicle upon any road or area on Joslin Field, Magic Valley Regional Airport in excess of fifteen (15) miles per hour, or as posted, except the main access road from the High Line Canal to the Airport Loop Road junction where the maximum speed shall be twenty five (25) miles per hour.

(B) Parking:

1. Parking Areas: The Airport Manager is authorized and directed to designate on the Joslin Field, Magic Valley Regional Airport free public parking, long-term public parking, short-term public parking, parking for commercial ground transportation vehicles, airport employee parking, airport lessee employee parking, parking spaces for on- premises automobile concession vehicles and handicap parking spaces for vehicles properly displaying handicapped vehicle licenses or permits. It shall be unlawful for any person to park any vehicle or to permit a vehicle to remain parked in a parking area for which the person or vehicle is not authorized to park.

2. Passenger, Baggage And Cargo Loading And Unloading Areas: The Airport Manager is authorized and directed to designate passenger, baggage and cargo loading and unloading areas. It shall be unlawful for any person to park any vehicle or to permit a vehicle to remain parked in a designated passenger, baggage or cargo loading and unloading area, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading passengers, baggage or cargo.

(C) One-Way Traffic: One-way traffic may be established and designated upon any road on said airport, and it shall be unlawful for any person to operate a vehicle contrary to said designation.

(D) Towing Vehicles: Towing of vehicles shall be permitted as provided in this Code.

(E) Enforcement: The Airport Manager or any regularly employed and salaried City employee designated by the Airport Manager can act as an enforcement agent. If the Airport Manager or designated employee observes a violation of this section, he or she shall issue a ticket with the date, time, license number, State registration, make of vehicle and the employee's name. (Ord. 2631, 10-12-1999)

(F) Parking Violation: If any vehicle is found stopped, standing or parked in any manner in violation of the provisions of this chapter and the identity of the operator cannot be determined, the owner, person, corporation or named lessee in whose name said vehicle is registered, shall be held prima facie responsible for said violation. The ticket shall notify the owner or operator of the fine increase for failure to pay such fine within the initial three (3) business day period and the penalties for failure to pay the increased fine within the notice period.

There is hereby imposed a thirty five dollar ($35.00) fine, or fifty dollar ($50.00) fine if not paid within three (3) business days. Any owner or operator of such vehicle violating said provisions and who fails to pay said fine within three (3) business days in the collection box at City Hall shall be subject to the penalty set forth herein. Fines unpaid for a period of forty five (45) days following issuance may be turned over to a collection agency for collection and shall be subject to an additional twenty five dollar ($25.00) charge for collection.

Upon the failure of the owner or operator to pay the required fine within three (3) business days, the person as designated by the City may, after the giving of written notice, sign a complaint against the owner or operator of the vehicle cited for the violation of this chapter. Written notice to the owner or operator is deemed sufficient if mailed to the last known address of such person. The complaint may be signed after five (5) days from the date of the notice. (Ord. 2018-021, 10-22-2018)

8-7-6: FEES AND CHARGES:

Fees and charges for aircraft landing, aircraft rescue and firefighting and security for commercial service and public charter aircraft may be established by the concurrence of the City Council and County Commission. (Ord. 2631, 10-12-1999)

8-7-7: OFF-AIRPORT RENTAL CAR BUSINESSES:

8-7-7-1: PURPOSE:

In order to protect the public, for the order and peace of the airport, and to regulate the entrances to property and buildings

of the airport and the way of ingress and egress to and from the same it is necessary to enact reasonable standards, controls, rules, regulations and procedures of off- airport rental car businesses. (Ord. 2631, 10-12-1999)

8-7-7-2: SCOPE:

A person, persons or corporation desiring access to the Joslin Field, Magic Valley Regional Airport terminal for the purpose of conducting rental car business operations, either directly or indirectly, shall first obtain a nontenant rental car business permit from the Airport Manager prior to conducting any such business on airport property. (Ord. 2631, 10-12-1999)

8-7-7-3: PERMITS:

Nontenant rental car business permits will be issued annually for a twelve (12) month period within thirty (30) days after the application for permit has been submitted to the Airport Manager, provided the application is approved. (Ord. 2631, 10-12-1999)

8-7-7-4: REQUIREMENTS:

The Airport Manager may issue a permit upon receipt of a signed and verified application from the rental car business owner containing the following information, agreements and proof:

(A) The names and addresses of every person, company or corporation having an interest in the business.

(B) For companies or corporations not traded publicly, the names and addresses of every person having an interest in the business.

(C) Proof of comprehensive general liability insurance in the amount of at least five hundred thousand dollars ($500,000.00) covering all business operations, employees, and customers and naming the City and County and the Airport as additional insureds.

(D) Upon request, provide the make, model, color, identification number, and motor vehicle identification number of all vehicles to be operated on Airport property.

(E) A written agreement to pay, for the duration of the permit, ten percent (10%) of the permittee's gross revenue on all automobile rental contracts entered into by the permittee with customers picked up at the Airport, payable on the tenth day of each month for the preceding months' contracts.

(F) The names and job titles of local management personnel, as well as, all business employees engaged in the operation of vehicles to be operated on Airport property.

(G) A written agreement covenanting to obey and follow all standards, regulations and ordinances of the City and the Airport Commission.

(H) Upon request, proof of all business and motor vehicle permits required by local, State, and Federal authorities.

(I) A written agreement to submit written proof to the Airport of all automobile rental contracts at the time payment is due, accompanied by a statement certified by an officer of the permittee attesting to the accuracy of payments due the Airport Manager.

(J) A written agreement to authorize the Airport Manager, or its agent, to audit all business records and accounts at any time during normal business hours upon demand and to make said records and accounts available.

(K) A written agreement that vehicles will stop while at the Airport only when in the process of loading and unloading customers. Drivers of vehicles (or permittee personnel that may accompany them) shall be prohibited from soliciting business in any manner whatsoever upon the Airport. The operation of permittee's vehicles will be specifically limited to the picking up and delivery of customers.

(L) A written agreement to park only in the parking areas designated for short-term parking.

(M) A written agreement to indemnify and hold harmless and defend the City and County and the Airport from any and all claims whatsoever arising out of permittee's business operations and proof of insurance for such contractual liability.

(N) A written agreement to abide by such additional requirements as the City and County and the Airport Advisory Commission may enact from time to time. (Ord. 2631, 10-12-1999)

8-7-7-5: PROHIBITED ACTIONS AND ACTIVITIES:

A nontenant rental car business permit shall not be construed to permit a business holding such permit to have an office or station on Airport property, to park rental cars on Airport property, except in designated public parking facilities, or to operate rental cars on Airport property; and all of these actions and activities are expressly prohibited. (Ord. 2631, 10-12-1999)

8-7-7-6: ADVERTISING AND TELEPHONES:

A nontenant rental car business not having a nontenant rental car business permit shall not advertise or place a telephone on Airport property. A nontenant rental car business permittee may advertise its nontenant rental car business on Airport property but may not place a business telephone on Airport property. Fees for such advertising are not included in the permit fees and charges. Advertising fees, charges and locations must be negotiated separately in addition to permit fees and charges. (Ord. 2631, 10-12-1999)

8-7-7-7: CONDITION OF STRICT COMPLIANCE:

Every permit issued pursuant to this Chapter shall be conditioned upon strict compliance with the regulations set forth in this Chapter and the rules and regulations of the Joslin Field, Magic Valley Regional Airport. (Ord. 2631, 10-12-1999)

8-7-7-8: VIOLATION PROCEDURE:

Upon a showing of sufficient cause to believe that a violation of the rules and regulations specified in this Chapter has occurred, the Airport Manager may:

(A) Initiate proceedings to suspend or revoke the permit by notifying the permittee of the possible suspension or revocation of the permit and the grounds therefor. The notice shall specify the date, time and place of the hearing before the Airport Advisory Commission on the possible suspension or revocation of the permit and shall be served on the permittee by certified mail or personal service at least ten (10) working days before the scheduled date of the hearing. Failure of the permittee to actually receive a notice sent or served shall not invalidate the proceedings.

(B) Immediately suspend the permit upon a determination that the conduct of the permittee and its continued operation at the Joslin Field, Magic Valley Regional Airport presents an exigent danger to persons or property.

1. In such event, the Airport Manager shall notify the permittee by certified mail or personal service that the permittee must immediately cease and desist all activity authorized by the permit.

2. The notice shall specify the grounds for the immediate suspension of the permit and the date, time and place of the hearing before the Commission on the continued suspension or possible revocation of the permit. The hearing shall be held not more than five (5) working days from receipt by the permittee of the notice to cease and desist.

3. If the Airport Advisory Commission determines to continue suspension of the permit or to revoke the permit, the effective date of such suspension or revocation shall be the date the permittee received the notice to cease and desist. (Ord. 2631, 10-12-1999)

8-7-7-9: HEARING BEFORE AIRPORT ADVISORY COMMISSION:

Hearing on a denial of the issuance or transfer of a permit under this Chapter or on the suspension or revocation of a permit under this Chapter shall be before the Airport Advisory Commission. At such hearing the permittee may present evidence, call witnesses and be represented by counsel. The Commission may render its decision orally at the conclusion of the hearing, but shall provide the permit applicant or permittee with written notice of its decision not later than five (5) days after the date of the hearing.

(A) On appeal of a denial of the issuance or transfer of a permit, the Commission may affirm the denial or approve the issuance or transfer of a permit, and may, upon approval thereof, impose such reasonable conditions related to the use of the permit as are appropriate in the circumstances.

(B) After hearing on the suspension or revocation of a permit, the Commission may:

1. Revoke the permit.

2. Suspend the permit for a period not to exceed sixty (60) days. In its decision to suspend a permit, the Commission may provide for the reinstatement of the permit prior to the expiration of the suspension period upon the fulfillment of such reasonable conditions as the Commission may impose, and may further provide that in the event such conditions have not been fulfilled upon the expiration of the suspension period, the period of suspension will be extended for a stated additional period. In the event of an extension, notice thereof and the reasons therefor shall be provided to the permittee, but further hearing shall not be required, unless requested in writing by the permittee. Provided, however, that no suspension shall be continued for a total period in excess of sixty (60) days without notice and hearing as provided in this Chapter.

3. Issue a letter of warning notifying the permittee that any further violation may result in the suspension or revocation of the permit.

4. Allow the use of the permit to continue and impose such reasonable conditions related to the use of the permit as are appropriate under the circumstances. (Ord. 2631, 10-12-1999)

8-7-7-10: APPEALS:

An appeal of the decision of the Airport Advisory Commission under this Chapter may be taken to the City Council by filing a notice of appeal with the City Clerk within ten (10) working days of the date of the written decision of the Airport Advisory Commission. Notice of the date of hearing before the Council shall be provided to the appellant within fourteen (14) days of the hearing. At the hearing before the Council, the appellant may present evidence, call witnesses and be represented by

counsel. The Council may affirm or reverse the decision of the Commission and may delete or modify conditions imposed by the Commission, or impose such reasonable conditions, as it deems appropriate. (Ord. 2631, 10-12-1999)

8-7-7-11: PERMIT APPLICATION FEE:

A fee payable in advance shall be charged to defray administrative costs of a permit request for each permit. The cost is not refundable in the event the permit application is rejected or in the event the permit is revoked. (Ord. 2631, 10-12-1999)

8-7-7-12: VIOLATION AND PENALTY:

The violation of any provision of this Chapter shall be considered a misdemeanor punishable by a fine of three hundred dollars ($300.00) and six (6) months in jail. (Ord. 2631, 10-12-1999)

8-7-7-13: SEVERANCE:

If any part of this Chapter is held invalid by any court or administrative agency, the remainder of this Chapter shall continue in full force and effect. (Ord. 2631, 10-12-1999)

TITLE 9

TRAFFIC REGULATIONS

CHAPTER 1

TRAFFIC CODE, ADMINISTRATION

SECTION:

9-1-1: Title

9-1-2: Purpose

9-1-3: Traffic Section

9-1-4: City Traffic Engineer

9-1-5: Traffic Committee (Rep. by Ord. 2674, 11-20-2000)

9-1-6: Definitions

9-1-1: TITLE:

This title, known as the *TWIN FALLS TRAFFIC VEHICULAR AND PEDESTRIAN CODE*, may be cited as "traffic code" and will be referred to herein as "this code". (1958 Code ch. IX art. 1)

9-1-2: PURPOSE:

The purpose of this code is to provide minimum standards or regulations to protect the public safety by creating a set of rules which, if faithfully adhered to by the public, will aid in providing safe, expeditious and orderly conduct upon the sidewalks, streets, alleys and all public highways and thoroughfares in the city. (1958 Code ch. IX art. 1)

9-1-3: TRAFFIC SECTION:

There is hereby established in the city police department a section of traffic to be under the control of an officer of the police department appointed by and directly responsible to the chief of police. It shall be the duty of the traffic section, with such aid as may be rendered by other members of the police department, to enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city; to make arrests for traffic violations, to investigate accidents and to cooperate with the city engineer and other city officials in the administration of the traffic laws, and in developing ways and means to improve traffic conditions; and to carry out those duties specifically imposed upon the section by this traffic code.

The police department or the traffic section thereof shall maintain a record of all violations of this traffic code or of state

vehicle laws together with other records and files as may be required. The traffic section shall prepare and submit reports of arrests, traffic accidents and other information to the city manager and city council as and when required. (1958 Code ch. IX art. 2; amd. 1978 Code)

9-1-4: CITY TRAFFIC ENGINEER:

The city engineer shall serve as city traffic engineer in addition to his other functions, and shall exercise the power and duties with respect to traffic as provided in this code. It shall be the general duty of the city engineer to conduct engineering investigations of traffic conditions and an analysis of traffic accidents, and to devise remedial measures, to determine the installation and proper timing and maintenance of traffic control devices and to cooperate with other city officials in the development of ways and means to improve traffic conditions. (1958 Code ch. IX art. 2)

9-1-5: TRAFFIC COMMITTEE:

(Rep. by Ord. 2674, 11-20-2000)

9-1-6: DEFINITIONS:

The words and phrases used in this title shall have meanings ascribed to them as the same are provided in title 49, Idaho Code, and as the same may be amended from time to time.

ALLEY: A narrow passageway between two (2) streets in the city as distinguished from a public street and is usually located in the rear of the properties fronting on such streets.

AUTHORIZED EMERGENCY VEHICLES: Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the city.

BICYCLE: Every vehicle having wheels, any two (2) of which are not less than twelve inches (12") in diameter, propelled exclusively by human power, upon which any person may ride, including tricycles and other multicycles, excluding scooters and similar devices.

CROSSWALK: That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

FREIGHT CURB LOADING ZONE: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

INTERSECTION: The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

LIMITED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

MOTOR VEHICLE: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

MOTORCYCLE: Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the city.

OFFICIAL TRAFFIC-CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

PARK: When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the

purpose of and while actually engaged in loading or unloading.

PASSENGER CURB LOADING ZONE: A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN: Any person afoot.

PERSON: Every natural person, firm, copartner ship, association or corporation.

