

# CITY OF MENAN CODE

TITLE 1 .....GENERAL ADMINISTRATION

TITLE 2 .....BOARDS AND COMMISSIONS

TITLE 3 .....BUSINESS REGULATIONS

TITLE 4 .....HEALTH AND PUBLIC SAFETY

TITLE 5 .....PUBLIC UTILITIES AND PROPERTY

TITLE 6 .....MOTOR VEHICLE AND BICYCLE REGULATIONS

TITLE 7 .....LAND DEVELOPMENT AND USE

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## ORDINANCE-TO-CODE CONVERSION CHART

Ordinance	Subject Matter	Code Location
1	Trustees' Meetings	<b>Error! Reference source not found., Error! Reference source not found.</b>
2	Stray Animals	5-6-1
3	Disturbing the Peace	4-1-1
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5	Duties of the Village Clerk	1-6-1
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7 as amended by Ord. 48 and supplemented by Ord. 395	License Taxes	TITLE 3CHAPTER 2 of Title 3; 3-3-1
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11	Clearing Sidewalks	4-4-2
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349 as amended by Ord. 358	Planning and Zoning Commission	2-1-1
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355	Wages of City Council and Mayor	1-6-4
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361	Dogs	TITLE 4CHAPTER 3 of Title 4
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366	Amendments to Ord. 350	TITLE 5CHAPTER 5 of Title 5
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369	Mailboxes	<b>Error! Reference source not found.</b> of Title 4
370	Amendments to Ord. 350	TITLE 5CHAPTER 5 of Title 5
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## **TITLE 1   GENERAL ADMINISTRATION**

CHAPTER 1.....	MENAN CITY CODE
CHAPTER 2.....	SAVING CLAUSE
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CHAPTER 4.....	GENERAL PENALTY
CHAPTER 5.....	MAYOR AND COUNCIL
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## CHAPTER 1 MENAN CITY CODE

1-1-1	TITLE
1-1-2	ACCEPTANCE
1-1-3	AMENDMENTS
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1-1-1	TITLE
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Upon adoption by the city council, this code is hereby declared to be and shall hereafter constitute the official city code of Menan. This code of ordinances shall be known and cited as the MENAN CITY CODE and is hereby published by authority of the city council and shall be supplemented to incorporate the most recent legislation of the city as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal documents.

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

1-1-3	AMENDMENTS
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Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code.

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

## CHAPTER 2 SAVING CLAUSE

1-2-1	REPEAL OF GENERAL ORDINANCES; EXCLUSIONS
1-2-2	PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES
1-2-3	COURT PROCEEDINGS
1-2-4	SEVERABILITY CLAUSE
1-2-1	REPEAL OF GENERAL ORDINANCES; EXCLUSIONS

All general ordinances of the city passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

- A. Tax levy ordinances.
- B. Appropriation ordinances.
- C. Ordinances relating to boundaries and annexations.
- D. Franchise ordinances and other ordinances granting special rights to persons or corporations.
- E. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants.
- F. Salary ordinances.
- G. Ordinances establishing, naming or vacating streets, alleys or other public places.
- H. Improvement ordinances.
- I. Bond ordinances.
- J. Ordinances relating to elections.
- K. Ordinances relating to the transfer or acceptance of real estate by or from the city.
- L. All special ordinances.

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



## (A) Prior Acts: No new ordinance shall be construed or held to repeal a

former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

## (B) Extend To All Repeals: This section shall extend to all repeals,

either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

## (C) Currently Pending Actions: Nothing contained in this chapter shall

be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this code.

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

## CHAPTER 3 DEFINITIONS AND INTERPRETATIONS

1-3-1	GENERAL RULES OF INTERPRETATION
1-3-2	DEFINITIONS, GENERAL
1-3-3	CATCHLINES

1-3-1	GENERAL RULES OF INTERPRETATION
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(A) Liberal Construction: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the mayor and city council may be fully carried out.

(B) Minimum Requirements: In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.

(C) Computation Of Time: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding shall be held shall be counted.

(D) Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

(E) Gender: The use of any gender based pronoun should not be construed to be gender biased, but is only used for grammatical simplicity.

(F) Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(G) May/Shall: The word "may" is permissive; the word "shall" is mandatory.

(H) Nontechnical And Technical Words: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(I) Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

(J) Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the city of Menan".

(K) Tense: Words used in the past or present tense include the future as well as the past and present.

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

## 1-3-2 DEFINITIONS, GENERAL

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them unless the context makes such meanings repugnant thereto:

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

CITY: The city of Menan, county of Jefferson, state of Idaho.

CODE: The city code of the city of Menan.

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

COUNTY: The county of Jefferson, state of Idaho.

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

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

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

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

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

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

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

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

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

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

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

**STATE:** The state of Idaho.

**STREET:** Shall include highways or roads, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

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

**WHOLESALE AND WHOLESALE DEALER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

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

1-3-3

#### CATCHLINES

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

## CHAPTER 4 GENERAL PENALTY

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

(A) Misdemeanor: Except in cases where a different punishment is hereafter prescribed by city ordinance, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1 ,000.00), or by both. These punishments shall comply with Idaho Code section 18-113, as amended.

(B) Infraction: When the offense is designated as an infraction by any section or provision of this code or by state law, it is punishable only by a penalty not exceeding three hundred dollars (\$300.00) and no incarceration may be imposed.

(C) Federally Mandated Programs: When the city is participating in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, the city may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1 ,000.00), or imprisonment for criminal offenses not to exceed six (6) months, or to include both a fine and imprisonment for criminal offenses, as limited by this section.

### 1-4-2 APPLICATION OF PROVISIONS

#### (A) Application Of Penalty Provisions

1. The penalty provided in this chapter shall be applicable to every section of this code just as if 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 action which is of a continuing nature is forbidden or is declared to be unlawful shall be deemed guilty of a misdemeanor unless otherwise provided. A separate offense shall be deemed committed upon

each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

2. 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.

- (B) One Recovery For Same Offense: 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.

1-4-3

#### LIABILITY OF OFFICERS

No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

## CHAPTER 5 MAYOR AND COUNCIL

### SECTION:

1-5-1	MAYOR
1-5-1(A)	POWERS AND DUTIES
1-5-1(B)	ORDINANCES AND CONTRACTS
1-5-1(C)	SPECIAL MEETINGS
1-5-1(D)	EXTRATERRITORIAL POWERS
1-5-1(E)	TERM
1-5-1(F)	SALARY
1-5-2	COUNCIL
1-5-2(A)	POWERS AND DUTIES
1-5-2(B)	TERM
1-5-2(C)	REGULAR MEETINGS
1-5-2(D)	SPECIAL MEETINGS
1-5-2(E)	ELECT PRESIDENT
1-5-2(F)	SALARY
1-5-1	MAYOR POWER, DUTIES AND TERM

(A) Powers and Duties: The Mayor shall be the chief executive officer of the City and shall have authority to hire, terminate, discipline, supervise and control all appointive officers and employees of the City, in the manner provided by this Code or State law. The Mayor shall preside at all meetings of the City Council and may determine the order of business, subject to such rules as the Council may provide by ordinance. The Mayor shall have a vote only when the vote of the Council is equally divided at any meeting where a quorum is present. The Mayor shall have the power to veto any ordinance, resolution or action taken by the Council, provided the Council may override such veto by a vote of one-half plus one of the members of the full Council. The Mayor shall have the authority and responsibility to enforce all police ordinances and regulations. The Mayor shall have authority to administer oaths and shall have all powers, prerogatives and authority conferred by ordinance, by the laws of the State and as may be conferred by resolution of the City Council.



(B) Ordinances and Contracts: The Mayor shall execute all ordinances, resolutions and contracts approved by the Council, including deeds, bonds, warrants and other agreements to which the City is a party.

(C) Special Meetings: The Mayor may call special meetings of the Council, the object of which shall be submitted to the Council in writing and the call and object of which, as well as the minutes required to be kept by law, shall be entered in the journal of the City Clerk.

(D) Extraterritorial Powers: The Mayor shall have the following extraterritorial powers over all persons, place and activities located outside the corporate boundaries:

1. To prevent, remove and abate nuisances located within three (3) miles of the corporate boundaries, at the expense of the person causing or maintaining the same and to exercise all powers conferred upon the City, pursuant to Idaho Code.

2. To enforce all health and quarantine laws and ordinances against any person or place located within five (5) miles of the corporate boundaries.

3. To enforce all laws and ordinances regulating or prohibiting the loading, storage and transportation of hazardous materials or chemicals within three (3) miles of the corporate boundaries.

4. To enforce all platting, zoning, street and surface drainage ordinances applicable within one (1) mile of the corporate limits, to the fullest extent permitted under Idaho Code.