POLICE OFFICER: Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (1958 Code ch. IX art. 16; amd. Ord. 2994, 11-8-2010; Ord. O-2025-008, 4-21-2025)

CHAPTER 2

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SECTION:

9-2-1: Authority Of Police And Fire Department Officials

9-2-2: Required Obedience To Traffic Code

9-2-3: Obedience To Police And Fire Department Officials

9-2-4: Pushcarts, Riding Animals

9-2-5: Use Of Coasters, Roller Skates, Skateboards, Toy Vehicles Or Similar Devices

9-2-6: Public Employees To Obey Traffic Regulations

9-2-7: Exemptions To Authorized Emergency Vehicles

9-2-8: Procedure In Case Of Accident

9-2-9: Vehicle Equipment

9-2-1: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS:

(A) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in the city.

(B) Officers of the police department, or such officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(C) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (1958 Code ch. IX art. 3)

9-2-2: REQUIRED OBEDIENCE TO TRAFFIC CODE:

Except as otherwise specifically provided, it shall be an infraction punishable by a fine of one hundred dollars ($100.00) for any person to do any act forbidden or fail to perform any act required in this title. (Ord. 2994, 11-8-2010)

9-2-3: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS:

No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (1958 Code ch. IX art. 3)

9-2-4: PUSHCARTS, RIDING ANIMALS:

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this code applicable to the driver of any vehicle, except those provisions of this code which by their very nature can have no application. (1958 Code ch. IX art. 3)

9-2-5: USE OF COASTERS, ROLLER SKATES, SKATEBOARDS, TOY VEHICLES, OR SIMILAR DEVICES:

(A) Limitation To Use Of Streets: No person upon roller skates or operating in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any roadway except while crossing a street within a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians [1] . This section shall not apply upon any street while set aside as a play street as authorized by ordinance of this city.

(B) Limitations To Use Of Sidewalks: No person shall upon roller skates, coasters, skateboards, toy vehicles or similar devices operate such devices upon a sidewalk or any area within the business improvement district with the boundaries of 3rd Streets west and north, 4th Avenues north and east, 3rd Streets south and east and 2nd Avenues west and south. The police department is authorized to erect signs on any sidewalk or roadway indicating that the operation of roller skates, coasters, skateboards, toy vehicles or similar devices thereon by any person is prohibited. Whenever any person is operating roller skates, coasters, skateboards, toy vehicles or similar devices on a sidewalk in other than the business improvement district of the city, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking such pedestrian. (Ord. 2213, 7-6-1987)

Notes

[1] 1. See chapter 10 of this title.

9-2-6: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS:

The provisions of this code shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any said driver to violate any of the provisions of this code, except as otherwise permitted in this code or by state statute. (1958 Code, ch. IV, art. 3)

9-2-7: EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES:

(A) The provisions of this code regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as defined in this code, except as follows:

A driver when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:

1. Park or stand notwithstanding the provisions of this code;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the prima facie speed limits so long as he does not endanger life and property;
4. Disregard regulations governing directions of movement or turning in specified directions so long as he does not endanger life or property.

(B) Those exemptions hereinbefore granted in reference to the movement of an authorized emergency vehicle shall apply only when the driver of said vehicle sounds a siren, bell or exhaust whistle as may be reasonably necessary, and the vehicle displays a lighted red lamp visible from the front as a warning to others.

(C) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others. (1958 Code, ch. IX, art. 3)

9-2-8: PROCEDURE IN CASE OF ACCIDENT:

(A) Stop In Event Of Accident: The driver of any vehicle involved in any collision or in any accident shall immediately stop such vehicle at the scene of such accident.

(B) Information Upon Accident: The driver of any vehicle involved in any accident or in any collision shall, upon stopping as required in subsection (A) of this section, give his name, address and the registration number of his vehicle and exhibit his operator's or chauffeur's license, if such license is required by law, to the person struck, to the driver, or to the occupants of any vehicle collided with, and to, upon authority of a physician or surgeon, aid injured persons as requested by such physician or surgeon.

(C) Collision With Unattended Vehicle: The driver of any vehicle which collides with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of his name and address and the registration number of his vehicle and exhibit his operator's or chauffeur's license, if such license is required by law, and the driver of the vehicle striking the other unattended vehicle, if he is unable to locate the operator or owner of the other vehicle struck, shall leave in a conspicuous place on the vehicle struck a written note giving the above information and a statement of the circumstances of the accident.

(D) Application Of Provisions: Each and all of the provisions of this section shall apply in all cases whether or not there shall have resulted any injury to any person or any damage to any vehicle or other property.

(E) Report In Event Of Accident: The drivers of all vehicles, as soon as possible, but not more than twelve (12) hours after causing any accident or collision, whether or not injury to any person or damage to any vehicle or other property results, shall report the same to the police department giving the information required in subsection (A) of this section and a full statement of the circumstances of the accident. (1958 Code, ch. IX, art. 3)

9-2-9: VEHICLE EQUIPMENT:

Vehicles shall be equipped and in the condition required by the laws of Idaho as is now set forth in the Idaho Code and as from time to time may be amended [1] . (1958 Code, ch. IX, art. 6, sec. 2)

Notes

1 1. I.C. § 49-801 et seq.

CHAPTER 3

SPEED REGULATIONS

SECTION:

9-3-1: General Speed Limits

9-3-2: Intersections

9-3-3: Schools

9-3-4: Alleys

9-3-1: GENERAL SPEED LIMITS:

Vehicles traveling upon city streets shall be operated at the following rates of speed:

Twenty five (25) miles per hour in residential and other areas as defined by the city zoning regulations [1] , except as otherwise provided herein.

The city is authorized to post speed limits in variance with the speed limits as specifically set forth in this code, in case of unusual circumstances, as determined by the city council. (1958 Code, ch. IX, art. 4; amd. 1978 Code)

Notes

1 1. See title 10 of this code.

9-3-2: INTERSECTIONS:

Vehicles approaching intersecting streets shall proceed at a speed of twenty (20) miles per hour when approaching within fifty feet (50') of and in traversing any intersection within the city, except where the intersection has "stop" signs posted or the intersection is a part of a through street. (1958 Code, ch. IX, art. 4)

9-3-3: SCHOOLS:

Vehicles shall proceed at the following maximum rates of speed in school zones:

(A) Twenty (20) miles per hour through school zones as indicated by signs posted at the school zone areas.

(B) Twenty (20) miles per hour on all public streets and thoroughfares within the boundaries of the College of Southern Idaho.

Any person violating the provisions of this section, upon conviction, shall pay an infraction penalty of one hundred dollars ($100.00). (Ord. 2728, 7-22-2002)

9-3-4: ALLEYS:

Vehicles traveling upon any alley shall proceed at fifteen (15) miles per hour. (1958 Code, ch. IX, art. 4)

CHAPTER 4

TURNING MOVEMENTS

SECTION:

9-4-1: Required Position And Method Of Turning At Intersections

9-4-2: Authority To Place And Obedience To Turning Markers

9-4-3: One-Way Streets And Alleys

9-4-4: Right, Left And U-Turns Prohibited (Rep. by Ord. 3000, 2-22-2011)

9-4-5: Drivers' Signals

9-4-1: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS:

(A) Right Turn: The driver of a vehicle intending to turn at an intersection shall do so as follows: Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway. Right hand turns may be made against a red light upon the vehicle being brought to a complete stop before crossing the stop line and crosswalk; and before or while proceeding the driver shall give the right of way to vehicles lawfully in the intersection and to pedestrians traversing the crosswalk or proceeding with the green light who are declared to have the superior right of way.

(B) Left Turn: The approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. The driver of a vehicle shall yield the right of way to any vehicle or pedestrian approaching from the opposite direction which is in the intersection or so close as to constitute an immediate hazard.

(C) One-Way Streets: The approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of any such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection. Where both streets or roadways are one-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left hand curb or edge of the roadway.

(D) Four Lane Intersection On Two Lane Street: When a two (2) lane street widens into a four (4) lane intersection, a right hand turn only is permitted from the right hand lane.

(E) Right And Left Hand Turns From Opposite Lanes: When moving into a four (4) lane intersection, no vehicle shall make a left hand turn from a right hand lane and no right turn from a left hand lane. (1958 Code ch. IX art. 5)

9-4-2: AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS:

(A) Authority To Place: The city is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by this code.

(B) Obedience To Markers: When authorized markers, buttons or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indicators. (1958 Code ch. IX art. 5)

9-4-3: ONE-WAY STREETS AND ALLEYS:

The city is authorized to designate and mark streets and alleys intended for one-way traffic. (1958 Code ch. IX art. 5)

9-4-4: RIGHT, LEFT AND U-TURNS PROHIBITED:

(Rep. by Ord. 3000, 2-22-2011)

9-4-5: DRIVERS' SIGNALS:

(A) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with

reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(B) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.

(C) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(D) The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the police department, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device.

(E) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn: Hand and arm extended horizontally.
2. Right turn: Hand and arm extended upward.
3. Stop or decrease speed: Hand and arm extended downward. (1958 Code ch. IX art. 6)

CHAPTER 5

TRAFFIC CONTROL DEVICES

SECTION:

9-5-1: Authority to Install Traffic Control Devices

9-5-2: Specifications

9-5-3: Obedience to Official Devices

9-5-4: Traffic Control Signal Legend

9-5-5: Pedestrian Walk and Wait Signals

9-5-6: Flashing Signals

9-5-7: Full Stop at Stop Signs

9-5-8: Display of Unauthorized Signs, Signals or Markings

9-5-1: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES:

The City shall place and maintain traffic control signs, signals and devices when and as required under the Traffic Code of the City to make effective the provisions of said Code, and may place and maintain such additional traffic control devices as it may deem necessary to regulate traffic under the Traffic Code or under State law, or to guide or warn traffic.

9-5-2: SPECIFICATIONS:

All traffic control signs, signals and devices shall conform to State law or requirements adopted by the City Council. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of the State law or this Code shall be official traffic control devices.

9-5-3: OBEDIENCE TO OFFICIAL DEVICES:

The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Traffic Code of the City, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Code. 1

Notes

[1] 1. See Section 9-2-7 of this Code

9-5-4: TRAFFIC CONTROL SIGNAL LEGEND:

Whenever traffic is controlled by traffic control signals exhibiting the words "Go", "Caution", or "Stop", or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) Green Alone or "Go":

1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place or the provisions of this Code prohibit either such turn. But vehicular traffic, including vehicles turning right or left, shall yield right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(B) Yellow Alone or "Caution" When Shown Following the Green or "Go" Signal:

1. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

2. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized to do so by a pedestrian "Walk" signal.

(C) Red Alone or "Stop":

1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until green or "Go" is shown alone.

2. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized so to do by a pedestrian "Walk" signal.

(D) Red With Green Arrow:

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

2. No pedestrian facing such signal shall enter the roadway until the green or "Go" is shown alone unless authorized so to do by a pedestrian "Walk" signal.

(E) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

9-5-5: PEDESTRIAN WALK AND WAIT SIGNALS:

Whenever special pedestrian control signals exhibiting the words "Walk' or "Wait" are in place, such signals shall indicate as follows:

(A) Walk: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(B) Wait: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the "Wait" signal is showing.

9-5-6: FLASHING SIGNALS:

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(A) Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before crossing the stop line or entering the nearest crosswalk at an intersection, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. (1958 Code, Ch. IX, Art. 7)

9-5-7: STOP AT STOP SIGNS REQUIRED:

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop sign

shall stop at a clearly marked stop line, or before entering the crosswalk on the near side of the intersection, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle within the intersection and any vehicle approaching the intersection on another roadway so closely as to constitute a hazard during the time when such driver is moving across or within the intersection or junction of the roadways. (Ord. 1935, 4-16-79)

9-5-8: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS:

(A) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(B) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the City is hereby empowered to remove the same or cause it to be removed without notice. (1958 Code, Ch. IX, Art. 7)

CHAPTER 6

STOPPING, STANDING OR PARKING

SECTION:

9-6-1: Standing Or Parking Close To Curb

9-6-2: Angle Parking

9-6-3: Obedience To Angle Parking Signs, Markings

9-6-4: Permit For Loading Or Unloading At An Angle To The Curb

9-6-5: Lights On Parked Vehicles

9-6-6: Parking Not To Obstruct Traffic

9-6-7: Parking In Alleys

9-6-8: Parking Trucks, Trailers, Unused And Inoperative Vehicles

9-6-9: All-Night Parking Prohibited

9-6-10: Parking For Certain Purposes Prohibited

9-6-11: Stopping And Parking Adjacent To Schools

9-6-12: Parking Prohibited On Narrow Streets

9-6-13: Standing Or Parking On One-Way Streets

9-6-14: Stopping, Standing Or Parking Near Hazardous Or Congested Places

9-6-15: Stopping For Loading Or Unloading

9-6-16: Parking And Loading Areas For Handicapped Persons; Handicapped Licensed Vehicles

9-6-17: Stopping, Standing Or Parking On Public Park Rights Of Way Prohibited

9-6-18: Stopping, Standing Or Parking Prohibited In Specified Places

9-6-19: Parking On Certain Streets Prohibited

9-6-20: Parking Regulations, Signs And Curb Markings

9-6-21: Enforcement And Fines

9-6-1: STANDING OR PARKING CLOSE TO CURB:

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen inches (18") of the curb or

edge of the roadway except as otherwise provided in this chapter. (1958 Code, ch. IX, art. 10; amd. 1978 Code)

9-6-2: ANGLE PARKING:

The city shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets to permit angle parking. (1958 Code, ch. IX, art. 10; amd. 1978 Code)

9-6-3: OBEDIENCE TO ANGLE PARKING SIGNS, MARKINGS:

Upon those streets which have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (1958 Code, ch. IX, art. 10; amd. 1978 Code)

9-6-4: PERMIT FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB:

The police department is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein, and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (1958 Code, ch. IX, art. 10; amd. 1978 Code)

9-6-5: LIGHTS ON PARKED VEHICLES:

Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residence district, no lights need be displayed upon such parked vehicle. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (1958 Code, ch. IX, art. 10; amd. 1978 Code)

9-6-6: PARKING NOT TO OBSTRUCT TRAFFIC:

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic. (1958 Code, ch. IX, art. 10; amd. 1978 Code)

9-6-7: PARKING IN ALLEYS:

No person shall park a vehicle in any alley within the business zone of the city except for the specific purpose of loading or unloading merchandise. In other than the business zone, no person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') in the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. No person shall leave a vehicle unattended in an alley in the business district. (1958 Code ch. IX art. 10; amd. 1978 Code)

9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES:

(A) No person shall park the following on any street or alley, except as outlined in paragraph (B):

1. A motor vehicle of one and one-half (1 1/2) ton capacity or more, or
2. A vehicle which has an overall length of more than twenty-two feet (22'), or
3. Any trailer.

(B) Exceptions: Paragraph (A) shall not apply when:

1. In the Manufacturing District, or
2. The person is engaged in the actual loading or unloading of passengers or property, or
3. The person is engaged in an ongoing, lawful construction project, where such construction project is conducted under a valid City of Twin Falls permit and such trailer or vehicle is parked within one hundred feet (100') of such construction.

(C) No unused, inoperative, abandoned vehicle or recreational vehicle shall be parked for more than twenty-four (24) hours on any street. (Ord. 2019-011, 10-14-2019; amd. Ord. O-2025-008, 4-21-2025)

9-6-9: ALL NIGHT PARKING PROHIBITED:

No person shall park a vehicle on any street as designated by the city for a period of time longer than thirty (30) minutes between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. except physicians on emergency calls, during the months of December, January, February and March. (1958 Code ch. IX art. 10; amd. 1978 Code)

9-6-10: PARKING FOR CERTAIN PURPOSES PROHIBITED:

No person shall park a vehicle upon any roadway or public right of way for the principal purpose of:

(A) Displaying such vehicle for sale;

(B) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (1958 Code ch. IX art. 10; amd. 1978 Code)

9-6-11: STOPPING AND PARKING ADJACENT TO SCHOOLS:

The city is hereby authorized to erect signs indicating no stopping or parking upon that side of any street adjacent to school property when such stopping or parking would, in its opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no stopping or parking upon that side of the street adjacent to any school property, no person shall stop or park a vehicle in any such designated place. (1958 Code ch. IX art. 10; amd. 1978 Code)

9-6-12: PARKING PROHIBITED ON NARROW STREETS:

The city is hereby authorized to erect signs indicating no parking upon any street when, in its judgment, the width of the roadway does not allow for the safe flow of traffic. When official signs prohibiting parking are erected upon narrow streets, as herein authorized, no person shall park a vehicle upon any such street in violation of such sign. (1958 Code ch. IX art. 10; amd. 1978 Code)

No motor vehicle, bicycle, any other vehicle or object shall be parked at any time on either side of Washington Street North between Addison Avenue and Caswell Avenue. (Ord. 1957, 11-5-1979)

9-6-13: STANDING OR PARKING ON ONE-WAY STREETS:

The city is authorized to erect signs upon the left hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left hand side in violation of any such sign. (1958 Code ch. IX art. 10; amd. 1978 Code)

9-6-14: STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES:

The city is authorized to determine and designate by proper signs places not exceeding one hundred feet (100') in length in which stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. When official signs are erected at hazardous or congested places, as herein authorized, no person shall stop, stand or park a vehicle in any such designated place. (1958 Code ch. IX art. 10; amd. 1978 Code)

9-6-15: STOPPING FOR LOADING OR UNLOADING:

(A) Designation Of Permits For Curb Loading Zones: The city is authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. The city shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and pays the actual cost of erecting zoning signs or markers.

A loading zone may be occupied by a vehicle while actually engaged in loading and unloading persons, supplies or merchandise for a period of not to exceed twenty (20) minutes during any one period of time, except by special permission by the police department. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

(B) Designation Of Public Carrier Stands: The city is authorized to establish and/or revoke bus stops and taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every bus stop and taxicab stand or other stand shall be designated by appropriate signs.

(C) Regulation Of Bus And Taxicab Parking: The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop or taxicab stand, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

(D) Restricted Use Of Bus And Taxicab Stands: No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed. (1958 Code ch. IX art. 11)

9-6-16: PARKING AND LOADING AREAS FOR HANDICAPPED PERSONS; HANDICAPPED LICENSED VEHICLES:

(A) Local parking areas for vehicles licensed to transport handicapped persons shall be available in the city and designated "Parking For Handicapped Licensed Vehicles Only".

Permits for parking in spaces designated "Parking For Handicapped Licensed Vehicles Only" shall be issued to handicapped persons upon application and proof of the necessity of the permit. "Handicapped person" shall be defined as set forth in Idaho Code, section 49-236(2). A vehicle transporting a handicapped person who has been issued a permit under this section and which displays a valid permit on the dashboard in front of the steering wheel may park in spaces designated "Parking For Handicapped Licensed Vehicles". The use of a permit in violation of this section shall result in revocation of said permit.

No vehicles shall remain parked in an area designated for handicapped licensed vehicles unless properly licensed or properly displaying a valid handicapped parking permit.

(B) Loading zones for handicapped persons shall be available in the city and designated "Loading Zone For Handicapped Persons Only".

No person shall use an area designated for the loading and unloading of handicapped persons unless loading or unloading a handicapped person. (Ord. 2096, 3-5-1984)

9-6-17: STOPPING, STANDING OR PARKING ON PUBLIC PARK RIGHTS OF WAY PROHIBITED:

No person shall stop, stand or park a motor vehicle on any public park right of way or area intended for park patron use only; and any such public park right of way or parking area is hereby reserved exclusively for park patrons. If any vehicle is found stopped, standing or parked in any manner in violation of this section and the identity of the operator cannot be determined, the owner, person, corporation or named lessee in whose name said vehicle is registered shall be held prima facie responsible for said violation. (Ord. 1968, 3-17-1980)

9-6-18: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES:

(A) Except when necessary to avoid conflict with other traffic, in compliance with law, the directions of a peace officer or traffic control device, no person shall stop, stand or park a vehicle:

1. On the traffic side of any vehicle stopped or parked at the edge or curb of a highway;
2. On a sidewalk;
3. Within an intersection;
4. On a crosswalk;
5. On the wrong side of the street facing oncoming traffic;
6. In a designated bicycle lane;
7. At any place where traffic control devices prohibit stopping.

(B) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;
2. Within fifteen feet (15') of a fire hydrant;
3. Within twenty feet (20') of a crosswalk at an intersection;
4. Within thirty feet (30') upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a highway;
5. Within twenty feet (20') of the driveway entrance to any fire station and on the side of a highway opposite the entrance to any fire station within seventy five feet (75') of the entrance (when properly signposted);
6. At any place where traffic control devices prohibit standing. (Ord. 2673, 11-13-2000)

9-6-19: PARKING ON CERTAIN STREETS PROHIBITED:

Parking shall be prohibited on the following streets or parts of streets within the city:

The west side of Locust Street north from its intersection with Stadium Boulevard to its intersection with Filer Avenue East. (Ord. 1999, 11-17-1980)

9-6-20: PARKING REGULATIONS, SIGNS AND CURB MARKINGS:

(A) The city is authorized to erect signs regulating parking and establishing areas for no parking at any time, loading zones, limited time parking, and handicapped parking.

(B) The city may use curb markings as substituting or supplemental to standard signs. Where signs are not used, the intended meaning should be stenciled on the curb. The colors shall be as follows:

1. No Parking Any Time: Red curbing with black stenciled letters, if any.
2. Loading Zone: Yellow curbing with black stenciled letters, if any.
3. Limited Time Parking: Green curbing with white stenciled letters, if any.
4. Handicapped Parking: Blue curbing with white stenciled letters, if any.

(C) When official signs and/or curb markings regulating parking are used as authorized in this section, no person shall park a vehicle upon a street in violation of such sign or marking. If any vehicle is found stopped, standing or parked in violation of this section and the identity of the operator cannot be determined, the owner, person, corporation or named lessee in whose name said vehicle is registered shall be held prima facie responsible for said violation. (Ord. 2235, 5-26-1988)

(D) The city may cause lines or markings to be painted or placed upon the curb, or street adjacent to the curb, designating parking spaces. Each vehicle parked in a designated parking space shall park within the lines or markings so established for that particular space. It shall be unlawful and a violation of this chapter to park any vehicle across any such line or markings, or to park a vehicle in such position that the same shall not be entirely within the area designated for the space in which such vehicle is parked.

(E) Any vehicle parked in such parking space shall be parked parallel or diagonal to the curb in accordance with the lines or markings so established. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-6-21: ENFORCEMENT AND FINES:

If any vehicle is found stopped, standing or parked in any manner in violation of the provisions of this chapter and the identity of the operator cannot be determined, the owner, person, corporation or named lessee in whose name said vehicle is registered, shall be held prima facie responsible for said violation. There is hereby imposed a thirty five dollar ($35.00) fine, or fifty dollar ($50.00) fine if not paid within three (3) business days. Any owner or operator of such vehicle violating said provisions and who fails to pay said fine within three (3) business days shall be subject to the penalty set forth herein.

Upon the failure of the owner or operator to pay the required fine within three (3) business days, the person as designated by the city may, after the giving of written notice, sign a complaint against the owner or operator of the vehicle cited for the violation of this chapter. Written notice to the owner or operator is deemed sufficient if mailed to the last known address of such person. The complaint may be signed after five (5) days from the date of the notice.

Any police officer or person as designated by the city observing a violation of the provisions of this chapter shall leave upon the violating vehicle a traffic ticket which shall provide the ticket number, date, time, license number, parking lot location, make of vehicle and officer's or designated person's name. The ticket shall notify the owner or operator of the fine increase for failure to pay such fine within the initial three (3) business day period and the penalties for failure to pay the increased fine within the notice period. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

CHAPTER 7

PUBLIC OFF STREET PARKING LOTS

SECTION:

9-7-1: Definitions

9-7-2: Designation Of Lots And Spaces

9-7-3: Establishment Of Off Street Parking Space Time Limits And Parking Passes

9-7-4: Designation Of Off Street Private Parking Spaces

9-7-5: Monthly Parking Fees

9-7-6: Illegal Parking

9-7-7: Meter Prohibitions (Rep. by Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-8: Speed Regulation

9-7-9: Operating Hours

9-7-10: Enforcement And Fines

9-7-1: DEFINITIONS:

OFF STREET PARKING LOTS: Those parking areas not situated in public streets, alleys or rights of way which are under the jurisdiction of the city to provide public parking.

OFF STREET PARKING SPACE: A parking space within an off street parking lot designated and made available by the city for public parking purposes.

PARKING METER: A mechanical device which records a certain number of minutes by use of a clock mechanism determining the period of time for which parking privilege may be extended to a person depositing the required coin therefor. (1958 Code ch. XVIII art. 20)

9-7-2: DESIGNATION OF LOTS AND SPACES:

The city council has designated and approved the off street parking plan map which designates the current off street parking lots and spaces located in the Twin Falls townsite, and hereby by reference adopts said map as the official designation thereof and said map shall be kept on file in the office of the city engineer for public inspection.

From time to time the city council may redesignate such off street public parking lots and spaces upon said map and such redesignation shall become a part of this chapter. Designated off street public parking spaces and private parking spaces as shown on said official map shall be properly designated in each of the off street parking lots. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-3: ESTABLISHMENT OF OFF STREET PARKING SPACE TIME LIMITS AND PARKING PASSES:

There are hereby established within the off street public parking lots a maximum three (3) hour limit free and parking pass off street parking spaces. Parking pass holders may park in designated off street parking spaces without a maximum time limit during operating hours of the off street parking lots. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-4: DESIGNATION OF OFF STREET PRIVATE PARKING SPACES:

There are hereby established off street private parking spaces as designated upon the official off street parking plan map and as may from time to time be hereafter changed, which spaces have, by agreement with the city, been reserved for use by private parties and such spaces are not included within the off street public parking spaces available to the public, but the same are subject to all regulations and provisions of this chapter. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-5: MONTHLY PARKING FEES:

The city council may establish by resolution fees for the purchase of parking passes within the Twin Falls townsite. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-6: ILLEGAL PARKING:

(A) Unlawful To Park Outside Markings: It shall be unlawful for any person to park or permit to be parked any vehicle outside of the marked boundary of each parking space or across any marking separating parking spaces.

(B) Unlawful To Park Except Within Designated Space: It shall be unlawful for any person to park or permit to be parked any vehicle within the off street parking lot except within the lawful designated parking spaces. (Ord. 2442, 3-21-1994)

(C) Unlawful To Park Except Upon Payment Of Fee: It shall be unlawful for any person to park, or permit to be parked, any vehicle in designated public parking spaces for a period of time longer than the maximum designated time limit during the public parking lot operating hours. It shall be unlawful for any person to park, or permit to be parked, any vehicle within a designated parking pass parking space during the public parking lot operating hours without properly displaying a valid parking pass. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-7: METER PROHIBITIONS:

(Rep. by Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-8: SPEED REGULATION:

It shall be unlawful for any person to drive any motor vehicle within any off street parking lot in excess of fifteen (15) miles per hour. (1958 Code ch. IX art. 20)

9-7-9: OPERATING HOURS:

Operating hours of off street parking lots shall be between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. Monday through Friday, except on city designated holidays and other special days as may be designated by the city council. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

9-7-10: ENFORCEMENT AND FINES:

If any vehicle is found stopped, standing or parked in any manner in violation of the provisions of this chapter and the identity of the operator cannot be determined, the owner, person, corporation or named lessee in whose name said vehicle is registered, shall be held prima facie responsible for said violation. There is hereby imposed a thirty five dollar ($35.00) fine, or fifty dollar ($50.00) fine if not paid within three (3) business days. Any owner or operator of such vehicle violating said provisions and who fails to pay said fine within three (3) business days in the collection box or city hall shall be subject to the penalty set forth herein. Fines unpaid for a period of forty five (45) days following issuance may be turned over to a collection agency for collection and shall be subject to an additional twenty five dollar ($25.00) charge for collection.

Upon the failure of the owner or operator to pay the required fine within three (3) business days, the person as designated by the city may, after the giving of written notice, sign a complaint against the owner or operator of the vehicle cited for the violation of this chapter. Written notice to the owner or operator is deemed sufficient if mailed to the last known address of such person. The complaint may be signed after five (5) days from the date of the notice.

Any police officer or person as designated by the city observing a violation of the provisions of this chapter shall leave upon the violating vehicle a traffic ticket, which shall provide the ticket number, date, time, license number, parking lot location, make of vehicle and officer's or designated person's name. The ticket shall notify the owner or operator of the fine increase for failure to pay such fine within the initial three (3) business day period and the penalties for failure to pay the increased fine within the notice period. (Ord. 3038, 9-10-2012, eff. 11-1-2012)

CHAPTER 8

PARKING METERS

(Rep. by Ord. 3038, 9-10-2012, eff. 11-1-2012)

CHAPTER 9

MISCELLANEOUS TRAFFIC RULES

SECTION:

9-9-1: Compliance With Street Lanes

9-9-2: Backing And Leaving From Parking Space

9-9-3: Approaching Railroad Crossing

9-9-4: Right Of Way For Authorized Emergency Vehicles

9-9-5: Crossing Fire Hose

9-9-6: Driving Through Processions

9-9-7: Identification Of Funeral Processions

9-9-8: Clinging To Moving Vehicles

9-9-9: Vehicles On Sidewalk

9-9-10: Preventing Smoke And Noise

9-9-11: Prohibition Of Whistles

9-9-12: Windshield And Rear Windows Unobstructed

9-9-13: Injurious Material In Streets

9-9-14: Injury To Pavement

9-9-15: Width Of Vehicles

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9-9-22: Overtaking Bicyclists And Pedestrians

9-9-23: Harassment Of Bicyclists And Pedestrians Prohibited

9-9-24: Turning In Front Of Bicyclists Prohibited

9-9-1: COMPLIANCE WITH STREET LANES:

(A) Every vehicle shall keep to the right hand boundary of the street upon which it is moving. Where the street is marked into traffic lanes a vehicle shall be driven entirely within a single lane and shall not be moved out of such lane until such movement can be made with safety, and such movement shall be subject to the right of way of vehicles in other lanes. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall drive to the left thereof at a safe distance and shall not again drive to the right until safely clear of the overtaken vehicle, provided, that where the street is marked into traffic lanes, it shall be permissible for the overtaking vehicle to pass the overtaken vehicle in either the right or left hand lane provided the overtaking vehicle remains in the same lane and does not weave in and out of traffic lanes. The driver of a vehicle shall not drive to the left side of the centerline of a street in passing another vehicle proceeding in the same direction unless such driver has a clear view and the left side of the street is free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be completely made without impeding the safe operation of any vehicle approaching from the opposite direction, such approaching vehicle having the superior right of way.