5. To enforce all ordinances and to exercise all police powers conferred upon the City, except taxation, regarding offenses committed within one (1) mile of the corporate limits, to the fullest extent permitted by Idaho Code.

(E) Term: The term of office of the Mayor shall be for a period of four (4) years, commencing upon taking the oath of office at the first regular Council meeting in January following his or her election. Any vacancy in the office of Mayor shall be filled in the manner provided in State law.

(F) Salary: The Salary of the Mayor shall be set forth in 1-6-4 of the Menan City Code.

(A) Powers and Duties: Council shall have the powers and duties as are now or may hereafter be provided under the general laws of the State of Idaho.

(B) Term: The legislative authority of the City shall be vested in a Council consisting of four (4) members at which shall be elected at large and shall have the qualifications as prescribed by the laws of the State of Idaho and each such Councilmember shall hold office for a term of four (4) years and until their successor is elected and qualified. In the event an office of Councilmember shall become vacant, Mayor shall appoint with the approval of the Council, a resident of the City to fill the unexpired portion of the term to serve until the next general election, at which time the unexpired term shall be filled by regular election, as put forth in State law.

(C) Regular Meetings: The Council shall hold regular meetings at City Hall on the second (2nd) Thursday of each month at seven o'clock (7:00) PM. The Mayor shall have the power to recess any meeting to a different place or time upon giving lawful notice thereof.

(D) Special Meetings: Any four (4) Council members may call a special meeting of the Council provided the object of which shall be submitted to the Council in writing, and the call and object of the meeting and all minutes required to be kept by law shall be entered upon the journal kept by the Clerk.

(E) Elect President: At the time of taking office, the Council shall elect one of its members President of the Council who shall preside at all meetings of the Council and perform all other duties of the Mayor in the absence of the Mayor; and, in the absence of the President of the Council shall elect one of their members to occupy his place temporarily, who shall be styled Acting President of the Council, and the President and Acting President, when occupying the place of Mayor, shall have the same privileges as other members of the Council and all actions of the President and Acting President, while so acting, shall be binding upon the Council and the Municipality as if performed by the Mayor.

(F) Salary: The Salary of the Council shall be set forth in 1-6-4 of the Menan City Code.

## **CHAPTER 6            CITY OFFICERS**

### **SECTION:**

1-6-1	CITY CLERK
1-6-1(A)	DUTIES
1-6-2	CITY MARSHAL
1-6-2(A)	APPOINTMENT
1-6-2(B)	POWERS AND DUTIES
1-6-2(C)	BONDS
1-6-3	CITY TREASURER
1-6-3(A)	DUTIES
1-6-4	COMPENSATION OF CITY OFFICIALS

## (A) DUTIES:

(1) The City Clerk shall be the keeper of the City Seal, and shall affix it to all instruments and papers, which by law or Ordinance are required to be attested by the seal of the City.

(2) He shall have the custody of and shall safely keep all public records, documents, ordinances, and orders of the Board of Trustees, and such other papers and documents, in which the City is interested, as may be delivered into his custody for safe keeping.

(3) It shall be the duty of the City Clerk to attend all meetings of the Board of Trustees, keep the minutes of all of its proceedings, and record same in a book to be provided by the Board for that purpose, said book to be kept in his office. He shall countersign all warrants on the treasurer, and deliver same when called for by proper parties. He shall draw and countersign all warrants on the treasurer for compensation of all officers upon their request, provided that he shall not draw and countersign any such warrant for any party unless the same has been passed and approved by the Board of Trustees, and is shown that the same is clearly due and owing to such officer or party.

(4) He shall do and perform such other duties, as may from time to time be enjoined upon him by Ordinance or Resolution of the Board.

(5) He shall also, at the close of each Fiscal year, and oftener, if required by the Board, make out and lay before them, a full and complete statement of all receipts and expenditures, and all the fiscal affairs of the City, during such year, or any part thereof, as may be required by the Board, and cause the same to be published in some newspaper published in the City of Menan, or if no paper is published in the City, then, in some paper having a general circulation therein; or by posting same in some conspicuous place within the City limits.

(6) The City Clerk shall be ex-officio, Collector of the City, and shall in such capacity, receive all moneys due the City from any source whatever, and shall issue proper receipts therefore to the officers or persons entitled thereto. He shall on the first Monday of each month, deliver to the City Treasurer, any and all sums of money received by him as such collector, during the previous month, together with a statement of the different accounts upon which the several sums were received, and shall take the Treasurer's receipt for the gross amount so deposited with him.

(7) Upon demand, and payment of such fees as County Recorders of this state, are entitled to and might receive for similar services, the City Clerk shall furnish to every person applying therefore a copy of any records, paper or documents of any kind, which copy shall be certified under his hand and the seal of his office. All such fees shall be duly accounted, as are other moneys received from other sources and paid to the treasurer in the same manner.

(8) The City Clerk shall draw all warrants on the City Treasurer, that shall be ordered by the City Board, and such other warrants for compensation of officers of the City or for other persons or purposes as may be now or hereafter provided for by ordinance of the City of Menan.

(9) The Clerk shall purchase all account books, stationary, receipt books, blanks, etc., that shall be necessary for the use of the City, or any of its officers, whenever they may be ordered by the Board of Trustees.

(10) The City Clerk shall be ex-officio, City Auditor, and as such Auditor, shall be the general accountant of the City of Menan; and as such, shall be constantly acquainted with the condition of the City Treasury, and each demand thereon, and shall furnish to the Board of Trustees, any desired information as to the condition of any fund of said treasury, whenever requested to do so by said Board or any committee thereof.

(11) The City Clerk or such Auditor, shall keep, according to some established and modern system of bookkeeping, all accounts between said City and its officers or other persons or corporations, and shall keep an official record of all demands on the treasury allowed by the Board of Trustees, showing the number, sate, amount, name of claimant, on what account allowed, and out of what fund payable.

#### 1-6-2 CITY MARSHAL:

(A) Appointment: Every person appointed or elected to the office of City Marshal, shall be a citizen of the United States, and a qualified elector of the City of Menan, at the time of his election, or appointment to such office.

(B) Powers and Duties:

(1) The City Marshal shall be the conservator of the peace and shall have power, and it shall be his duty to arrest, with or without process, all offenders against the laws of the State, and the City of Menan, by day or by night, in the same manner as a Sheriff or Constable, and keep them in the City or County jail, or other safe place, to prevent their escape until trial can be had before the proper Magistrate, in default or proper and sufficient bail being furnished.

(2) The said Marshal shall have power to arrest, as aforesaid, all persons who shall be found in the act of violating any Ordinance of the City, for the preservation of the peace and good order thereof, and shall have power to detain, or cause to be detained, any person in custody, in the City or County jail, or other safe place in the City, overnight, and during any Sunday or Legal Holiday, and until such person can be duly examined and tried by the proper Magistrate, whenever it may be impracticable to bring such offending person before such Magistrate, immediately after arrest.

(3) He shall see that all ordinances are enforced in the City limits, and when any violation thereof shall come to his knowledge, or be reported to him, he shall cause the requisite complaint to be made out and see that all possible evidence is procured for the successful prosecution of all offenders.

(4) The City Marshal shall have the power and authority in the City, to execute Warrants and other Process, for the apprehension or commitment of persons charged with or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor, in violation of law, or ordinance of the City of Menan, and while in the execution or service of any such Warrant or Process, shall be vested with, and have all the powers and authority conferred by law.

(5) Any Marshal who shall neglect or refuse to perform any duty required of him by ordinance, or who shall, in the discharge of his official duties, be guilty of any fraud, extortion, partiality, oppression, favoritism, or willful wrong of any kind, shall forfeit and pay a penalty to the City, not less than Five (\$5.00) dollars, for each any every offense.

(6) Any person who shall, in any manner assist any other person, in the custody of the City Marshal, to escape, or attempt to escape from such custody, or shall rescue, or attempt to rescue such person, shall be fined in a sum not less than Five (\$5.00) Dollars, nor more than One Hundred Dollars (\$100.00) for each any every such offense, or be imprisoned in the City or County Jail, for from Five (5) to One Hundred (100) days, or by both such fine and imprisonment.

(7) Any person in the City of Menan, who shall be requested by the Marshal to assist in making an arrest, capture, or retain in custody any person, and shall refuse and fail to render to the best of his ability, such aid so required, shall, on conviction, be fined not less than Five (\$5.00) Dollars, nor more than One Hundred Dollars, or be imprisoned in the City or County Jail from Five (5) to One Hundred days, or by both fine and imprisonment.