(B) Where streets are marked into four (4) lanes, the driver of a vehicle shall not cross over the centerline of the street while passing or overtaking another vehicle.

(C) No overtaken vehicle shall increase its speed while being passed by the overtaking vehicle.

(D) A vehicle shall not overtake and pass another vehicle proceeding in the same direction at any railway grade crossing or at any intersection of streets unless otherwise provided in this code. (1958 Code ch. IX art. 14)

9-9-2: BACKING AND LEAVING FROM PARKING SPACE [1]:

No vehicle shall be backed without ample warning having been given by the operator, and, while backing shall yield the right of way to all vehicles and pedestrians on the street; and any vehicle leaving any parallel parking space or any other parking space shall yield the right of way to all vehicles and pedestrians on the street. (1958 Code ch. IX art. 14)

Notes

1 1. See also subsection 10-10-5(B) of this code.

9-9-3: APPROACHING RAILROAD CROSSING:

(A) Whenever any vehicle approaches the railroad grade crossing under any of the following circumstances, it shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad, and shall not proceed until it can do so safely; when a clearly visible electrical or mechanical signal device gives warning of immediate approach of a railroad train; when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; when a railroad train approaching within approximately one thousand five hundred feet (1,500') of the street crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; when an approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(B) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (1958 Code ch. IX art. 14)

9-9-4: RIGHT OF WAY FOR AUTHORIZED EMERGENCY VEHICLES:

(A) Upon the sounding of the siren or bell of a police, fire or other authorized emergency vehicle on official business, all vehicles on the streets shall immediately park in accordance with the provisions of this code, or if there be no parking space within the block in which the vehicle is then located, the vehicle shall immediately take position as near as possible and parallel to the right hand edge of the curb of the street, clear of any intersection, and shall stop and remain in such position until the siren or bell ceases sounding.

(B) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response

to a fire alarm closer than five hundred feet (500') or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (1958 Code ch. IX art. 14)

9-9-5: CROSSING FIRE HOSE:

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department officials in command. (1958 Code ch. IX art. 14)

It shall be unlawful for any person to ride or drive, or cause to be ridden or driven, any wagon, automobile or other vehicle or machine over any fire hose or other hose when or while the same has been laid by the firemen or other officials or persons, upon the streets, avenues, alleys or other public places or private grounds at any time of any fire, or at any time when the same may be laid or used in accordance with the duty or privileges of such officers, firemen, employees or other persons in discharge of their duties, or in compliance with their privileges in that regard. (1958 Code ch. X art. 5)

9-9-6: DRIVING THROUGH PROCESSIONS:

No vehicle other than a fire, police, ambulance or U.S. mail vehicle, shall be driven through authorized processions except with the permission and under the direction of a police officer. (1958 Code ch. IX art. 14; amd. 1978 Code)

9-9-7: IDENTIFICATION OF FUNERAL PROCESSIONS:

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of an identifying insignia or by such other method as may be designated by the police department. (1958 Code ch. IX art. 14; amd. 1978 Code)

9-9-8: CLINGING TO MOVING VEHICLES:

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway. (1958 Code ch. IX art. 14; amd. 1978 Code)

9-9-9: VEHICLES ON SIDEWALK:

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. A twenty five foot (25') wide driveway is hereby established for mail delivery in front of mailboxes placed behind the sidewalk in conformance with subsection 10-12-4-2(L) of this code. No vehicle shall be parked within any sidewalk area except as provided herein. (Ord. 2766, 11-17-2003)

9-9-10: PREVENTING SMOKE AND NOISE:

No motor vehicle shall be driven on the street unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas. All exhaust pipes from the motor shall be directed so as to prevent excessive or unusual noise. A muffler cutout shall not be used on any motor vehicle on a street. (1958 Code, ch. IX, art. 14; 1978 Code)

9-9-11: PROHIBITION OF WHISTLES:

A gong, siren or exhaust whistle shall not be used on any vehicle other than those operated by the Police and Fire Departments, sheriff or other peace officer or an ambulance, nor upon any such vehicle except when responding to emergency calls. (1958 Code, ch. IX, art. 14; 1978 Code)

9-9-12: WINDSHIELD AND REAR WINDOWS UNOBSTRUCTED:

It shall be unlawful to operate on any street any vehicle upon the windshield or rear window of which there is attached any card, poster, sticker, advertisement, sign or other device tending in any manner to obstruct the operator's vision to the front or to the rear, except official certificates, permits or licenses issued by a government agency or official. (1958 Code, ch. IX, art. 14; 1978 Code)

9-9-13: INJURIOUS MATERIAL IN STREETS:

No person shall throw or place in any street or alley any glass, nails or other materials likely to puncture or injure the rubber tires of any vehicle; nor shall any person throw any object or thing out of any moving or parked car. (1958 Code, ch. IX, art. 14; 1978 Code)

9-9-14: INJURY TO PAVEMENT:

A vehicle shall not be driven on any paved street when such vehicle has wheels so constructed or in such condition as to injure the pavement. (1958 Code, ch. IX, art. 14; 1978 Code)

9-9-15: WIDTH OF VEHICLES:

No vehicle, the width of which, with or without its load, exceeds eight feet (8'), shall be driven or conveyed through any street unless a permit is previously obtained from the City. (1958 Code, ch. IX, art. 14; 1978 Code)

9-9-16: OBSTRUCTION TO VISION AT INTERSECTIONS, ALLEYS AND DRIVEWAYS:

No person shall plant, install, create, maintain or possess on public or private property an obstruction to the vision of a driver of a vehicle at an intersection, alley or driveway which constitutes a traffic hazard.

Prima facie evidence of an obstruction constituting a traffic hazard shall exist if any object, structure or thing, except buildings and residences which are otherwise in conformance with law, is allowed to exist which exceeds three feet (3') above the existing roadway center line elevation within the triangular area formed by the intersecting roadway edges and a straight line joining said roadway edges at points which are forty feet (40') distant from the point of an intersection measured along said street edges. At alley and street intersections, the dimensions shall be forty feet (40') along the street edge and fifteen feet (15') along the alleyway edge. At driveway and street intersections, the dimensions shall be one hundred feet (100') along the street edge and ten feet (10') along the driveway edge on the left side of the driveway as viewed when facing the property from the street, and the dimensions shall be one hundred twenty five feet (125') along the street edge and ten feet (10') along the driveway edge on the right side of the driveway as viewed when facing the property from the street. Trees and utility facilities are allowed in such triangular area provided that no tree limb or growth extending from said limb shall be maintained or allowed to exist nearer than eight feet (8') from the surface of the ground.

Any person convicted of violating this Section shall be guilty of a misdemeanor and shall be subject to a fine not exceeding three hundred dollars ($300.00) or imprisonment for a period not exceeding sixty (60) days or by a combination of such fine and imprisonment. (Ord. 2544, 3-24-1997)

9-9-17: LIGHTS DIMMED:

All vehicles shall be driven with lights dimmed or on low beam within the City. (1958 Code, ch. IX, art. 14)

9-9-18: DESIGNATED TRUCK ROUTES:

The City Council shall designate by resolution routes for travel of trucks within the City. (1958 Code, ch. IX, art. 14)

9-9-19: OBSTRUCTION OF TRAFFIC-CONTROL SIGNS:

No person shall plant, install, create, maintain or possess on or over public or private property an obstruction of an official traffic-control sign to the vision of a driver. Prima facie evidence of an obstruction constituting a traffic hazard shall exist when any portion of an official traffic control sign is obstructed from vision at the stopping sight distance as set forth below. The point of measurement shall be three feet (3') right of the centerline or three feet (3') right of the left edge of the outer lane of a multilane roadway at a height of six feet (6'), and the appropriate stopping sight distance from the official traffic control sign.

The stopping sight distance shall be based on the posted speed limit at the particular sight obstruction. The following stopping sight distances shall be used:

Speed Limit	**Stopping Sight Distance**
Speed Limit	**Stopping Sight Distance**
25 mph	145 feet
30 mph	185 feet
35 mph	230 feet
40 mph	280 feet
45 mph	335 feet
50 mph	395 feet

Any person convicted of violating this section shall be guilty of a misdemeanor. (Ord. 2378, 5-18-1992)

9-9-20: ENGINE COMPRESSION BRAKES:

No person shall operate any vehicle while said vehicle or vehicle operator is utilizing an engine compression brake without an exhaust muffler sufficient to prevent the creation of excessively loud noises by said vehicle, except when the use of such engine compression brake is necessary in an emergency. This section is not intended to prohibit the passage of vehicles equipped with engine compression brakes, but rather to limit the use of such equipment to emergencies. A violation of this section shall be a traffic infraction. (Ord. 2690, 4-30-2001)

9-9-21: USE OF WIRELESS COMMUNICATIONS DEVICES:

(Rep. by Ord. 3029, 6-18-2012)

9-9-22: OVERTAKING BICYCLISTS AND PEDESTRIANS:

The operator of a motor vehicle overtaking a bicyclist or pedestrian on a highway shall, whenever possible, leave a safe distance, but no less than three feet (3'), when passing a bicycle or pedestrian and shall maintain that distance until safely past the overtaken bicycle or pedestrian. (Ord. 2994, 11-8-2010)

9-9-23: HARASSMENT OF BICYCLISTS AND PEDESTRIANS PROHIBITED:

It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass or cause another person to crash, stumble, or fall because that other person is walking along the roadway or operating a bicycle along the roadway, to:

(A) Threaten, by word or act, to cause physical injury to the pedestrian or bicyclist, or

(B) Throw or otherwise expel any object at or in the direction of the pedestrian or bicyclist. (Ord. 2994, 11-8-2010)

9-9-24: TURNING IN FRONT OF BICYCLISTS PROHIBITED:

When a motor vehicle and a bicycle are traveling in the same direction on any highway, street, or road, the operator of the motor vehicle overtaking such bicycle traveling on the right side of the roadway shall not turn to the right in front of the bicycle at an intersection, alley, or driveway until such motor vehicle has overtaken the bicycle and has sufficient clearance to safely turn without requiring the bicyclist to brake or take evasive action to avoid a collision with the motor vehicle. (Ord. 2994, 11-8-2010)

CHAPTER 10

PEDESTRIANS

SECTION:

9-10-1: Pedestrians Subject to Traffic Signals

9-10-2: Crossing Regulations

9-10-3: Pedestrians to Yield

9-10-4: Prohibited Crossing

9-10-1: PEDESTRIANS SUBJECT TO TRAFFIC SIGNALS:

Pedestrians shall be subject to traffic-control signals as heretofore declared in Chapter 5 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

9-10-2: CROSSING REGULATIONS:

(A) Right of Way in Crosswalk:

1. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk if the pedestrian is in or approaching the driver's lane of traffic, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. A pedestrian's right of way in a crosswalk is modified under the condition and as stated in Section 9-5-5 of this Title.

2. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(B) Use Right Half of Crosswalk: Pedestrians shall move, whenever practicable, upon the right half of crosswalks:

(C) Crossing at Right Angles: No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

9-10-3: PEDESTRIANS TO YIELD:

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(C) The foregoing rules in this Section have no application under the conditions stated in Section 9-5-5 of this Title when pedestrians are prohibited from crossing at certain designated places.

9-10-4: PROHIBITED CROSSING:

(A) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(B) No pedestrian shall cross a roadway other than in a crosswalk upon any of the through streets as set forth in this Code. (1958 Code, Ch. IX, Art. 8)

CHAPTER 11

BICYCLES

(Rep. by Ord. 3108, 10-19-2015)

CHAPTER 12

ABANDONED VEHICLES

SECTION:

9-12-1: Definitions

9-12-2: Abandonment Prohibited

9-12-3: Certification of Tow Truck Operator to Dispose of Vehicles

9-12-4: When a Vehicle May Be Impounded Without Prior Notice

9-12-5: When a Vehicle May Be Impounded After Notice

9-12-6: Post-Storage Notice Hearing

9-12-7: Notice To Department of Law Enforcement

9-12-8: Removal of Abandoned Vehicles From Real Property

9-12-9: Removal of Unauthorized Vehicles From Private Property; Posting Requirements

9-12-10: Liens

9-12-11: Responsibility for Fees As To Standby Time, Stolen Vehicles, or Vehicles Held for Investigatory Purposes

9-12-12: Disposal of Unredeemed Vehicles

9-12-13: Appraisal of Impounded Vehicles; Who May Appraise

9-12-14: Appraisal Procedure

9-12-15: Disposition of Low-Valued Vehicles

9-12-16: Disposition of Higher-Valued Vehicles

9-12-1: DEFINITIONS:

As used in this Chapter:

ABANDONED MOTOR VEHICLE: Any motor vehicle left within the limits of any highway or upon the property of another without the consent of such property owner for a period of twenty four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

AUTHORIZED OFFICER: Any regularly employed and salaried City police officer or other City employee designated to perform the function of impounding vehicles by the City Council. or a qualified person deputized or appointed by the proper authority as a City policeman, authorized within the jurisdiction in which the vehicle to be impounded is located.

IMPOUNDMENT: Removal of a vehicle to a storage facility by an authorized officer of the City of Twin Falls or by a contractor for towing and storage in response to a request from such an authorized officer.

LEGAL OWNER: Any person notated as "lien holder of the respective vehicle," such notation appearing on the title records of the Idaho State Department of Law Enforcement and on the respective certificate of title.

REGISTERED OWNER: Any person required to register a motor vehicle, whether or not a lien holder appears on the title in the records of the motor vehicle division of the Idaho State Department of Law Enforcement.

TO ABANDON: To leave a motor vehicle on private property without the permission of the person having rights to the possession of the property, or on a public street or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right of way of any road or highway, for twenty four (24) hours or longer.

9-12-2: ABANDONMENT PROHIBITED:

(A) No person shall abandon a vehicle upon any highway.

(B) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(C) Violation of this prohibition shall constitute a misdemeanor.

9-12-3: CERTIFICATION OF TOW TRUCK OPERATOR TO DISPOSE OF VEHICLES:

The City may, as it sees fit, authorize any tow truck operator to engage in the removal and storage of motor vehicles for the purposes of towing, removal, and disposal of motor vehicles as provided in this Chapter, provided such tow truck operator makes proper application to the City and, at the time of such application, presents, as proof of compliance with the certification requirements of Idaho Code section 49-3605, the certification issued him by the Idaho State Department of Law Enforcement.

9-12-4: WHEN A VEHICLE MAY BE IMPOUNDED WITHOUT PRIOR NOTICE:

A vehicle may be impounded without giving prior notice to its owner where an emergency exists or public safety is endangered, or where a motor vehicle is:

(A) Blocking or impeding traffic;

(B) Causing a hazard;

(C) Has the potential of impeding any emergency vehicle;

(D) Impeding any snow removal or other road maintenance operation;

(E) Does not have current or any license plates attached;

(F) Discovered which has been reported as stolen and not recovered; and,

(G) Discovered which a police officer has probable cause to believe constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve such evidence.

Nothing in this Section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required.

9-12-5: WHEN A VEHICLE MAY BE IMPOUNDED AFTER NOTICE:

(A) A vehicle not subject to impoundment under Section 9-12-4 may be impounded after a notice of intent to impound has been securely attached to the vehicle in plain view for a period of forty eight (48) hours prior to such impoundment for the following reasons:

1. When such vehicle is abandoned, as that term is defined in Section 9-12-1;
2. When such vehicle is parked and/or used in violation of any law, ordinance or regulation; or
3. When such vehicle is so mechanically defective as to be unsafe for operation, provided however that this Section

shall not be construed to prevent the operation of such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the Idaho State Division of Law Enforcement.