(8) The Marshal shall be ex-officio keeper of the estray Pound of the City of Menan, and shall in such capacity, seize and impound any and all cattle, horses, mules, asses, sheep and hogs running at large within the corporate limits of the City, as prescribed by the ordinance of the City.

(9) Upon the seizure and impounding of any cattle, horses, asses, mules, sheep and hogs, the Marshal shall forthwith give notice by posting in at least three public places, written or printed notices, containing a description of the animal or animals so seized and impounded, the time when same were taken into custody, and the time (which shall in no case be less than two weeks from the date of the notice,) and the place where the same shall be sold to satisfy the fine and charges against seized and impounded animal or animals; provided that when the owner of said animal, or animals, is known to the City Marshal, he shall give personal notice to the owner thereof, either by serving such notice, as hereinbefore provided, personally upon said owner or owners, or by depositing the same in an envelope, in the Post office, properly addressed to said owner or owners.

(10) If at any time, before such sale, the owner of any animal so seized and impounded shall claim the same, said owner shall be entitled to the possession thereof, upon furnishing satisfactory proof to the Marshal of his ownership of such animal, or animals, and payment of the fine, and cost of keeping same, as provided by ordinance, and upon the further payment of all costs for advertising, and such other costs as may have been necessary in the preservation and proper care of said animal or animals; and upon such proof and payment made to him, the City Marshal shall deliver possession of such animal, or animals to such owner.

(11) If any animal so taken up and impounded shall be unclaimed, or the fine and expenses shall not have been paid, as hereinbefore provided, the Marshal shall, at the time specified in the above mentioned notice, sell at public auction, any such animals by him seized and impounded, and shall pay to the City Treasurer the amount received from such sale, and shall also furnish to the City Treasurer, a full description of the animal or animals sold, together with the owners name, if known, and that of the purchaser.

(12) The City Treasurer shall, after deducting such fees and expenses, as aforesaid, pay the balance of such sums for which said animals were sold, if any, to the owner thereof, if such owner be known and if such owner be not known, and no claim be made for said money by some person, lawfully entitled to receive the same, within three months after such sale, such money so received, shall remain in the City Treasury for the use and benefit of the City of Menan.

(13) Any animal found doing damage, may be taken up by any person, who shall immediately notify the City Marshal of his action and it shall be unlawful for any person, other than the Marshal to hold any animal, taken up under the provisions of this section, for a longer period than twenty four hours.

(14) Any person taking his own animal, or that of any other person, from the custody of the person, holding the same for damages done by it, or out of the City Pound, or from the custody of the City Marshal, by stealth or by force, or who shall interfere or hinder anyone while in the discharge of his duties under the provisions of this section, shall be fined in any sum not to exceed One Hundred Dollars, or be imprisoned in the City or County Jail for a period not exceeding One Hundred days, or shall suffer both such fine and imprisonment.

(15) It shall be the duty of the City Marshal to keep a Record Book in which shall be kept an accurate account of all receipts and expenditures, incurred in the taking up and impounding of all estrays, and shall make a full and detailed report of all his proceedings, in his regular monthly report to the Board of Trustees, stating therein, the number of animals sold, to whom sold, and the amount received and expenses incurred, for feeding, advertising, etc., provided that the cost of keeping said animals while impounded, shall not exceed twenty-five cents per day.

(16) As compensation for acting as ex-officio Pound Keeper, the City Marshal shall receive fifty per cent (50%) of all fines collected by him upon estrays taken up within the corporate limits of the City of Menan, which shall be paid to him by the City Treasurer, upon said Marshal paying over to the Clerk, the fines collected from month to month as hereinbefore provided.



(C) Bonds: Any person arrested, with or without warrant, for any offense under any ordinance of the Village, may be admitted to bail by executing a bond to the State of Idaho, with sufficient sureties, to be approved by the Justice of the Peace before whom arraigned, in double the amount of the highest penalty for the offense charged, conditioned that such person will appear on the day named therein, and not depart from the jurisdiction of the Court without leave, which bond shall be attested by such Justice of the Peace, and filed in his office.

Said Bond may be in the following form, to-wit:

“KNOW ALL MEN BY THESE PRESENTS: That we, \_\_\_\_\_ as Principal, and \_\_\_\_\_, and \_\_\_\_\_ as sureties, are held and firmly bound, jointly and severally, unto the People of the State of Idaho, in the sum of \_\_\_\_\_, Dollars, lawful money of the United States, for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Sealed with our Seals and dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_

The conditions of the above obligation are such, that whereas the above bounden \_\_\_\_\_ has been arrested by \_\_\_\_\_ the Marshall of the Village of Menan, charged with the violation of an ordinance of said Village, entitled, “\_\_\_\_\_,  
“ in the following manner, to-wit: (Description of offense), on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

NOW, THEREFORE, if the said \_\_\_\_\_ shall personally appear before this court, in the Village of Menan, at his office, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_, at \_\_\_\_\_ O’clock \_\_\_\_\_ M. of said day, and shall remain and abide the order of this court, and not depart without leave, then, this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed and delivered in the presence of:

State of Idaho                    )  
  : SS  
County of Jefferson        )

\_\_\_\_\_ and \_\_\_\_\_, THE SURETIES whose names are subscribed to the foregoing undertaking, being severalty duly sworn, each for himself, says: That he is a resident and freeholder within said County and State; that he is worth the amount stated in the said undertaking, as the penalty thereof, over and above all debts and liabilities, and exclusive of property exempt from execution.

Subscribed and sworn to before me this \_\_\_\_day of \_\_\_\_\_, A.D., 19 \_\_\_\_.

\_\_\_\_\_  
Justice of the Peace

The amount of the penalty named in said bond, shall in no case exceed the sum of Two Hundred Dollars (\$200.00).

If the principal in said Bond shall fail to appear according to the conditions thereof, of appearing, shall depart from the Court room without leave, the Court shall note such fact upon the Bond, and issue a summons on behalf of the State of Idaho, to the parties liable thereon, who shall be brought into Court for the Trial for the recovery of the amount specified in said bond.

Upon the trial of the cause, the same defense shall be allowed for the non-appearance of the Principal, that is allowed under the general laws of the State, in like Causes before a Justice of the Peace.

1-6-3 CITY TREASURER:

(A) DUTIES:

(1) The City Treasurer shall receive from and safely keep all moneys belonging to the City, received by the Clerk during the preceding month. He shall keep a true and correct account thereof, stating from whom and on what account received, and shall give the City Clerk a receipt therefore.

(2) He shall keep a separate account of each fund and appropriation, and debits and credits belonging thereto. He shall pay from the City Treasury, all sums of money as shall be authorized upon and by warrants duly signed by the Chairman of the Board of Trustees and countersigned by the City Clerk, provided such warrants distinctly state on their face, for what the money is appropriated, to whom payable, and on what fund drawn, and not otherwise.

1-6-4 COMPENSATION OF CITY OFFICIALS

(A) The Mayor shall receive compensation in the amount of \$300.00 per month.

(B) Each Council Member shall receive compensation in the amount of \$250.00 per month.

(C) The change in compensation shall be effective January 1, 2015 such that the initial January payment shall reflect the above amount.

## **CHAPTER 7        POLL HOURS**

### **SECTION:**

#### **1-7-1                POLL HOURS**

1-7-1                **POLL HOURS:** The polls for all general and special City elections shall be open from 12:00 p.m., Mountain Time and remain open until 8:00 p.m. Mountain Time.

**TITLE 2   BOARDS AND COMMISSIONS**

CHAPTER 1 .....PLANNING AND ZONING COMMISSION

## CHAPTER 1 PLANNING AND ZONING COMMISSION

### SECTION:

2-1-1	PLANNING AND ZONING COMMISSION
2-1-1(A)	MEMBERSHIP
2-1-1(B)	COMPENSATION
2-1-1(C)	ORGANIZATION
2-1-1(D)	DUTIES
2-1-1(E)	REPORTING REQUIREMENTS
2-1-1(F)	PLANS INVOLVING HIGHWAYS OR STREETS
2-1-1(G)	FUNDS

### 2-1-1 PLANNING AND ZONING COMMISSION

(A) Membership: The commission shall consist of a chairman, vice chairman, and a secretary, and two (2) other persons, residents of the city, appointed by the mayor as follows: two (2) of the members shall be appointed for a term of three (3) years; three (3) members for a term of four (4) years. Their successors shall in all cases be appointed for terms of three (3) years, and all appointments to fill vacancies shall be for the unexpired term. Provided further that the make-up of the commission shall be made up of commissioners from the City and Area of City Impact as required by law.

(B) Compensation: The commissioners shall receive no compensation for their services as such commissioners.