(B) The notice of intent to impound referred to in subsection (A) of this Section shall contain the following information: The name of the officer who prepared the notice; the name of the agency employing the officer; the time and date that the notice is attached; the date of the proposed impoundment; the telephone number and address of the agency where further information can be obtained.

(C) The owner of any vehicle within the meaning of this Chapter which has current license plates and registration as shown on the records of the Department of Law Enforcement, shall be notified by telephone of the location of the vehicle and the time and date of intent to remove the vehicle. If telephone contact cannot be made, a copy of the notice of intent to remove shall be attached to the door of the owner's residence. The inability of an officer to notify the owner, as herein provided, shall not preclude the removal of the vehicle at the expiration of the forty eight (48) hour period.

9-12-6: POST-STORAGE NOTICE HEARING:

(A) Whenever an authorized officer directs the impoundment or storage of a vehicle, the Police Department shall provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine the validity of the storage.

(B) Within forty eight (48) hours from the time that a motor vehicle is impounded pursuant to this Chapter, the Police Department shall give written notice by certified mail to the registered and legal owners of such motor vehicle as disclosed by the vehicle license number, if such be obtainable, and, if a police officer who knows of the impoundment has reason to believe that an owner is residing or in custody at some different address which is known to the officer, a copy of the notice shall also be mailed or personally delivered to such owner, as nearly as may be practicable, to give actual notice to him or her. If the Chief of Police has reason to believe that the owner of the impounded vehicle is in custody of the City or County jail, it shall be presumed that the vehicle is not abandoned and such vehicle shall not be deemed abandoned except upon a determination by the post-storage hearing officer, as hereinafter provided for, after the prisoner has had an opportunity to be heard regarding the validity or invalidity of the storage of the vehicle. However, if a vehicle is redeemed prior to the mailing of notice, then notice need not be mailed. Similar notice shall likewise be given at the time of releasing a vehicle impounded for investigatory purposes pursuant to subsection 9-12-4(F) or (G), except that if a vehicle is redeemed following notice by telephone and prior to the mailing of notice, then notice need not be mailed. In addition, the Police Department shall notify the tow truck operator, by telephone or in writing, of the authorization to release such vehicle.

(C) The notice referred to in subsection (B) of this Section shall include the following information:

1. The name, address, and telephone number of the agency providing the notice;

2. The location of the place of storage and description of the vehicle which shall include, if available, the name or make, the identification number, the license plate number, and the mileage;

3. The authority and purpose for the removal of the vehicle; and

4. Such notification shall also specify that, in order to receive a post-storage hearing, such owners, or their agents, must make a written request within ten (10) days of the date of the notice herein. Any such hearing shall be conducted within forty eight (48) hours of the request, excluding weekends and holidays. The City Manager may designate and authorize an employee to conduct the hearing, so long as such hearing officer is not the same person who directed the storage of the vehicle.

(D) The hearing officer designated according to subsection (C) of this Section shall, at the conclusion of each hearing conducted pursuant to this Section, determine whether the storage of the vehicle was valid or invalid. If the storage is found to be valid, the owner may redeem the vehicle by paying the costs of towing and storage, together with any sum due by reason of a violation of this Code. If the storage is found to be invalid, the hearing officer shall prepare and date a written finding to that effect, copies of which shall be given to the owner of the vehicle and to the Police Department. Upon receipt of the owner's copy of such finding, the Police Department shall release the vehicle to the owner. If the owner fails to present his copy of such finding to the Police Department within twenty four (24) hours after he receives it, weekends and holidays excluded, he shall assume liability for all subsequent storage charges.

(E) Failure of either the registered or legal owner, or his agents, to request or to attend a scheduled hearing shall satisfy the post-storage hearing requirement as to that person.

(F) Neither the governmental agency employing the authorized officer, nor the authorized officer, individually, shall be responsible for the costs incurred for impoundment or storage.

9-12-7: NOTICE TO DEPARTMENT OF LAW ENFORCEMENT:

Whenever an authorized officer removing a vehicle from a highway, or from public or private property, for storage does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as provided in Section 9-12-6, and in the event the vehicle is not returned to the owner within a period of forty eight (48) hours, the authorized officer shall mail a written report of removal to the Idaho State Department of Law Enforcement at Boise, and shall file a copy of the report with the proprietor of the storage facility at which the vehicle may be stored. Said report shall include a complete description of the vehicle, the date, time and place from which removed, the mileage on the vehicle at

the time of removal, the grounds for removal and the name of the garage or place where the vehicle is stored.

9-12-8: REMOVAL OF ABANDONED VEHICLE FROM REAL PROPERTY:

Any person having possession or control of real property who finds an abandoned vehicle upon that property is authorized to have such vehicle removed by a peace officer.

9-12-9: REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE PROPERTY; POSTING REQUIREMENTS:

No person shall have the right to tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle which may be parked, or otherwise left on private property, owned or controlled by such person, unless there is posted on or near the property in a clearly conspicuous location, in large print, a sign or notice that unauthorized vehicles will be removed at the owner's expense.

9-12-10: LIENS:

(A) The City shall have a possessory lien for just and reasonable storage charges, upon any motor vehicle towed and stored under the provisions of this Chapter, and may retain possession of the vehicle until such lien is discharged in accordance herewith. If such lien is not so discharged, the City may cause such vehicle to be sold at public auction.

(B) A lien which attaches under subsection (A) hereof may be discharged only under the following circumstances:

1. Only the registered or legal owner, or his agent, may discharge such a lien;

2. Any person so discharging such a lien shall pay to the tow truck operator the costs of towing and storage, except as provided by Section 9-12-4;

3. Any person so discharging such a lien shall pay to the City any sum due by reason of a violation of this Code; provided, however that such lien shall be discharged if the storage is found to be invalid at a post-storage hearing conducted pursuant to Section 9-12-6 and copies of such finding are provided to the Police Department in such manner and at such time as provided in Section 9-12-6.

(C) A lien which is attached under subsection (A) shall be extinguished by the sale at public auction of such vehicle by the City.

9-12-11: RESPONSIBILITY FOR FEES AS TO STANDBY TIME, STOLEN VEHICLES, OR VEHICLES HELD FOR INVESTIGATORY PURPOSES:

(A) No fee shall be assessed against the owner of a vehicle for time elapsed after the towing equipment has arrived at the location of the vehicle to be towed and prior to the operation of the towing equipment or performance of the impound service.

(B) No impoundment fee and/or towing or storage charges shall be assessed against the owner of a vehicle impounded for investigatory purposes pursuant to Section 9-12-4 of this Chapter, or of a stolen vehicle which has been verified by the Police Department to have been stolen and which has been recovered by the police, if such vehicle is redeemed by the owner on or before the fifth day after impoundment; provided that such owner or his agent shall pay storage charges commencing on the sixth day after impoundment for such purpose, and the possessory lien provided for in Section 9-12-10 shall extend to such storage charges.

9-12-12: DISPOSAL OF UNREDEEMED VEHICLES:

The Police Department may authorize disposal of any impounded vehicle where:

(A) The vehicle is in such condition that there is no means of determining its ownership;

(B) The vehicle is not redeemed within thirty (30) days of the mailing of the notice required by Section 9-12-6; provided, however, that in the case of a vehicle impounded pursuant to subsection 9-12-4(F) or 9-12-4(G), the thirty (30) days shall not begin until forty eight (48) hours after the Police Department shall have notified both the owner and the tow truck operator in accordance with subsection 9-12-6(C)2 that it has authorized the release of the vehicle.

9-12-13: APPRAISAL OF IMPOUNDED VEHICLES; WHO MAY APPRAISE:

(A) The following persons shall have authority to make appraisals for purposes of this Chapter:

1. Any regularly employed and salaried police officer or other employee designated by the Chief of Police of the City.

2. Any regularly salaried employee of the City designated by the City Council.

(B) An appraiser, upon completion of an appraisal within the meaning of this Chapter, shall notify the Idaho State Department of Law Enforcement of such appraisal and of the facts upon which the appraisal was based.

9-12-14: APPRAISAL PROCEDURE:

(A) The Police Department shall cause every vehicle to be appraised which shall have been impounded pursuant to Section 9-12-4, and shall:

1. Within forty eight (48) hours notify the Idaho State Department of Law Enforcement of the removal of such vehicle;

2. Include on the Notice:

(a) The appraised value of the vehicle;

(b) Identification of the appraiser;

(c) Location of the vehicle;

(d) A description of the vehicle, including make, year, model, identification number, license number, state of registration and, if a motorcycle, an engine number; and

(e) The statutory authority for storage.

(B) The Police Department shall cause to be appraised every vehicle impounded pursuant to Section9-12-5, and such appraisal shall be made within three (3) days after the removal of such vehicle.

9-12-15: DISPOSITION OF LOW-VALUED VEHICLES:

The provision of Idaho Code section 49-3619 shall govern notice or removal and disposition of a vehicle appraised at a value not exceeding two hundred dollars ($200.00).

9-12-16: DISPOSITION OF HIGHER-VALUED VEHICLES:

The provisions of Idaho Code section 49-3620 shall govern notice of removal and disposition of a vehicle appraised at a value exceeding two hundred dollars ($200.00). (Ord. 2060, 1-17-83)

CHAPTER 13

PARADES

SECTION:

9-13-1: Short Title

9-13-2: Definitions

9-13-3: Permit Required

9-13-4: Application

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9-13-1: SHORT TITLE:

This chapter shall be known and may be cited as the*PARADE ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO.*(Ord. 2199, 4-20-1987)

9-13-2: DEFINITIONS:

CHIEF OF POLICE: The chief of police (also known as the director of public safety) of the city of Twin Falls.

CITY: The city of Twin Falls, Idaho.

PARADE: Any parade, march, ceremony, show, exhibition, pageant, walk-a-thon or procession of any kind consisting of persons, animals or vehicles, or a combination thereof, or any similar display, in or upon any street, park or other public place in the city.

PARADE PERMIT: A permit as required by this chapter.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 2199, 4-20-1987)

9-13-3: PERMIT REQUIRED:

(A) Parade Permit Required: No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police.

(B) Exceptions: This chapter shall not apply to:

1. Funeral processions;

2. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;

3. A governmental agency acting within the scope of its functions. (Ord. 2199, 4-20-1987)

9-13-4: APPLICATION:

A person seeking issuance of a parade permit shall file the application with the chief of police on forms provided by such officer.

(A) Filing Period: An application for a parade permit shall be filed with the chief of police not less than forty five (45) days nor more than one year before the date on which it is proposed to conduct the parade.

(B) Contents: The application for a parade permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such parade;

2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and the authorized and responsible heads of such organization;

3. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

4. The date when the parade is to be conducted;

5. The route to be traveled, the starting point and the termination point;

6. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;

7. The hours when such parade will start and terminate;

8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

9. The location by streets of any assembly areas for such parade;

10. The time at which units of the parade will begin to assemble at any such assembly area or areas;

11. The interval of space to be maintained between units of such parade;

12. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;

13. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit shall issue.

(C) Fee: There shall be paid at the time of filing the application for a special event permit for the parade a fee of twenty five dollars ($25.00). (Ord. 3093, 3-16-2015)

9-13-5: STANDARDS FOR ISSUANCE:

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from

such other information as may otherwise be obtained, he finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(C) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(E) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(G) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(H) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit;

(I) The parade is not for an unlawful purpose;

(J) The parade will not incite a breach of the peace. (Ord. 2199, 4-20-1987)

9-13-6: NOTICE OF REJECTION:

If a permit is denied, or if the permit is approved on conditions with which the applicant contests, the chief of police or his/her designee shall provide the applicant with the written decision to deny or approve with conditions within ten (10) business days. The applicant, within ten (10) business days after denial or approval with conditions, may appeal the decision to the city council for a final review based upon the documents and circumstances presented. The applicant's appeal will be scheduled for consideration by the city council at a regular meeting within fifteen (15) business days. (Ord. 3093, 3-16-2015)

9-13-7: REVOCATION:

The chief of police or his/her designee may summarily suspend or revoke a permit issued under this chapter for violation of any provision of this chapter, for violation by the applicant of any federal, state or local laws or ordinances during the special event, for a violation of the conditions of the permit or for making any material false representation in an application for a permit or for an exemption certificate. In deciding whether to suspend or revoke a permit, the chief of police or his/her designee may consult with other relevant members of the city staff. In the event of a suspension or revocation, the appeal provisions above shall apply, commencing upon the date of the suspension or revocation notice. (Ord. 3093, 3-16-2015)

9-13-8: APPEAL PROCEDURE:

(Rep. by Ord. 3093, 3-16-2015)

9-13-9: ALTERNATIVE PERMIT:

(Rep. by Ord. 3093, 3-16-2015)

9-13-10: NOTICE TO CITY AND OTHER OFFICIALS:

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

(A) The street department superintendent;

(B) The fire division commander. (Ord. 2199, 4-20-1987)

9-13-11: CONTENTS OF PERMIT:

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the streets to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof;

(G) Such other information as the chief of police shall find necessary to the enforcement of this chapter. (Ord. 2199, 4-20-1987)

9-13-12: DUTIES OF PERMITTEE:

(A) Compliance With Regulations: A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

1. Parade participants will be provided notice stating no candy, liquids or other items will be thrown from floats to the spectators. Violations will be cause to remove the participant from the parade.

(B) Possession Of Permit: The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. (Ord. 3093, 3-16-2015)

9-13-13: PUBLIC CONDUCT DURING PARADES:

(A) Interference: It shall be unlawful for any person to interfere, block, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

1. No person (except participants of the parade) shall walk, run, or ride a bicycle, skateboard or similar device between participants, vehicles or animals in a parade.

2. No person shall drop, throw or roll any object toward, among or between participants, vehicles or animals in a parade, which object could cause injury or damage to a person, animal or vehicle struck by such object.

3. No person shall throw, squirt, dump or drop any liquid or gaseous substance on, toward, among or between participants, vehicles or animals in a parade.

4. No person shall grab at, take hold of, hit, pull or push any participant, vehicle or animal in a parade or anything in the possession of any participant in a parade.

5. No person shall vend or offer for sale any food or merchandise from the street, curb to curb, of a parade route during the hours the parade route is closed to normal motor traffic unless the person desiring to vend or sell such merchandise has obtained the written permission of the person holding the permit for the parade.

(B) Driving Through Parades: No driver of a vehicle shall drive between the vehicles, persons, or animals comprising a parade when such vehicles, persons, or animals are in motion and the facts and circumstances indicate that such vehicles, persons or animals are part of a parade.

(C) Parking On Parade Route: The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along any street or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. (Ord. 2199, 4-20-1987)

9-13-14: PENALTIES:

Violation of any of the terms or conditions of the parade permit by any person is a misdemeanor. (Ord. 2199, 4-20-1987)

TITLE 10

ZONING AND SUBDIVISION REGULATIONS

Title reserved by City Planning & Zoning Department

for the time being, please see:

https://www.tfid.org/DocumentCenter/View/7431/Title-10-Final-Draft---Oct-2025

TITLE 11

DEVELOPMENT IMPACT FEES

CHAPTER 1

DEVELOPMENT IMPACT FEES

SECTION:

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11-1-13: Penalty For Violation

11-1-1: LEGISLATIVE FINDINGS:

The city council of the city of Twin Falls, Twin Falls County,, Idaho, finds that:

(A) Based on the city of Twin Falls comprehensive plan adopted by the city pursuant to chapter 65, title 67, Idaho Code, including, but not limited to, the capital improvements element of the comprehensive plan, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the city, it is necessary that the city's public facilities for: 1) police, 2) fire/emergency medical services (EMS), 3) parks and recreation, and 4) streets be expanded and improved to accommodate new development within the city. Throughout this chapter, the system improvements for these four (4) types of public facilities are sometimes collectively referred to as the "city capital facilities" and sometimes individually referred to as a "city capital improvements element".

(B) The city has formed the development impact fee advisory committee required by Idaho Code section 67-8205, and that committee has performed the duties required of it pursuant to such statute. The city intends that the committee continue to exist and to perform those duties identified in Idaho Code section 67-8205 that occur following the adoption of development impact fees.

(C) New residential and nonresidential development imposes and will impose increasing and excessive demands upon city capital facilities.

(D) The revenues generated from new residential and nonresidential development often do not generate sufficient funds to provide the necessary improvements of these city capital facilities to accommodate new development.

(E) New development is expected to continue, and will place ever increasing demands on the city to provide and expand city capital facilities to serve new development.

(F) The city has planned for the improvement of the city capital facilities in the capital improvements element of the city of Twin Falls comprehensive plan.

(G) Chapter 82, title 67 of the Idaho Code (the Idaho development impact fee act) authorizes the city to adopt a development impact fee system to offset, recoup, or reimburse the portion of the costs of needed improvements to the city capital facilities caused by new development in the city.

(H) The creation of an equitable development impact fee system would promote the purposes set forth in the Idaho development impact fee act, in that it would: 1) ensure that adequate public facilities are available to serve new growth and development; 2) promote orderly growth and development by establishing uniform standards by which local governments may require that those who benefit from new growth and development pay a proportionate share of the cost of new public facilities needed to serve new growth and development; 3) ensure that those who benefit from new growth and development

are required to pay no more than their proportionate share of the cost of public facilities needed to serve new growth and development; and 4) prevent duplicate and ad hoc development requirements.

(I) The creation of an equitable development impact fee system would enable the city to accommodate new development, and would assist the city to implement the capital improvements element of the comprehensive plan.

(J) In order to implement an equitable development impact fee system for the city capital facilities, the city retained Galena Consulting to prepare an impact fee study for these types of facilities. The resulting document is titled "City Of Twin Falls, Idaho Impact Fee Study And Capital Improvement Plans", dated April 5, 2021 (the "development impact fee study"), and that document is hereby incorporated by reference.

(K) The methodology used in preparing the development impact fee study, when applied through this chapter, complies with all applicable provisions of Idaho law, including those set forth in Idaho statutes sections 67-8204(2), 67-8204(16), 67-8204(23), 67-8207 and 67-8209. The incorporation of the development impact fee study by reference satisfies the requirement in Idaho statutes section 67-8204(16) for a detailed description of the methodology by which the development impact fees were calculated, and the requirement in Idaho Code section 67-8204(24) for a description of acceptable levels of service for system improvements.

(L) The development impact fee study contains the capital improvements element of the city of Twin Falls comprehensive plan, and such element has been prepared in conformance with the requirements of chapters 65 and 82 of title 67 of the Idaho Code.

(M) The development impact fee study sets forth reasonable methodologies and analyses for determining the impacts of various types of new development on the city capital facilities, and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such facilities created by new development.

(N) In accordance with Idaho Code, the development impact fee study was based on actual system improvement costs or reasonable estimates of such costs. In addition, the development impact fee study uses a fee calculation methodology that is net of credits for the present value of revenues that will be generated by new growth and development based on historical funding patterns and that are anticipated to be available to pay for system improvements, including taxes, assessments, user fees, and intergovernmental transfers.

(O) The development impact fees described in this chapter are based on the development impact fee study, and do not exceed the costs of system improvements for city capital facilities to serve new development that will pay the development impact fees.

(P) The facilities for parks and recreation, streets, police, and fire/emergency medical services (EMS) included in the calculation of fees in the development impact fee study will benefit all new residential and nonresidential development throughout the city, and it is therefore appropriate to treat all areas of the city as a single service area for purposes of calculating, collecting, and spending the development impact fees collected from residential and nonresidential development.

(Q) There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this chapter and the development impact fees that such development will be required to pay.

(R) This chapter creates a system by which development impact fees paid by new development will be used to finance, defray, or reimburse a portion of the costs incurred by the city to construct improvements for city capital facilities in ways that benefit the development for which each development impact fee was paid within a reasonable period of time after the development impact fee is paid, and in conformance with Idaho Code section 67-8210.

(S) This chapter creates a system under which development impact fees shall not be used to correct existing deficiencies for any capital facilities, or to replace or rehabilitate existing improvements, or to pay for routine operation or maintenance of those facilities.

(T) This chapter creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code section 67-8204(19).

(U) This chapter is consistent with all applicable provisions of chapter 82, title 67, Idaho Code, concerning development impact fee ordinances. (Ord. 2021-017, 10-11-2021)

11-1-2: AUTHORITY AND APPLICABILITY:

(A) This chapter is enacted pursuant to the city's general police power, the authority granted to the city pursuant to chapters 65 and 82, title 67, Idaho Code, and other applicable laws of the state of Idaho.

(B) This chapter shall apply to all areas of the city. (Ord. 2021-017, 10-11-2021)

11-1-3: INTENT:

(A) This chapter is adopted to be consistent with, and to help implement, the City of Twin Falls comprehensive plan, and particularly the capital improvements element of that plan.

(B) The intent of this chapter is to ensure that new development bears a proportionate share of the cost of improvements to City capital facilities; to ensure that such proportionate share does not exceed the cost of improvements to such facilities

required to accommodate new development; and to ensure that funds collected from new development are actually used for improvements to City capital facilities that benefit such new development.

(C) It is the further intent of this chapter to be consistent with those principles for allocating a fair share of the cost of new capital facilities to new development, and for adopting development impact fee ordinances, established by chapter 82, title 67 of the Idaho Code.

(D) It is not the intent of this chapter to collect any money from any new development in excess of the actual amount necessary to offset new demands for City capital facilities created by such new development.

(E) It is not the intent of this chapter that any monies collected from any development impact fee deposited in an impact fee account ever be commingled with monies from a different impact fee account, or ever be used for a development impact fee component different from that for which the fee was paid, or ever be used to correct current deficiencies in the City capital facilities or ever be used to replace, rehabilitate, maintain, or operate any City facility. (Ord. 2021-017, 10-11-2021)

11-1-4: DEFINITIONS:

For the purpose of this chapter, the following terms shall have the following meanings, some of which are assigned by Idaho Code section 67-8203, as indicated:

ACCOUNTS:	The parks capital facilities account, the street capital facilities account, the police capital facilities account, and the fire/EMS capital facilities account, established as part of the Development Impact Fee Trust Fund established in section 11-1-7 of this chapter.
AFFORDABLE HOUSING:	Housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the City of Twin Falls. Section 67-8203(1) Idaho Code.
APPROPRIATE:	To legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity. Section 67-8203(2) Idaho Code.
BUILDING PERMIT:	A building permit issued by the building official permitting the construction of a building or structure within the City of Twin Falls.
CAPITAL IMPROVEMENT:	An improvement with a useful life of ten (10) years or more, by new construction or other action that increases the service capacity of a public facility. Section 67-8203(3) Idaho Code.
CAPITAL IMPROVEMENTS ELEMENT:	A component of the City of Twin Falls comprehensive plan adopted pursuant to chapter 65, title 67, Idaho Code, which component meets the requirements of a capital improvements plan pursuant to chapter 65, title 67 of the Idaho Code. Section 67-8203(4) Idaho Code.
CAPITAL IMPROVEMENTS PLAN:	A plan adopted pursuant to this chapter that identifies capital improvements for which development impact fees may be used as a funding source. Section 67-8203(5) Idaho Code.
CITY:	City of Twin Falls, Idaho.
CITY COUNCIL:	The City Council of the City of Twin Falls, Idaho.
DEVELOPER:	Any person or legal entity undertaking development, including a party that undertakes the subdivision of property pursuant to Idaho Code sections 50-1301 through 50-1334. Section 67-8203(6) Idaho Code.
DEVELOPMENT:	Any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, that creates additional demand and need for public facilities or the subdivision of property that would permit any change in the use, character or appearance of land. Section 67-8203(7) Idaho Code.
DEVELOPMENT APPROVAL:	Any written authorization from a governmental entity that authorizes the commencement of a development. Section 67-8203(8) Idaho Code.
DEVELOPMENT IMPACT	The payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. Section 67-8203(9) Idaho Code. In the context of this chapter, development impact fee means one of the four (4) impact fees defined for the four (4) city capital facilities elements, and development impact fees (in the plural) means all four (4) impact fees (or all of them that apply to the proposed development pursuant to this chapter). The term does not include:
	(A) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;
	(B) Connection or hookup charges;

FEE:	(C) Availability charges for drainage, sewer, water or transportation for services provided directly to the development; or
	(D) Amounts collected from a developer in a transaction in which the city or another governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made pursuant to Idaho Code section 67-8209(3) for credit or reimbursement.
DEVELOPMENT IMPACT FEE ADMINISTRATOR:	That individual designated from time to time by the city manager of Twin Falls, Idaho, to administer the development impact fee system established by this chapter.
DEVELOPMENT IMPACT FEE STUDY:	The document entitled “City Of Twin Falls, Idaho Development Impact Fee Study And Capital Improvement Plans”, dated April 5, 2021, prepared by Galena Consulting for the city, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the city capital facilities and determines the cost of expansions to those facilities necessary to meet the demands created by new development.
DEVELOPMENT IMPACT FEE TRUST FUND:	The trust fund established by section 11-1-7 of this chapter that includes: a) a parks capital facilities account, b) a street capital facilities account, c) a police capital facilities account, and d) a fire/EMS capital facilities account. The development impact fee trust fund is also sometimes called the trust fund.
DEVELOPMENT REQUIREMENT:	A requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval. Section 67-8203(10) Idaho Code.
EXTRAORDINARY COSTS:	Those costs incurred as a result of an extraordinary impact. Section 67-8203(11) Idaho Code.
EXTRAORDINARY IMPACT:	An impact that is reasonably determined by the governmental entity to: a) result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by Idaho Code section 67-8214(2), or b) result in the need for system improvements that are not identified in the capital improvements plan. Section 67-8203(12) Idaho Code.
FEE PAYER:	A person or legal entity that pays or is required to pay a development impact fee. Taxing districts are expressly included within this definition of “fee payer”, unless the taxing district enters into a written agreement with the City of Twin Falls that provides otherwise. A fee payer may include a developer.
FIRE/EMS CAPITAL FACILITIES:	Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of “capital improvement”, used for fire and emergency medical service facilities included in the calculation of the fire/EMS impact fee in the development impact fee study, and specifically including those related costs included in the definition of “system improvement costs”, but not including maintenance, operations, or improvements that do not expand capacity.
IMPACT-GENERATING LAND DEVELOPMENT:	Land development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand for City capital facilities. The type of proposed impact-generating land development shall be based on the proposed use of the land.

INDIVIDUAL ASSESSMENT:	A study prepared by a fee payer, calculating the cost of expansions or improvements to one or more of the City capital improvements elements required to serve the fee payer's proposed development, that is based on the established LOS standard, is performed on an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the development impact fee study, and is performed in compliance with any criteria for such studies established by this chapter or by the City.
LAND USE ASSUMPTIONS:	A description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period. Section 67-8203(16) Idaho Code.
LEVEL OF SERVICE:	A measure of the relationship between service capacity and service demand for public facilities. Section 67-8203(17) Idaho Code.
MANUFACTURED HOME:	A structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, that, in the traveling mode, is eight feet (8') or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. 5401 et seq. Section 67-8203(18) Idaho Code.
MODULAR BUILDING:	Any building or building component, other than a manufactured or mobile home, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site. Sections 67-8203(19) and 39-4301, Idaho Code.
PARKS CAPITAL FACILITIES:	Open space lands, as well as buildings, improvements to land, and related equipment meeting the definition of "capital improvement", used for public parks, recreation, open space, and trail facilities included in the calculation of the park impact fee in the development impact fee study, and specifically including those related costs included in the definition of "system improvement costs", but not including maintenance, operations, or improvements that do not expand capacity.
PERSON:	An individual, corporation, governmental agency, business trust, estate, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.
POLICE CAPITAL FACILITIES:	Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "capital improvement", used for police facilities included in the calculation of the police impact fee in the development impact fee study, and specifically including those related costs included in the definition of "system improvement costs", but not including maintenance, operations, or improvements that do not expand capacity.
PRESENT VALUE:	The total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money. Section 67-8203(20) Idaho Code.
PROJECT:	A particular development on an identified parcel of land. Section 67-8203(21) Idaho Code.
PROJECT IMPROVEMENTS:	Site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project. Section 67-8203(22) Idaho Code.
PROPORTIONATE SHARE:	That portion of the cost of system improvements determined pursuant to Idaho Code section 67-8207, that reasonably relates to the service demands and needs of the project. Section 67-8203(23) Idaho Code.
	(A) Water supply production, treatment, storage and distribution facilities;
	(B) Wastewater collection, treatment and disposal facilities;

PUBLIC FACILITIES:	(C) Roads, streets and bridges, including rights- of-way, traffic signals, landscaping and any local components of State or Federal highways; (D) Stormwater collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements; (E) Parks, open space and recreation areas, and related capital improvements; and (F) Public safety facilities, including law enforcement, fire, emergency medical and rescue and street lighting facilities.
RECREATIONAL VEHICLE:	A vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle. Section 67-8203(25) Idaho Code.
SERVICE AREA:	Any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific public facilities provide service to development within the area defined, on the basis of sound planning or engineering principles or both. Section 67-8203(26) Idaho Code.
SERVICE UNIT:	A standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements. Section 67-8203(27) Idaho Code.
STREET CAPITAL FACILITIES:	Lands, improvements to land, and equipment meeting the definition of "capital improvement", used for intersection improvements (signals, round-a-bouts, pedestrian crossings, etc.) and for improvements to arterial and collector roads (bridges, lanes, shoulders, pedestrian facilities, etc.) with the purpose of expanding capacity, included in the calculation of the street impact fee in the development impact fee study, and consistent with the capital improvements element, and specifically including those related costs included in the definition of "system improvement costs", but not including maintenance, operations, or improvements that do not expand capacity.
SUCCESSOR IN INTEREST:	A "person", as defined by this chapter, who gains a fee simple interest in land for which a development impact fee is paid or a credit is approved pursuant to the terms of this chapter.
SYSTEM IMPROVEMENT COSTS:	Costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in Idaho Code section 50-1702(h), to provide additional public facilities needed to serve new growth and development. For clarification, system improvement costs do not include: a) construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan; b) repair, operation or maintenance of existing or new capital improvements; c) upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards; d) upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development; e) administrative and operating costs of the governmental entity unless such costs are attributable to development of the capital improvement plan, as provided in Idaho Code section 67-8208; or f) principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan. Section 67-8203(29) Idaho Code.
SYSTEM IMPROVEMENTS:	In contrast to project improvements, means capital improvements to public facilities that are designed to provide service to a service area including, without limitation, the type of improvements described in Idaho Code section 50-1703. Section 67-8203(28) Idaho Code. For the purposes of this chapter, the system improvements are the park capital facilities, street capital facilities, police capital facilities, fire/EMS capital facilities. (Ord. 2021-017, 10-11-2021)

11-1-5: DEVELOPMENT IMPACT FEES IMPOSED:

(A) Fee Obligation:

1. After the effective date hereof, any person who commences any impact generating land development, except those exempted pursuant to subsection (B) of this section, shall be obligated to pay development impact fees upon commencement of such activity. The amount of the development impact fees shall be determined in accordance with this chapter.