(C) Organization: The Chairman shall be responsible for conducting each meeting. The Commission shall adopt written by-laws approved by the City Council setting forth the rules for operation of the Commission and provide records of all action of the Council. In the absence of the Chairman, the Vice-Chairman shall be responsible for conducting the business of the Commission. A commissioner may be released for cause by majority vote of the City Council.

(D) Duties: Whenever a copy of a plan, plot, or description is filed with the city planning commission, the commission shall, within forty-five (45) days, report to the city council its recommendations in relation thereto. The city council shall then consider the same and direct the city planning commission either to certify its approval thereof or to refuse to approve of the same, and the commission shall act at once in accordance with such directions.

(E) Reporting Requirements: The time within which the city planning commission shall report on any matter or class of matters referred to it in accordance with the provisions of Idaho Code § 67-6500, et. seq., and the Menan City Code shall be forty-five (45) days, and in default of such report within such period, the planning commission shall forfeit the right further to suspend action with regard to the particular matter on which it has so defaulted. However, in any specific case, the city council may grant such longer period as it may deem proper within which the commission may make its report.

(F) Plans Involving Highways or Streets: No plan, plot, or description showing the layout of any highway or street on private property, or of building lots in connection with or in relation to such highway or street within the limits of the City of Menan shall be received for record in the office of the Clerk of the County of Jefferson until a copy of such plan, plot, or description has been filed with the commission, and it has certified its approval thereof.

(G) Funds: No funds shall be allowed by the Commission without the approval of the City Council.

### **TITLE 3 BUSINESS REGULATIONS**

CHAPTER 1 .....	GENERAL LICENSING PROVISIONS
CHAPTER 2 .....	BUSINESS CLASSIFICATIONS
CHAPTER 3 .....	BUSINESS REGULATIONS
CHAPTER 4 .....	BEER AND WINE



## **CHAPTER 1 GENERAL LICENSING PROVISIONS**

### **Section**

3-1-1	APPLICABILITY
3-1-2	LICENSE REQUIRED
3-1-3	EXEMPTIONS
3-1-4	LICENSE APPLICATION
3-1-5	LICENSE FEE
3-1-6	DISPLAY OF LICENSE
3-1-7	CHANGE OF OWNERSHIP, MANAGEMENT, NATURE OF BUSINESS OR LOCATION OF BUSINESS
3-1-8	NUISANCES
3-1-9	COMPLIANCE WITH LAWS
3-1-10	SUSPENSION OR REVOCATION OF LICENSE
3-1-11	APPEAL
3-1-12	PENALTY
3-1-13	SEVERABILITY

3-1-1                    **APPLICABILITY:** The provisions of this chapter shall be applicable to all wholesale and retail businesses and all activities, occupational callings, trades, pursuits or professions that conduct business from a location within the City of Menan with the object of gain, profit, benefit or advantage. Each business location shall be deemed a separate business unless it is a specific annex to the main location of the business. The license is not intended to repeal any license or franchise provisions of any other Ordinance of the City of Menan, nor is the license to be considered a waiver of any other requirements of compliance with any federal, state and local laws.

3-1-2                    **LICENSE REQUIRED:** No person shall engage in any business within the City of Menan for which licensing is required by this chapter, without having submitted a license application to the City Clerk and receiving a general business license in accordance with the provisions of this chapter. This license shall be in addition to any other license required by other sections of this chapter. Such license shall be valid for one calendar year so long as the ownership, management, nature of the business or location of the business remains unchanged.

3-1-3                    **EXEMPTIONS:**

(A) The fee provisions of this chapter shall not apply to:

(1) Persons qualifying as a nonprofit business, including charitable activities, within the meaning of Section 501(C)(3) of the United States Internal Revenue Code. Possession of a certificate of such status from the Internal Revenue Service shall be required to qualify for this exemption.

(2) Any agency of the United States government and any political subdivision of the State of Idaho.

(B) In addition, both the fee and license provisions of this chapter shall not apply to:

(1) Persons who make occasional sales of their own household property no more than twice each calendar year;

(2) Domestic servants, newspaper carriers or casual labor not included as temporary employees of a regularly conducted business; or

(3) Lessors of any residential property having one (1) or two (2) family units.

3-1-4 LICENSE APPLICATION: A general license application shall be provided by the City Clerk and the application shall contain information including, but not limited to, the name, residence address and residence phone number of the owner and manager of the business, the street and mailing address of the place of business, the business phone number and the nature of the business to be conducted at such address and any other information deemed necessary by the City for the health and safety of emergency service personnel or utility service providers. Every application shall be personally signed by the owner or his agent.

3-1-5 LICENSE FEE: A license fee in an amount set by resolution of the City Council has to be paid at the time the application is submitted to the City Clerk and prior to the issuance of a general business license. Also, in the case of new buildings, City services will not be turned on until the licensing is complete.

3-1-6                    **DISPLAY OF LICENSE:** Every business required under this Chapter to obtain a general business license shall display such license in a prominent location upon the business premises. No business shall loan, sell, give or assign to any other person or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession any license which has been issued to said business.

3-1-7                    **CHANGE OF OWNERSHIP, MANAGEMENT, NATURE OF BUSINESS OR LOCATION OF BUSINESS:**

                          (A)            Whenever the ownership, nature of the business or location of any business within the City is changed, a new license application reflecting the change shall be presented to the City Clerk within ten (10) days of said change. The date of the issuance of the new license shall be the new anniversary date for license renewal.

                          (B)            Whenever the management of the business changes, the City Clerk shall be notified in writing of the name of the new manager, residence address and residence phone number of the new manager.

3-1-8                    **NUISANCES:** No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact.

3-1-9                    **COMPLIANCE WITH LAWS:** Licensees shall comply with all applicable federal, state and local laws and regulations. A general business license may be denied, suspended or revoked for failure of the applicant to comply with the provisions of this Chapter.

3-1-10                  **SUSPENSION OR REVOCATION OF LICENSE:** In the event it is brought to the attention of the City Council that a violation has taken place, before revoking or suspending such license, the City Council shall cause notice to be served upon the licensee, setting forth in general terms, the violation or violations claimed to have been committed and such notice shall provide a time for the licensee to respond to the allegations. The City Council may revoke or suspend the license if the City Council finds that the license was issued in error or that licensee has violated the provisions of this Chapter and no refund of any unused portion of the license fee shall be made to the licensee.

3-1-11                    APPEAL: Any applicant who has made application for a license under the provisions of this chapter and who has been denied such a license, or any person holding a license which is revoked or suspended under the provisions of this chapter, may request a public hearing before the City Council.

3-1-12                    PENALTY: Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to misdemeanor fines, as modified from time to time, per Idaho State Statute; Title 50-302.

3-1-13                    SEVERABILITY: Should any portion of this chapter be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the chapter before the declaration of partial invalidity.

## **CHAPTER 2      BUSINESS CLASSIFICATIONS:**

### **SECTION:**

3-2-1	CLASSES DEFINED
3-2-2	LICENSE FEES
3-2-3	COLLECTION OF LICENSE FEES
3-2-4	PENALTIES
3-2-5	INAPPLICABILITY TO LIQUOR

3-2-1                      CLASSES DEFINED: All business, occupations, and manufacturing establishments in the City of Menan shall be classified as follows:

Class A: Corporations, associations, persons, individuals, manufacturing establishments, banks, or any other kind of business or occupation, doing business with a capital paid up and represented in true value, either in cash or in property, of not less than eight thousand dollars (\$8,000.00).

Class B: Corporations, associations, persons, individuals, manufacturing establishments, banks, or any other kind of business or occupation, doing business with a capital paid up and represented in true value, either in cash or in property, of less than eight thousand dollars (\$8,000.00).

Class C: Dental parlors, millinery stores, newspaper offices, butcher shops, produce stores, livery stables, real estate and loan offices, photograph galleries, amusement halls, etc.

Class D: Restaurants, tin-shops, barber-shops, confectionary, and cigar stores, etc.

Class E: Billiard halls, bowling alleys, roller skating rinks, shooting galleries, etc.

### 3-2-2                      LICENSE FEES:

(A)                      Class A shall pay an annual license of \$18.00.

(B)                      Class B shall pay an annual license of \$12.00.

(C) Class C shall pay an annual license of \$4.00, with the exception of butcher shops, photograph galleries, and amusement halls, which shall pay an annual license of \$8.00 each.

(D) Class D shall pay an annual license of \$4.00.

(E) Class E shall pay an annual license of \$24.00, except any person conducting a pool or billiard hall, who shall pay an annual license as provided in section 3-3-1(A) of this code.

3-2-3 COLLECTION OF LICENSE FEES: Such license shall be collected by the City Marshal and paid into the City Treasury on the first day of each quarter, beginning with the first day of May A.D. 1907.

3-2-4 PENALTIES: Any person, corporation, or individual liable for the payment of such license above provided for, and who shall refuse to pay the same, or who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding \$50.00, or the amount of the license may be collected in a civil action.

3-2-5 INAPPLICABILITY TO LIQUOR: Nothing in this chapter shall be construed as licensing or regulating or permitting the sale of intoxicating liquors, or conducting a saloon within the City of Menan.

## CHAPTER 3 BUSINESS REGULATIONS

### SECTION:

- 3-3-1 POOL HALLS AND CARD TABLES
  - 3-3-1(A) LICENSE FEE
  - 3-3-1(B) HOURS OF OPERATION
  - 3-3-1(C) ADMISSION OF MINORS
  - 3-3-1(D) OBSCURING WINDOWS
  - 3-3-1(E) COMPLIANCE WITH OTHER LAWS
  - 3-3-1(F) GAMBLING
  - 3-3-1(G) VIOLATION
  - 3-3-1(H) PENALTIES FOR VIOLATION
- 3-3-2 MEAT WAGONS
  - 3-3-2(A) LICENSE REQUIRED
  - 3-3-2(B) LICENSE FEE
  - 3-3-2(C) PENALTY
- 3-3-3 HOTELS AND LODGING HOUSES
  - 3-3-3(A) LICENSE REQUIRED
  - 3-3-3(B) PENALTY
- 3-3-4 COIN-OPERATED AMUSEMENT DEVICES
  - 3-3-4(A) LICENSE REQUIRED
  - 3-3-4(B) APPLICATION FOR LICENSE
  - 3-3-4(C) CONTENTS OF APPLICATION
  - 3-3-4(D) FILING OF APPLICATION
  - 3-3-4(E) BOARD OF TRUSTEES APPROVAL
  - 3-3-4(F) LICENSE FEE
  - 3-3-4(G) FORM AND PLACEMENT OF LICENSE
  - 3-3-4(H) LICENSE TRANSFERS
  - 3-3-4(I) REVOCATION OF LICENSE
  - 3-3-4(J) VIOLATIONS AND PENALTIES
- 3-3-1 POOL HALLS AND CARD TABLES

(A) LICENSE FEE: All persons operating or in charge of any card room, pool hall, billiard hall or bagatelle, or any kind of a table on which games are played with balls and cue, within the City of Menan, shall pay to the City of Menan an annual license of Fifty and no/100 (\$50.00) Dollars, payable quarterly in advance. The said license to expire on the 30th day of June of each year.

(B) HOURS OF OPERATION: All pool halls, billiard halls and card rooms shall be closed from the hour of twelve o'clock midnight until seven o'clock A.M.

(C) ADMISSION OF MINORS: It shall be unlawful for the owner or any person in charge of any room or building operated as a pool hall, billiard hall or card room, to permit any minor under the age of twenty (20) years to enter said place of business for any purpose or purposes whatsoever.

(D) OBSCURING WINDOWS: It shall be unlawful for the owner or operator or person in charge of any pool hall, billiard hall or card room to place curtains in any window fronting on the street, or to cover said windows with paint or any other substance which might obscure the view into such room or building from the street.

(E) COMPLIANCE WITH OTHER LAWS: Any room or building operated as a pool hall, billiard hall or card room shall comply with the sanitary rules and regulations of the County of Jefferson and the State of Idaho, as provided for the operation of said class of business.

(F) GAMBLING: It shall be unlawful for any owner or person in charge of any room or building operated as a pool hall, billiard hall or card room to conduct or allow to be conducted any gambling game of any device or nature whatever, including slot machines, upon the premises occupied as such pool hall, billiard hall or card room.

(G) VIOLATION: If any person or persons shall violate any of the provisions of this Ordinance, the Village Board may in its



(H) PENALTIES FOR VIOLATION: Any person who violates any of the provisions of this chapter shall be guilty of a criminal offense, and upon conviction thereof shall be fined in any sum not to exceed \$100.00, and in default of payment of such fine shall be imprisoned in jail at the rate of one day for each \$1.50 of such fine.

### 3-3-2 MEAT WAGONS

(A) License Required: Any meat wagon coming within the City limits for the purpose of peddling meat shall, before beginning such business, procure from the City Clerk a license.

(B) License Fee: The amount of such license shall be one hundred dollars \$100.00 per year, provided that the said license may be issued quarterly, at the same rate.

(C) Penalty: Any person or persons who shall peddle meat within the City Limits, without first procuring a license, is guilty of a misdemeanor, and upon conviction of the same, shall be fined in a sum not to exceed fifty dollars (\$50.00), or by imprisonment in the City or County jail, not to exceed twenty-five (25) days, or by both such fine and imprisonment.

### 3-3-3 HOTELS AND LODGING HOUSES

(A) License Required: Any person conducting a hotel or lodging house in the City of Menan shall pay a license of four dollars (\$4.00) per annum.

(B) Penalty: Any person violating this section shall be guilty of a misdemeanor and shall be punished for each offense by a fine not to exceed ten dollars (\$10.00), or ten (10) days in the City or County jail, or by both such fine and imprisonment, or the City may collect the amount of such license by a civil action.

### 3-3-4 COIN-OPERATED AMUSEMENT DEVICES:

(A) LICENSE REQUIRED: It shall be lawful for any person, partnership, corporation or association within the City of Menan, Jefferson County, Idaho to operate within the said City of Menan, Jefferson County, Idaho coin-operated amusement devices as defined by Chapter 151, Idaho Sessions Laws, 1947, providing a license is first obtained from the City of Menan as provided in this section, and providing the rules and regulations and provisions concerning the licensing and operation of the same as provided in this section and Chapter 151, Idaho Sessions Laws, 1947 are complied with.

(B) APPLICATION FOR LICENSE: Before any such coin-operated amusement devices may be operated with the City of Menan an application for a license for each such device, or devices shall be filed with the City Clerk of the City of Menan on an application form provided by the City therefor.

(C) CONTENTS OF APPLICATION: Said application form shall provide, among other things, the following information:

- (1) The name of the applicant;
- (2) Whether such applicant is an individual person, a partnership, a corporation, or an association;
- (3) The name and location of the place where it is proposed such coin operated devices are to be operated; and
- (4) The number of such device and the make, serial number, type and coin denomination of each such license or device desired to be operated by the applicant at such location.

(D) FILING OF APPLICATION: Such application shall be filed and verified by the applicant before the City Clerk, or if the application is made by a partnership, then by one of the partners, or if by a corporation, then by an officer of such corporation, or if by an association, then by an officer of such association. Such application shall be accompanied by documentary evidence that the applicant is the owner of each of such coin-operated amusement devices which it is sought to be licensed.

(E) BOARD OF TRUSTEES APPROVAL: Such application must be filed with the City Clerk at least the day before the Board of Trustees meet to consider said application. The approval or disapproval of the application shall rest with the Board of Trustees. Upon the approval of the application by the Board of Trustees the City Clerk shall thereupon collect the license fee and upon the payment thereof shall issue the license stamp hereinafter provided for; the City Clerk shall not receive the license fees until after the application has been submitted to the Board of Trustees and has been approved by said Board of Trustees.

No coin-operated device shall be operated until the application has been approved, the license fee paid, and the license stamp has been placed thereon and cancelled as provided by law.

(F) LICENSE FEE: The license fee required for the obtaining of the license stamp for the operation of said coin-operated device shall be the sum of Five Hundred Dollars (\$500.00) for a device with one insert for coins and the sum of Five Hundred (\$500.00) Dollars for each additional insert for coins on each device for each calendar year, which license fee shall be pro-rated as of the actual month of issue for the remainder of the license calendar year. The license fee shall include the pro-rated share of the license for the entire month in which the same is issued. Of the license fee so collected One Hundred Twenty-five (\$125.00) Dollars, or the pro-rata portion thereof, if issued for less than a full calendar year, shall be collected for the State of Idaho, and One Hundred Twenty-five (\$125.00) Dollars thereof, or the pro-rata portion thereof, if issued for less than a full calendar year, shall be collected for Jefferson County, Idaho, and the balance of the said license fee shall be deposited in the general fund of the City of Menan; provided further that the monies so collected for the State of Idaho, and the County of Jefferson, State of Idaho, shall be deposited in and kept in a special trust fund and remitted to the State Treasurer of the State of Idaho and the Treasurer of Jefferson County, State of Idaho, respectively, quarterly on the 1st day of July, the 1st day of October, the 1st day of January, and the 1st day of April of each year.