2. If the fee payer is applying for an extension of a permit issued previously, then the development impact fees required to be paid shall be the net increase between the development impact fees applicable at the time of the current permit application and any development impact fees previously paid pursuant to this chapter to finance similar types of system improvements to accommodate demands created by the same development.

3. If the fee payer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the development impact fees required to be paid shall be based on the net increase in the development impact fees for the new use as compared to the previous use.

(B) Exemptions: The following types of development shall be exempted from payment of the development impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit for the proposed development that creates the obligation to pay the development impact fees, and any claim for exemption not made at or before that time shall have been waived. The Development Impact Fee Administrator or a designee shall determine the validity of any claim for exemption pursuant to the criteria set forth below:

1. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;

2. Remodeling or repairing a structure that does not increase the number of service units;

3. Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, provided that the number of service units does not increase;

4. Constructing an addition on a residential structure that does not increase the number of service units;

5. Placing a temporary construction trailer or office on a lot;

6. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouses, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements;

7. The installation of a modular building, manufactured home, or recreational vehicle if the fee payer can demonstrate by documentation such as utility bills and tax records that either: a) a modular building, manufactured home, or recreational vehicle was legally in place on the lot or space prior to the effective date hereof, or b) a development impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space;

8. Projects for which a development impact fee for each type of public facility covered by this chapter has previously been paid in an amount that equals or exceeds the development impact fee that would be required by this chapter;

9. Projects built by the Federal government or the State government; and,

10. Projects which meet all of the following criteria may apply for an individualized assessment pursuant to subsection C4 of this section, except that the applicant may simply rely on the documented project history rather than retaining a qualified professional to prepare the individual assessment:

a. A development agreement was entered into by the project developer and the City setting forth the entitlements and obligations of the developer, which agreement was approved by the City Council prior to January 1, 2008; and

b. The final plat for the development, or site plan attached to the development agreement, was approved by the City prior to January 1, 2008; and

c. The development, through the terms of the development agreement, or otherwise, has built, or is obligated to build public facilities, which facilities are not “project improvements”, in excess of the amount that would be collected under this chapter.

(C) Fee Table And Calculation Of Amount Of Development Impact Fees:

1. Fee Table and subsequent increases:

Police fees:			
	Residential	$218.00	per dwelling unit
	Nonresidential	0.1	per square foot
Fire fees:			
	Residential	871.00	per dwelling unit

	Nonresidential	0.44	per square foot
Parks fees:			
	Residential	1,512.00	per dwelling unit
	Nonresidential	n/a	
Street fees:			
	Single-family	1327.00	per dwelling unit
	Multi-family	710.00	per dwelling unit
	Retail	2.94	per square foot
	Office	1.75	per square foot
	Industrial	0.54	per square foot
	Institutional	0.33	per square foot

This fee schedule shall be in effect thirty (30) days after the approval of the master Fee Schedule.

On January 1, 2023, and on January 1 of each year thereafter in which an impact fee is in effect, the amount of the impact fee shall be automatically adjusted to account for year over year inflation increases in the cost of providing police, fire, parks and recreation, and street public facilities to serve new development utilizing the latest available municipal cost index as published by “American Cities And County Magazine”. Nothing herein shall prevent the city from electing to maintain a then existing police, fire, parks and recreation, and street impact fee or from electing to waive the inflation adjustment for any given fiscal year, or years. Any such action to determine an inflation factor shall be by city council resolution.

2. Levels Of Service: The levels of service upon which the foregoing fees are calculated are as follows:

a. Police level of service from page 12 of the impact fee study is 1.48 officers per thousand population.

b. Fire level of service from page 15 of the impact fee study is ninety percent (90%) of all calls to be responded to in a time of six (6) minutes.

c. Parks and recreation level of service from page 19 of the impact fee study is 4.7 developed acres per thousand population.

d. City Street level of service from page 24 of the impact fee study is level of service C on arterials and collectors at the P.M. peak period.

3. Using The Fee Table: Development impact fees shall be calculated using the fee table above (or as subsequently amended by Council per automatic adjustments criteria above) unless: a) the fee payer requests an individualized assessment pursuant to subsection (C)4 of this section, or b) the City designates the proposed development as a development of extraordinary impact in writing to the fee payer, in which case the provisions of subsection (C)5 of this section shall apply.

a. Any person who commences any new impact generating land development, except those exempted pursuant to this chapter, or those preparing an individual assessment pursuant to this chapter, shall pay all development impact fees applicable to the proposed development, as determined by the fee table. Persons choosing to pay applicable development impact fees pursuant to the fee table shall be deemed to have made a full and complete payment of the project’s proportionate share of City capital facilities costs for system improvements, except as noted in subsection 11-1-12(I) of this chapter.

b. If the proposed development is of a type not listed in the fee table, then the City shall apply the development impact fees applicable to the most nearly comparable type of land use listed in the fee table. The determination as to which type of development is most nearly comparable to the proposed development shall be made by referring to traffic generation rates for land uses published by the Institute of Transportation Engineers, and by identifying that land use listed in the fee table whose traffic generation rates are most comparable to the proposed land use. If no traffic generation rate for the proposed land use appears in a publication of the Institute of Transportation Engineers, or if it is not possible to determine which land use listed in the fee table has the most comparable traffic generation rates, then the most nearly comparable land use shall be determined by the Development Impact Fee Administrator based on comparison of other characteristics of the proposed land use (including employment or occupancy, the size of the facility, and the amount of parking to be provided) with the characteristics of those land uses listed in the fee table.

c. If the proposed development includes a mix of those uses listed in the fee table, then the development impact fees shall be determined by adding up the development impact fees that would be payable for each use as if it were a freestanding use pursuant to the fee table. For example, development impact fees for a church without ancillary facilities will be determined through the process in subsection (C)3.b. of this section; but development impact fees for a church with a daycare center shall be established by adding: 1) fees determined through the process in subsection (C)3.b. of this section for the church itself, and 2) fees identified in the fee table for the daycare portion of the facility.

d. If the fee payer requests that the city calculate the amount of development impact fees due pursuant to the fee table, the city shall notify the fee payer of such amount within thirty (30) days after receipt of that request.

4. Using An Individual Assessment:

a. In lieu of calculating the amount(s) of development impact fees by reference to the fee table, a fee payer may request that the amount of the required development impact fee be determined through an individual assessment for the proposed development. The individual assessment process shall permit consideration of studies, data, and any other relevant information submitted by the fee payer to adjust the amount of the fee. If a fee payer requests the use of an individual assessment, the fee payer shall be responsible for retaining a qualified professional to prepare the individual assessment that complies with the requirements of this chapter, at the fee payer's expense. The fee payer shall bear the burden of proving by clear and convincing evidence that the resulting individual assessment is a more accurate measure of its proportionate share of the cost of city capital improvements, based on the city's adopted levels of service, than the development impact fees that would otherwise be due pursuant to the fee table. The city may hire a professional consultant to review any independent impact fee calculation study on behalf of the city, and may charge the reasonable costs of such review to the fee payer.

b. Each individual assessment shall be based on the same level of service standards and unit costs for system improvements used in the development impact fee study, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.

c. An application for an individual assessment may be submitted at any time that the number of dwelling units in the proposed development and the types and amounts of development in each nonresidential category identified in the fee table is known. The city shall issue a decision within thirty (30) days following receipt of a completed application for individual assessment and supporting information from the applicant, so as not to unreasonably delay subsequent applications for or issuance of building permits.

d. Each individual assessment shall be submitted to the development impact fee administrator or a designee, and may be accepted, rejected, or accepted with modifications by the development impact fee administrator or a designee as the basis for calculating development impact fees. The criteria for acceptance, rejection, or acceptance with modifications shall be whether the individual assessment is a more accurate measure of demand for the city capital improvements element(s) created by the proposed development, or the costs of those facilities, than the applicable fee shown in the fee table.

e. The decision by the development impact fee administrator or designee on an application for an individual assessment shall include an explanation of the calculation of the impact fee, shall specify the system improvement(s) for which the impact fee is intended to be used, and shall include an explanation of those factors identified in Idaho Code section 67-8207.

f. If an individual assessment is accepted or accepted with modifications by the development impact fee administrator or a designee then the development impact fees due under this chapter for such development shall be calculated according to such individual assessment.

5. Extraordinary Impacts:

a. If the city determines that a proposed development generates extraordinary impacts that will result in extraordinary costs, the city will notify the fee payer of such determination within thirty (30) days after receipt of a request for a certification pursuant to subsection D of this section or a request for a building permit or development approval, whichever occurs first. Such notice shall include a statement that the potential impacts of such development on system improvements are not adequately addressed by the development impact fee study, and that a supplemental study at the fee payer's expense will be required.

b. Circumstances that may lead to a determination of extraordinary impacts include, but are not limited to: 1) an indication that traffic generation from the proposed development or activity will exceed those typical for a facility or activity of its type, 2) an indication that employment generated by the development or activity will exceed those typical for a facility or activity of its type, 3) an indication the assumptions used in the development impact fee study underestimate the level of activity or impact on city capital facilities from the proposed development or activity, or 4) an indication that levels of calls for law enforcement, fire, or emergency services from developments or activities owned or operated by the fee payer or its agents exceed the assumptions used in the development impact fee study.

c. Within thirty (30) days following the designation of a development with extraordinary impacts, the city shall meet with the fee payer to discuss whether the fee payer wants to: 1) pay for the supplemental study necessary to determine the system improvement costs related to the proposed development, or 2) modify the proposal to avoid generating extraordinary impacts, or 3) withdraw the application for certification, building permit, or development approval.

d. If the fee payer agrees to pay for the supplemental study required to document the proposed development's proportionate share of system improvement costs, then the city and the fee payer shall jointly select an individual or organization acceptable to both to perform such study, the fee payer shall enter into a written agreement with such individual or organization to pay the costs of such study. Such agreement shall require the supplemental study to be completed within thirty (30) days of such written agreement, unless the fee payer agrees to a longer time.

e. Once the study has been completed, the fee payer may choose to: 1) pay the proportionate share of system improvement costs documented by the supplemental study, or 2) modify the proposed development to reduce such costs, or 3) withdraw the application. If the fee payer agrees to pay the system improvement costs documented in the supplemental study, that agreement shall be reduced to writing between the city and the fee payer prior to review and consideration of any application for any development approval or building permit related to the proposed development.

f. Notwithstanding any agreement by the fee payer to pay the proportionate share of system improvement costs documented by the supplemental study, nothing in this chapter shall obligate the city to approve development that results in an extraordinary impact.

(D) Certification: After the development impact fees due for a proposed development have been calculated pursuant to the fee table or the individual assessment, the fee payer may request the development impact fee administrator or a designee for a certification of the amount of development impact fees due for that development. Within thirty (30) days after receiving such request, the development impact fee administrator or a designee shall issue a written certification of the amount of development impact fees due for the proposed development. Such certification shall establish the development impact fee so long as there is no material change to the particular project as identified in the individual assessment application, or the impact fee schedule set forth in the fee table. The certification shall include an explanation of the calculation of the impact fee including an explanation of factors considered under Idaho Code section 67-8207 and shall also specify the system improvement(s) for which the development impact fee is intended to be used.

(E) Payment Of Fees:

1. All development impact fees due shall be paid to the city at the following times:

a. If a building permit or building placement permit is required, then at the time such permit is issued; or

b. If no building permit or building placement permit is required, then at the time that construction commences; or

c. At such other time as the applicant and the city have agreed to in writing, pursuant to applicable Idaho law.

2. All monies paid by a fee payer pursuant to the fee table shall be identified as development impact fees and shall be promptly deposited in the appropriate account(s) described in section 11-1-7 of this chapter.

3. A fee payer may pay a development impact fee under protest in order to avoid delay in the issuance of a building permit or development approval. A fee payer making a payment under protest shall not be estopped from exercising the right of appeal provided in section 11-1-10 of this chapter, nor shall such fee payer be estopped from receiving a refund of any amount deemed to have been illegally collected. (Ord. 2021-017, 10-11-2021)

11-1-6: SERVICE AREAS:

The following service areas are established for each development impact fee element:

(A) The park impact fee service area shall include the entire city, and park impact fees may be expended for park capital facilities located anywhere in the city.

(B) The street impact fee service area shall include the entire city, and street impact fees may be expended for street capital facilities located anywhere in the city.

(C) The police impact fee service area shall include the entire city, and police impact fees may be expended for police capital facilities located anywhere in the city.

(D) The fire/EMS impact fee service area shall include the entire city, and fire/EMS impact fees may be expended for fire/EMS capital facilities located anywhere in the city. (Ord. 2021-017, 10-11-2021)

11-1-7: USE OF DEVELOPMENT IMPACT FEE FUNDS:

(A) Establishment Of Trust Fund And Accounts:

1. A development impact fee trust fund (the “trust fund”) is hereby established for the purpose of ensuring that the development impact fees collected pursuant to this chapter are used to address impacts reasonably attributable to new development for which the development impact fees are paid.

2. The trust fund shall be divided into four (4) accounts: a police capital facilities account, a fire/EMS capital facilities account a, parks and recreation capital facilities account, and a street capital facilities account.

3. The development impact fee trust fund shall be maintained in an interest bearing account. The interest earned on each account shall not be governed by Idaho Code section 57-127, but shall be considered funds of the account and shall be subject to the same restrictions on uses of funds as the development impact fees on which the interest is generated.

4. Monies in each account shall be spent in the order collected, on a first in/first out basis.

(B) Deposit And Management Of The Trust Fund:

1. All development impact fees collected by the city pursuant to this chapter shall be promptly deposited into the appropriate account in the trust fund.

2. The city shall maintain accounting records for each account.

3. As part of its annual audit process, the city shall prepare an annual report: a) describing the amount of all development impact fees collected, appropriated, or spent during the preceding year for each capital improvements element and service area; and b) describing the percentage of taxes and revenues from sources other than development impact fees collected, appropriated or spent for system improvements during the preceding year by capital improvements element and

service area.

(C) Limitations On Expenditures Of Fees In Accounts:

1. Park And Recreation Impact Fee: The monies collected from the park and recreation impact fee shall be used only to plan for, acquire, or construct park and recreation capital facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of park capital facilities within the city, or to reimburse the city for such costs.

2. Street Impact Fee: The monies collected from the street impact fee shall be used only to plan for and acquire or construct street capital facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of street capital facilities within the city, or to reimburse the city for such costs.

3. Police Impact Fee: The monies collected from the police impact fee shall be used only to plan for and acquire or construct police capital facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of public safety capital facilities within the city, or to reimburse the city for such costs.