(G) FORM AND PLACEMENT OF LICENSE: The license shall be the form of a stamp and a separate license must be issued for each coin-operated amusement device. The licensee immediately upon issuance shall affix the stamp to the coin-operated amusement device in a conspicuous place, and cancel the same by cutting it criss-cross with a sharp instrument.

(H) LICENSE TRANSFERS:

(1) No licensee shall transfer to any other person such license or licenses so issued, nor shall any licensee transfer the license device to any other location other than the one designated on the original application, and the one for which the license was originally authorized therefore, without first making application to the Board of Trustees for such transfer by submitting application to the City Clerk at least the day before the meeting of the Board of Trustees, and obtaining the approval of the Board of Trustees for such transfer.

(2) The Board of Trustees may authorize the transfer of such a license from one person to another, or from one location to another, but any such transfer so authorized by the Board or Trustees shall not be authorized until a transfer fee of Ten (\$10.00) Dollars for each such license transferred shall be collected by the City Clerk, for such transfer, and preceding such transfer after the authorization by the Board of Trustees.

(I) REVOCATION OF LICENSE: If any licensee of a coin-operated amusement device violates any of the provisions of this section, or is convicted of violating any of the provisions of chapter 151, Idaho Sessions Laws, 1947, the Board of Trustees are hereby authorized and empowered to revoke all licenses to operate such devices issued to said licensee; provided however, that before revoking such licenses for the violation of either the provisions of this section or the aforesaid Chapter 151, Idaho Sessions Laws, 1947, the Board of Trustees shall cause a notice in writing to be served upon such licensee, setting forth the violation, or violations claiming to exist, or to have existed, which notice shall provide a time for a hearing before the Board of Trustees, which date of hearing shall not be less than Ten (10) days, nor more than twenty (20) days from the date of the service of said notice upon the said licensee. Upon or following said hearing the Board of Trustees upon finding that the provisions of this section, or the provisions of Chapter 151, Idaho Sessions Laws, 1947, have been violated by such licensee shall thereupon revoke all such licenses issued to such licensee and no refund of any unused portion of the license fee shall be made to the said licensee.

(J) VIOLATIONS AND PENALTIES: Any violation of the provisions of this section, the penalty for which is not provided for by said Chapter 151, Idaho Sessions Laws, 1947, shall constitute a misdemeanor which shall be punished in the same manner as provided for in Chapter 151, Idaho Sessions Laws, 1947, to wit: By a fine of not less than Two Hundred (\$200.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for not less than two (2) months, nor more than Twelve (12) months, or by both such fine and imprisonment. No person so convicted shall thereafter be eligible to receive a license for any coin-operated amusement device in the City of Menan.

## CHAPTER 4 BEER AND WINE

### SECTION:

3-4-1	DEFINITIONS
3-4-2	APPLICATION FOR LICENSE REQUIRED
3-4-4	CONDITIONS FOR ISSUANCE
3-4-5	LICENSE ISSUANCE
3-4-6	DENIAL, REVOCATION, AND PROCEDURES FOR APPEAL
3-4-7	DISPLAY OF LICENSE
3-4-8	LICENSE TERM
3-4-9	LICENSE FEE
3-4-10	LICENSE NONTRANSFERABLE
3-4-11	HOURS OF SALE
3-4-12	AGE RESTRICTION – SALES
3-4-13	PENALTY
3-4-14	SEVERABILITY

### 3-4-1 DEFINITIONS:

**APPLICANT:** A person who is seeking a beer and/or wine license from the City of Menan.

**BEER:** Any beverage obtained by the alcoholic fermentation of an invention or concoction of barley, malt and other ingredients in drinking water containing not more than six percent (6%) alcohol by weight.

**LICENSE:** A license issued by the Mayor and Council of the City of Menan, Idaho, to a qualified person under which it shall be lawful for the licensee to sell and dispense beer as provided by this chapter.

**LICENSEE:** The person to whom a license is issued under the provisions of this chapter, and/or as provided for in Idaho Code, as amended.

**PERSON:** Includes any individual, firm, partnership, association, corporation or any group or combination acting as a unit.

**RETAILER:** Any person engaged in the sale or distribution of beer or wine to the consumer.

**WINE:** Any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar whether or not the other ingredients are added.

All other words and phrases used in the ordinance, the definition of which is not herein given, shall be given the ordinary and commonly understood and accepted meaning.

[Modified by Ordinance 415; enacted February 2017]

#### 3-4-2 LICENSE REQUIRED

Except as otherwise provided in this Section, no person shall sell or dispense beer at retail within the City without first obtaining a license from the City as required by this Chapter.

[Modified by Ordinance 415; enacted February 2017]

#### 3-4-3 APPLICATION FOR LICENSE REQUIRED

(A) Application: Before the City shall provide an Applicant a license, the Applicant must first submit a completed application, available at City Hall, with the required license fee to the City Clerk.

(B) Every application shall contain the following information verified by affidavit:

(1) A complete copy of the applications filed by the applicant with Jefferson County, Idaho and the State of Idaho pursuant to their respective requirements to obtain a beer and/or wine license.

(2) A copy of their beer and/or wine licenses issued by Jefferson County, Idaho and the State of Idaho.

(3) If, during the period of any license issued hereunder, any change shall take place regarding any information contained in the applications filed with Jefferson County, Idaho and the State of Idaho provided by the applicant pursuant to sub-paragraphs (1) and (2) of this sub-section, the licensee shall forthwith make a verified report of such change to the City Clerk. Failure to do so may be grounds for revocation of license.

[Modified by Ordinance 415; enacted February 2017]

#### 3-4-4 CONDITIONS FOR ISSUANCE:

In order to qualify for issuance of a retail beer and wine license in the City of Menan, Idaho the applicant must provide proof of valid State of Idaho and Jefferson County licenses for the retail sale of beer. In order to qualify for the issuance of a retail wine license in the City of Menan, Idaho the applicant must provide proof of a valid State of Idaho and Jefferson County licenses for the retail sale of wine.

[Modified by Ordinance 415; enacted February 2017]

3-4-5                    LICENSE ISSUANCE: The Mayor and Council of the City of Menan, at regular or special meetings may issue a beer and wine license to qualified applicants as herein provided, whereby the licensee shall be authorized and permitted to sell beer at retail; and upon the issuance of such license, the licensee therein named shall be authorized to sell beer within the City of Menan, Idaho. The Mayor and City Council of the City of Menan may delegate the processing of applications and the granting or denying thereof to the City Clerk. The application shall be approved or denied within thirty (30) days of the filing of the application with the City Clerk.

3-4-6                    DENIAL, REVOCATION, AND PROCEDURES FOR APPEAL:

(A)            Record of Proceedings: In cases where the City Council is considering applications, transfers, or renewals for or hearing an appeal from a denial of a licenses, transfers or renewals thereof, a transcribe-able, verbatim record of the proceedings shall be made. If the applicant form or appeal from a denial of a license, transfer, or renewal is denied, the record of the proceedings shall be kept for a period of no less than six (6) months after a final decision on the matter. For the purpose of this Section, the date of final decision shall be the date upon which the written decision of the City Council is transmitted to the applicant. Upon written request and within the time period provided for the retention of the record, any person may have the record transcribed at their own expense. When the City Clerk denies any application, the applicant may appeal the City Clerk's decision to the City Council within (30) days of the denial of the application.

(B)            Denial: Whenever the Mayor and City Council deny 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.

(C) Refusal of License; Appeal: The City Council hereby reserves the right to refuse any applications and its actions shall be final. However, any applicant denied a license, transfer or renewal may, within twenty-eight (28) days, after all remedies have been exhausted under city ordinances and procedures, seek judicial review under the procedures provided in Idaho State Code Title 67, chapter 52, and for such purposes a city shall be construed to mean an agency.

(D) Revocation of License; Appeal: Any licensee convicted of a violation of any law of the State or ordinance of the City relative to the illegal selling of beer or other intoxicants, the Mayor and City Council, after notice and hearing, shall revoke the license. Any person who is aggrieved by the action of the City Council in the revocation of said license to sell beer and wine may, upon notice of the City Clerk of such action, appeal the decision to the District Court within twenty-eight (28) days as provided by Idaho State Statute.

[Modified by Ordinance 415; enacted February 2017]

3-4-7 DISPLAY OF LICENSE: Such licenses shall, at all times, be displayed and kept posted by the licensee in a conspicuous place in the licensed premises.

3-4-8 LICENSE TERM: All licenses shall be granted by for a term of one (1) year, beginning January 1 and ending December 31.

3-4-9 LICENSE FEES: License fees are set by the City Council, by Resolution, not to exceed the maximum fees set forth by Idaho Statute Title 23-1016 part (a.) and (b.).