4. Fire/EMS Impact Fee: The monies collected from the fire/EMS impact fee shall be used only to plan for and acquire or construct fire/EMS capital facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of public safety capital facilities within the city, or to reimburse the city for such costs.

5. Development Impact Fees: Development impact fees shall not be used to pay for any purpose that does not involve system improvements that create additional service available to serve new growth and development. (Ord. 2021-017, 10-11-2021)

11-1-8: REFUNDS OF DEVELOPMENT IMPACT FEES PAID:

(A) Duty To Refund: Development impact fees shall be refunded to the fee payer, or to a successor in interest, in the following circumstances:

1. Service is available but never provided;

2. A building permit, or permit for installation of a manufactured home, is denied or abandoned;

3. The fee payer pays a development impact fee under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid exceeded the proportionate share to which the governmental entity was entitled to receive; or

4. The city has collected a development impact fee and has failed to appropriate or expend the collected fees pursuant to subsection B of this section.

(B) Failure To Encumber Trust Funds Or Commence Construction: Any development impact fees paid shall be refunded if the city has failed to commence construction of system improvements in accordance with this chapter, or to appropriate funds for such construction, within eight (8) years after the date on which such fee was paid. Any refund due shall be paid to the owner of record of the parcel for which the development impact fees were paid. The city may hold development impact fees for longer than eight (8) years if it identifies in writing: 1) a reasonable cause why the fees should be held longer than eight (8) years; and 2) an anticipated date by which the fees will be expended, but in no event greater than eleven (11) years from the date they were collected. If the city complies with the previous sentence, then any development impact fees identified in such writing shall be refunded to the fee payer if the city has failed to commence construction of system improvements in accordance with this chapter, or to appropriate funds for such construction on or before the date identified in such writing.

(C) No Refund Due:

1. Later Changes To Development: After a development impact fee has been paid pursuant to this chapter and after a certificate of occupancy has been issued, no refund of any part of such fee shall be made if the project for which the fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

(D) Interest: Each refund shall include a refund of interest at one-half (½) the legal rate provided for in Idaho Code section 28-22-104 from the date on which the fee was originally paid.

(E) Timing: The city shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the owner of record of the property for which the fee was paid. When the right to a refund exists, the city shall send the refund to the owner of record within ninety (90) days after the city determines that a refund is due.

(F) Standing: Any person entitled to a refund shall have standing to sue for a refund under the provisions of this chapter if there has not been a timely payment of a refund pursuant to subsections A through E of this section. (Ord. 2021-017, 10-11-2021)

11-1-9: CREDITS AGAINST DEVELOPMENT IMPACT FEES:

(A) Credits To Be Issued: When a developer, or their predecessor in title or interest, has constructed system improvements of the same category as a city capital improvements element, or contributed or dedicated land or money towards the completion of system improvements of the same category as a city capital improvements element, and the city has accepted such construction, contribution, or dedication, the city shall issue a credit against the development impact fees otherwise due for the same city capital improvements element in connection with the proposed development, as set forth in this section. Credit shall be issued regardless of whether the contribution or dedication to system improvements was required by the city as a condition of development approval or was offered by the developer and accepted by the city in writing, and regardless of whether the contribution or dedication was contributed by the developer or by a local improvement district controlled by the developer.

(B) Limitations: Credits against development impact fees shall not be given for: 1) project improvements, or 2) any construction, contribution, or dedication not agreed to in writing by the city prior to commencement of the construction, contribution, or dedication. Credits issued for one city capital improvements element may not be used to reduce development impact fees due for a different capital improvements element. No credits shall be issued for system improvements contributed or dedicated prior to the effective date hereof.

(C) Valuation Of Credit At Present Value:

1. Land: Credit for qualifying land dedications shall, at the fee payer's option, be valued at the present value of: a) one hundred percent (100%) of the most recent assessed value for such land as shown in the records of the county assessor, or b) that fair market value established by a private appraiser acceptable to the city in an appraisal paid for by the fee payer. In the event that city and the fee payer cannot agree upon an appraiser, either may petition the district court for appointment of an appraiser.

2. Improvements: Credit for qualifying acquisition or construction of system improvements shall be valued by the city at the present value of such improvements based on complete engineering drawings, specifications, and construction cost estimates submitted by the fee payer to the city. The city shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the city as a more accurate measure of the value of the offered system improvements to the city.

(D) When Credits Become Effective:

1. Approved credits for land dedications shall become effective when the land has been conveyed to the city in a form acceptable to the city at no cost to the city, and has been accepted by the city. When such conditions have been met, the city shall note that fact in its records. Upon request of the fee payer, the city shall issue a letter stating the amount of credit available.

2. Approved credits for acquisition or construction of system improvements shall generally become effective when: a) all required construction has been completed and has been accepted by the city, b) a suitable maintenance and warranty bond has been received and approved by the city, and c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the city and the state of Idaho. Approved credits for the construction of system improvements may become effective at an earlier date if the fee payer posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted by the development impact fee administrator or a designee. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the city to construct the system improvements for which the credit was given, whichever is higher. When such conditions have been met, the city shall note that fact in its records. Upon request of the fee payer, the city shall issue a letter stating the amount of credit available.

(E) Application Procedures:

1. In order to obtain a credit against development impact fees otherwise due, a fee payer shall submit a written offer to dedicate to the development impact fee administrator or a designee for specific parcels of qualifying land or a written offer to contribute or construct specific system improvements to the city capital facilities in accordance with all applicable state or city design and construction standards, and shall specifically request a credit against the type of development impact fees for which the land dedication or system improvement is offered. No request for a credit against development impact fees shall be accepted unless a written offer to dedicate, contribute, or construct has previously been approved in writing by the city.

2. After receipt of the request for credit, the development impact fee administrator or a designee shall review the request and determine whether the land or system improvements offered for credit will reduce the costs of providing city capital facilities by an amount at least equal to the value of the credit. If the development impact fee administrator or a designee determines that the offered credit satisfies that criterion, then the credit shall be issued. The city shall complete its review and determination of an application for credit within thirty (30) days after receipt of an application for credit.

(F) Transferability Of Credit: A credit may only be transferred by the fee payer that has received the credit to a successor in interest pursuant to the terms of this chapter. The credit may be used only to offset development impact fees for the same city capital improvements element for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits issued under this chapter are being transferred, the dollar amount of the credit being transferred, and the city capital improvements element for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a copy of the document shall be delivered to the development impact fee administrator or a designee for documentation of the change in ownership before it shall become effective.

(G) Accounting Of Credits: Each time a request to use approved credits is presented to the city, the city shall reduce the amount of the development impact fees for the type of fee for which the credit is provided, and shall note in the city's records the amount of credit remaining, if any. Upon request of the fee payer or successor in interest to whom the credit was issued, the city shall issue a letter stating the amount of credit remaining.

(H) Credits Exceeding Fee Amounts Due: If the credit due to a fee payer pursuant to subsections A through G of this section exceeds the development impact fee that would otherwise be due from the fee payer pursuant to section 11-1-5 of this chapter (whether calculated through the fee table in section 11-1-5 of this chapter or through an independent assessment), the fee payer may choose to receive such credit in the form of either: 1) a credit against future development impact fees due for the same capital improvements element, or 2) a reimbursement from development impact fees paid by future development that impacts the system improvements contributed or dedicated by the fee payer. Unless otherwise stated in an agreement with the fee payer, the city shall be under no obligation to use any city funds, other than development impact fees paid by other development for the same city capital improvements element, to reimburse the fee payer for any credit in excess of development impact fees due.

(I) Written Agreement Required: If credit or reimbursement is due to the fee payer pursuant to this section, the city shall enter into a written agreement with the fee payer, negotiated in good faith, prior to the contribution, dedication, or funding of the system improvements giving rise to the credit. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement, and shall have a term not exceeding ten (10) years. (Ord. 2021-017, 10-11-2021)

11-1-10: APPEALS AND MEDIATION:

Disputes regarding decisions made in the application of this chapter shall be resolved through appeal to the city council, or through mediation, as set forth below:

(A) Right To Appeal:

1. Any fee payer that is or may be obligated to pay a development impact fee, or that claims a right to receive a refund, reimbursement, or credit under this chapter, and who is dissatisfied with a decision made by the development impact fee administrator or a designee in applying this chapter, shall first request that the development impact fee administrator reconsider the decision. A fee payer requesting reconsideration shall state in writing to the development impact fee administrator the reasons why the fee payer believes the decision to be in error. The development impact fee administrator shall issue a written decision confirming or modifying the decision within fifteen (15) days of receipt of a written request for reconsideration.

2. Any fee payer that is dissatisfied with the decision of the development impact fee administrator upon reconsideration pursuant to subsection A1 of this section, may appeal such decision to the city council. The fee payer shall have the burden of proving by clear and convincing evidence that the decision was in error.

3. In order to pursue the appeal described in subsection A2 of this section, the fee payer shall file a written notice of the appeal with the development impact fee administrator or a designee within thirty (30) days after the date of the reconsideration, or the date on which the fee payer submitted a payment of development impact fees under protest, whichever is later. Such written application shall include a statement describing why the fee payer believes that the decision was in error, together with copies of any documents that the fee payer believes support the claim.

4. The city council shall hear the appeal within sixty (60) days after receipt of a written notice of appeal. The fee payer shall have a right to be present and to present evidence in support of the appeal. The development impact fee administrator or designee who made the decision under appeal shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the city council in considering the appeal shall be whether: a) the decision or interpretation made by the development impact fee administrator after reconsideration, or b) the alternative decision or interpretation offered by the fee payer more accurately reflects the proportionate share of the costs of system improvements to city capital facilities necessary to serve new development and whether this chapter has been correctly applied. The city council shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal.

(B) Mediation:

1. Any fee payer that has a disagreement with the city regarding a development impact fee that is or may be due for a proposed development pursuant to this chapter, may enter into a voluntary agreement with the city to subject the disagreement to mediation by a qualified independent party acceptable to both the fee payer and the city.

2. Mediation may take place at any time following the filing of a timely appeal pursuant to this section, or as an alternative to such appeal, provided that the request for mediation is filed no later than the last date on which a timely appeal could be filed pursuant to subsection A of this section.

3. Participation in mediation does not preclude the fee payer from pursuing other remedies provided for in subsection A of this section.

4. If mediation is requested, any related mediation costs shall be shared equally by the fee payer and the city, and a written agreement regarding the payment of such costs shall be executed prior to the commencement of mediation.

5. In the event that mediation does not resolve the issues between the parties, the fee payer retains all rights to seek relief from a court of competent jurisdiction. (Ord. 2021-017, 10-11-2021)

11-1-11: ENFORCEMENT AND COLLECTION:

When any development impact fee is due pursuant to the terms of this chapter, or pursuant to the terms of any written agreement between a fee payer and the city authorized by this chapter, and such fee has not been paid in a timely manner, the city may exercise any or all of the following powers, in any combination, to enforce the collection of the fee:

(A) The city may withhold building permits or other development approvals related to the development for which the fee is due until all development impact fees due have been paid.

(B) The city may withhold utility services from the development for which the fee is due until all development impact fees due have been paid.

(C) The city may add to the amount of the fee interest at the legal rate provided for in Idaho Code section 28-22-104 from the date on which the fee was due.

(D) The city may impose liens for failure to timely pay a development impact fee following procedures contained in chapter 5, title 45, Idaho Code. (Ord. 2021-017, 10-11-2021)

11-1-12: MISCELLANEOUS PROVISIONS:

(A) Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the power of the city in regulating the orderly development of real property.

(B) Nothing in this chapter shall obligate the city to approve any development request that may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee study.

(C) Nothing in this chapter shall restrict or diminish the power of the city: 1) to impose reasonable conditions on the annexation of any property to the city in accordance with Idaho Code, including conditions for recovery of project or system improvement costs required as a result of such voluntary annexation, or 2) to negotiate and execute development agreements that may impose additional conditions on development, including the recovery of project or system improvement costs, either in connection with a proposed annexation or in connection with any other development within the city.

(D) Notwithstanding any other provision of this chapter, that portion of a project for which a complete application for a building permit has been received by the city prior to the effective date hereof shall not be subject to the development impact fees imposed by this chapter. If the resulting building permit is later revised or replaced after the effective date hereof, and the new building permit reflects a development density, intensity, or number of units more than ten percent (10%) higher than that reflected in the original building permit, then development impact fees may be charged on the difference in density, intensity, or number of units between the original and the revised or replacement building permit.

(E) Nothing in this chapter shall restrict the city from requiring fee payer or an applicant for a development approval or building permit to construct reasonable project improvements required to serve the applicant's project, provided that such request does not duplicate a system improvement in a category for which costs were included in the development impact fee study.

(F) Any monies, including any accrued interest not assigned to specific system improvements within such capital improvements program and not expended pursuant to section 11-1-7 of this chapter or refunded pursuant to section11-1-8 of this chapter shall be retained in the same account until the next fiscal year.

(G) The city shall be entitled to collect and retain a surcharge on each development impact fee collected in order to recoup that portion of the cost of preparing the capital improvements plan that is attributable to determining the development impact. Such surcharge does not exceed each development's proportionate share of the cost of preparing the plan.

(H) If the city discovers an error in the development impact fee study that results in assessment or payment of more than a proportionate share of system improvement costs on any proposed development, the city shall: 1) adjust the development impact fee to collect no more than a proportionate share or 2) discontinue the collection of any development impact fees until the error is corrected by ordinance.

(I) If development impact fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a fee payer shall be refunded by the city within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code section 28-22-104 from the date on which the fee was paid. Any amounts underpaid by the fee payer shall be paid to the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code section 28-22-104 from the date on which the fee was paid. In the case of an underpayment to the City, the City may withhold issuance of building permits or development approvals for the project for which the development impact fee was paid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City may also repeal any building permits or development approvals issued in reliance on the previous payment of such development impact fee and refund such fee to the fee payer.

(J) The City Council shall consider the Development Impact Fee Advisory Committee's recommended revision(s) to this chapter at least once every twelve (12) months. The committee's recommendations and the City Council's actions are intended to ensure that the benefits to a fee paying development are equitable, in that the fee charged to the development shall not exceed a proportionate share of the costs of system improvements, and the procedures for administering development impact fees remain efficient.

(K) Nothing in this chapter shall be construed to prevent or prohibit private agreements between developers, the City, the Idaho Transportation Department, and/or other governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer or fee payer, including interproject transfers of credits, or providing for reimbursement for project improvements that are used or shared by more than one development project. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of development impact fees collected from the developer or fee payer for the improvement of the public facility by the Idaho Transportation Department.

(L) Violation of this chapter shall be a misdemeanor and shall be subject to those remedies provided in section 1-1-7 of this Code. Knowingly furnishing false information to any official of the City charged with the administration of this chapter on any matter relating to the administration of this chapter, including, without limitation, the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this chapter. (Ord. 2021-017, 10-11-2021)

11-1-13: PENALTY FOR VIOLATION:

(A) Violation of this chapter shall be a misdemeanor and shall subject the violator to those remedies provided in section 1-4-1 of this Code.

(B) Knowingly furnishing false information to any official of the City charged with the administration of this chapter on any matter relating to the administration of this chapter, including, without limitation, the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this chapter. (Ord. 2021-017, 10-11-2021)