License Nontransferable

3-4-10 LICENSE NONTRANSFERABLE: No license herein issued shall be transferable, and the place where beer and wine is sold shall be described with common certainty giving the name of the building, street, or other pertinent information.



3-4-11

HOURS OF SALE:

(A) On-Premises Consumption: Beer and wine may be sold Sunday through Saturday from six o'clock a.m. until one o'clock a.m., in any place licensed to sell beer and/or wine to be dispensed and consumed on the premises.

[Amended by Ordinance 423; enacted June 2018]

(B) Off-Premises Consumption: Packaged beer and wine not to be consumed on the premises may be sold Sunday through Saturday from six o'clock a.m. until one o'clock a.m.

(C) Compliance with State Law: The sale of beer and wine will not be sold in violation of Idaho Statute Title 23-307.

(D) Special Events: The Mayor and City Council reserve the right to modify the hours of operation, to accommodate a special event. Written request for such accommodation must be submitted to the City Clerk within seventy-two (72) hours of the event by a licensed entity/individual set forth herein.

3-4-12 AGE RESTRICTION – SALES: No licensee may employ a person under the age of 21 years to sell, deliver or give away, or cause to be sold, delivered, or given away, any beer to any person within the City of Menan.

3-4-13 PENALTY: Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to misdemeanor fines, as modified from time to time, per Idaho State Statute Title 50-302.

3-4-14 SEVERABILITY: If any clause, sentence, paragraph, section, or any part of this chapter, shall be declared or adjudged to be invalid and/or unconstitutional, such invalidity or unconstitutionality shall not affect, invalidate, or mollify the remainder of this chapter.

## CHAPTER 5 LIQUOR

### SECTION:

3-5-1	SHORT TITLE
3-5-2	DEFINITIONS
3-5-3	LICENSE REQUIRED
3-5-4	LICENSE TO SELL LIQUOR BY THE DRINK
3-5-5	APPLICATION FOR LICENSES; PENALTY FOR FALSE STATEMENTS
3-5-6	QUALIFICATIONS OF APPLICANT
3-5-7	INVESTIGATION OF APPLICANT
3-5-8	LICENSE FEE
3-5-9	ISSUANCE AND TERM OF LICENSE
3-5-10	LICENSE TRANSFERS
3-5-11	LICENSE RENEWAL
3-5-12	HOURS OF SALE
3-5-13	ALCOHOL BEVERAGE CATERING PERMIT
3-5-14	APPROVAL OF ALCOHOL CATERING PERMIT
3-5-15	CLERK TO MAKE REGULATIONS
3-5-16	REVOCATION OF LICENSE
3-5-17	LICENSE SUSPENSION OR REVOCATION APPEAL
3-5-18	PENALTIES
3-5-19	PUBLIC PLACES
3-5-20	FALSE REPRESENTATION AS BEING TWENTY-ONE (21) OR MORE YEARS OF AGE

### 3-5-1 SHORT TITLE

This Code Section shall be referred to as the “Liquor Law of the City of Menan.”

### 3-5-2 DEFINITIONS

For the purposes of this Chapter, definitions shall be the same as established in Idaho Code Title 23, Chapter 9.

### 3-5-3 LICENSE REQUIRED

It shall be unlawful for any person to sell liquor by the drink at retail within the City without having first procured, and only after having received, a license therefore issued by the City.

### 3-5-4 LICENSE TO SELL LIQUOR BY THE DRINK

(A) The City Clerk is hereby empowered, authorized and directed to issue licenses to qualified applicants as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules and regulations promulgated by the City Clerk and approved by the City Council and the provisions of this Chapter.

(B) Provided, however, that in addition to the qualifications herein set forth, no license to sell liquor by the drink shall be issued to a person, organization or business establishment which does not operate an establishment that is a restaurant. A restaurant, for purposes of this Chapter, means any restaurant, cafe, hotel dining room, coffee shop, cafeteria, railroad dining car or other eating establishment having kitchen and cooking facilities for the preparation of food and additionally meets the following requirements:

- (1) Hot meals are regularly served to the public; and
- (2) The restaurant derives at least forty percent (40%) of its gross revenue from the sale of food, including sales of food for consumption off the licensed premises if the amount of those sales included in the calculation of gross revenue from the sale of food does not exceed fifteen percent (15%) of all gross revenue of the restaurant.

(C) Catering permits for one day may be issued to any person or organization or establishment licensed under this Chapter, as provided in Idaho Code, §23-934A.

### 3-5-5 APPLICATION FOR LICENSES; PENALTY FOR FALSE STATEMENTS

Prior to the issuance of a license as herein provided, the applicant shall file with the City Clerk an application in writing, signed by the applicant and containing such information and statements relative to the applicant and the premises where the liquor is to be sold as may be required by the City Clerk. The application shall be verified by the affidavit of the person making the same before a person authorized to administer oaths and shall be accompanied with the license fee herein required. In addition to setting forth the qualifications required by other provisions of this Chapter, the applicant shall show and/or attach:

(A) A complete copy of the applications filed by the applicant with Jefferson County, Idaho, and the State of Idaho pursuant to their respective requirements to obtain a liquor license.

(B) If the application is a renewal application, proof that the restaurant meets the requirements set forth in Section 3-5-4(B) of this Chapter.

(C) If, during the period of any license issued hereunder, any change shall take place regarding any information contained in the applications filed with Jefferson County, Idaho, and the State of Idaho provided by the applicant pursuant to any of the requirements of sub-paragraphs (A) of this Section, the licensee shall forthwith make a verified report of such change to the City Clerk. Failure to do so may be grounds for revocation of license.

(D) If any false statement is made in any part of said application, or any subsequent report, the applicant, or applicants shall be deemed guilty of a misdemeanor and sentenced as set forth in Section 3-5-18 of this Chapter.

### 3-5-6 QUALIFICATIONS OF APPLICANT

The applicant for a license shall possess all of the qualifications necessary to obtain a license from the Commissioner of Law Enforcement of the State of Idaho as prescribed by Chapter 9, Title 23, Idaho Code, as amended, and shall obtain such state license.

### 3-5-7 INVESTIGATION OF APPLICANT

(A) Upon receipt of an application for a license under this Chapter, accompanied by the necessary license fee, the City Clerk, within thirty (30) days thereafter, shall cause to be made thorough investigation of all matters pertaining thereto.

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(B) The City Clerk shall determine that the contents of the application are true, that such applicant is qualified to receive a license, that the premises are suitable for the carrying on of the business, and that the requirements of this Chapter and the rules and regulations promulgated by the City Clerk are met and complied with. [1]  
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(C) In making the investigation required by this Code Section, the City Clerk shall have the power to investigate and examine the books and records of the licensee and any person having a financial interest in any business to be conducted on the

licensed premises, including, but not limited to, their bank accounts, tax returns, and any other sources of information deemed to be desirable by the City Clerk relative to the application and not specifically prohibited by law. The City Clerk shall be aided in investigation by the law enforcement of the City, whether contracted or an entity of the City, where appropriate.

### 3-5-8 LICENSE FEE

(A) The license fee imposed and collected shall be established by resolution adopted by the City Council in an amount that is in compliance with Idaho Code Section 23-916, for each license year, as established in this Chapter. If the license is issued for less than a full calendar year, the license fee shall be prorated as of the month of actual issuance up to one-half (1/2) of the total fee. <sup>[L]</sup><sub>[SEP]</sub>

### 3-5-9 ISSUANCE AND TERM OF LICENSE

(A) Every license issued under this Chapter shall be issued by the City Clerk and shall set forth the name of the person to whom issued, the location by street and number, or other definite designation, of the premises, and such other information as the City Clerk shall deem necessary. If issued to a partnership, the names of the persons constituting such 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. The licensee shall sign the license. Every license issued under the provisions of this Chapter is separate and distinct and no person except the licensee therein named, except as herein otherwise provided, shall exercise any of the privileges granted thereunder.

(B) Each license issued under the provisions of this Chapter shall be granted for the same period as a liquor license issued by the State of Idaho, pursuant to Title 23, Chapter 13 of Idaho Code, as amended, and shall be subject to renewal upon proper application with City.

(C) No person shall be granted more than one (1) license for any one (1) year; and no partnership, association or corporation holding a license under this Chapter shall have as a member, officer or stockholder, any person who has any financial interest of any kind in, or is a member of, another partnership or association, or an officer of another corporation holding a license in the same city for the same year; provided, that this Code Section shall not prevent any person owning two (2) or more buildings on connected property from making application for and receiving licenses permitting the sale of liquor by the drink in such building.

### 3-5-10 LICENSE TRANSFERS

(A) Application to transfer any license issued hereunder shall be made to the City Clerk. Upon receipt of such application, together with a transfer of fee as established by resolution of the Council, the City Clerk shall make the same investigation and determination and take the same action with respect to the transferee as is required of an applicant by this Chapter. <sup>[L]</sup><sub>[SEP]</sub>

(B) The City Clerk shall thereafter and within thirty (30) days grant or deny the transfer of said license. In the event the City Clerk grants the transfer of said license, the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which license has been issued and the City Clerk shall note the City Clerk's approval thereof upon such license. <sup>[L]</sup><sub>[SEP]</sub>

### 3-5-11 LICENSE RENEWAL

(A) All liquor licenses as herein provided shall be renewed by the City Clerk after written application for renewal, which said written application shall be filed with the City Clerk accompanied by an affidavit of the applicant showing such applicant to be qualified by the provisions of this Chapter and the Idaho Code.

(B) The license renewal application shall comply with all of the requirements set forth in 3-5-5 of the Menan City Code, unless there are no changes to the initial application. If there are no changes to the initial application, then the applicant shall provide a complete copy of the applications filed by the applicant with Jefferson County, Idaho, and the State of Idaho, pursuant to their respective requirements to obtain a liquor license and any liquor licenses issued by Jefferson County, Idaho, and the State of Idaho, for the same time period as requested in the renewal application.

(C) In the event a written protest or objection to the renewal of said license or permit is filed with the City Clerk, then and in that event, said application for renewal shall be submitted to the City Council and issued only after approval by the City Council.

### 3-5-12 HOURS OF SALE

No liquor shall be sold, offered for sale or given away upon any licensed premises, and all liquor not in sealed bottles shall be locked in a separate room or cabinet

between one o'clock (1:00) a.m. and ten o'clock (10:00) a.m. local time Sunday through Saturday.

### 3-5-13 ALCOHOL BEVERAGE CATERING PERMIT

Any person holding a retail alcohol license may serve and sell liquor, and/or beer and wine at retail by the drink, at a party, festival, or convention at a location other than at the licensed premises for a period not to exceed five (5) consecutive days, upon obtaining an alcohol beverage catering permit. Applications for such permit shall be made to the City Clerk on such form as prescribed by the City Clerk, which form shall contain the following information:

- (1) The name and address of the applicant and the number of said applicant's state alcohol license.
- (2) The dates and hours during which the permit is to be effective, not to exceed five (5) consecutive days. <sup>[L]</sup><sub>SEP</sub>
- (3) The names and addresses of the organizations, groups, or persons sponsoring the event. <sup>[L]</sup><sub>SEP</sub>
- (4) The address at which the alcohol is to be served. <sup>[L]</sup><sub>SEP</sub>

The application shall be verified by the applicant and filed with the City Clerk. A filing fee in an amount established by Resolution duly adopted by the City Council for each day the permit is to be effective shall be paid to the City Clerk. Such fee shall not be refunded in any event.

### 3-5-14 APPROVAL OF ALCOHOL CATERING PERMIT

(A) Upon the filing of an application for an alcohol beverage catering permit, the City Clerk shall, pursuant to any Resolutions established by the City Council regarding fees and administrative processes, confer with and obtain the advice and recommendation of the contract law enforcement or City Police Chief (whoever is the law enforcement of the City at the time), and the Central Fire District designee or Fire Chief of the City (whoever is the fire department equivalent of the City at the time). After obtaining this information, the City Clerk shall approve or disapprove the application and indicate the determination on the face of the application by endorsement signed by the City Clerk. <sup>[L]</sup><sub>SEP</sub>

(B) Copies of the application with signed endorsements thereon shall be mailed or delivered immediately to contract law enforcement or City Police Chief (whoever is the law enforcement of the City at the time), and the Central Fire District designee or Fire Chief of the City (whoever is the fire department equivalent of the City at the time), the Director of the Idaho Department of Law Enforcement and the applicant. A signed copy shall be retained by the City Clerk.

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(C) An application approved in this manner shall constitute a permit, unless disapproved by the Director of the Idaho Department of Law Enforcement by notice served upon the applicant for the retail sale of liquor by the drink, and/or beer and wine for the period authorized by the permit.

### 3-5-15 CLERK TO MAKE REGULATIONS

(A) For the purpose of the administration of this Chapter, the City Clerk may promulgate and publish such rules and regulations as the City Clerk may deem necessary for carrying out the provisions of this Chapter and for the orderly and efficient administration hereof and except as may be limited or prohibited by law and the provisions of this Chapter such rules and regulations so made and promulgated shall have the force of ordinance. Said rules and regulations shall be in effect from and after approval by resolution duly adopted by the City Council.

(B) Without limiting the generality of the foregoing provision, the City Clerk shall be empowered and it is made the City Clerk's duty to prescribe forms to be used in the administration of this Chapter, the proof to be furnished and conditions to be observed in the issuance of the licenses, prescribing notices required by this Chapter or the regulation thereof, and the manner of giving and serving the same, prescribing, subject to the provisions of this Chapter, the conditions and qualifications necessary to obtain a license, and providing for the inspection of such licensed premises, and make regulations respecting the sale and consumption of liquor in all places of business of said licensee.

(C) Notice that each proposed rule and regulation shall be considered by the City Council and shall be published once in a newspaper of general circulation in the City prior to consideration by the City Council. Said notice may summarize the substance of each proposed rule and regulation.



(D) The City Clerk shall revoke any licenses pursuant to Section 3-5-16 of the Menan City Code.

### 3-5-16 REVOCATION OF LICENSE

(A) The revocation or suspension of a licensee's license issued by the State of Idaho, or Jefferson County, Idaho, shall be deemed by the City Clerk as prima facie evidence for the revocation or suspension of any license issued hereunder. The receipt of any information that would disqualify a licensee who has been issued a license pursuant to this Chapter from obtaining a license pursuant to Section 3-5-5 shall be deemed by the City Clerk as prima facie evidence for the suspension of any license hereunder. The City Clerk shall immediately suspend the license issued pursuant to this Chapter upon receipt of prima facie evidence for the revocation or suspension of any license issued hereunder. Evidence may be presented to the City Clerk by any person. A person seeking to present evidence to the City Clerk shall make complaint, in writing and under oath, and shall file such complaint with the City Clerk setting forth facts showing that grounds exist to revoke, to suspend, or to refuse grant of a renewal of a license issued to a licensee under the provisions of this Chapter.

(B) In the event of the conviction or violation of the licensee licensed under the provisions of this Chapter or any law of the United States of America, or of the State of Idaho, or any ordinance of Jefferson County, Idaho, regulating, governing or prohibiting the sale, manufacture, transportation, consumption of any alcoholic beverage or intoxicating liquor or if the licensee licensed under the provisions of this Chapter shall violate any of the provisions of this Chapter, the City Council may seek, in its discretion, the revocation, suspension or nonrenewal of said license. <sup>[[L]]</sup><sub>SEP</sub>

(C) If the Central Fire District designee or Fire Chief of the City (whoever is the fire department equivalent of the City at the time), upon inspection of the licensed premises, has reason to believe that occupancy load limits have been exceeded, or that any other violation of health and safety regulations has occurred, the Central Fire District designee or Fire Chief of the City (whoever is the fire department equivalent of the City at the time) shall have the authority to demand immediate compliance. If such compliance is not obtained, the Central Fire District designee or Fire Chief of the City (whoever is the fire department equivalent of the City at the time) may issue a citation for such violation to said licensee and may immediately revoke said licensee's license to sell liquor. <sup>[[L]]</sup><sub>SEP</sub>

(D) When a license is revoked or suspended, the City Clerk shall, as soon as reasonably possible, give notice thereof in writing to the other licensing

authorities from whom a liquor license was obtained by the licensee and shall provide written notice to the licensee by certified mail or by hand delivery.

### 3-5-17 LICENSE SUSPENSION OR REVOCATION APPEAL

(A) Any person aggrieved by the action of denial, suspension or revocation of the license by the City Clerk shall have the right of appeal to the City Council.

(B) Such appeal shall be taken by filing with the City Clerk written notice thereof within five (5) business days after the denial or the entry of the order of suspension or revocation. The notice of appeal shall specify an address at which the person appealing may be given notice of hearing on the appeal.

(C) At the appeal hearing before the City Council, the applicant or person appealing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation, or may appear through legal counsel. The City Clerk, contract law enforcement or City Police Chief (whoever is the law enforcement of the City at the time), the Central Fire District designee or Fire Chief of the City (whoever is the fire department equivalent of the City at the time), and/or legal counsel for the City shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order of suspension, or revocation. Failure by the applicant, person appealing, or their representative to appear before City Council at the time scheduled to hear such an appeal shall result in the automatic denial of such appeal.

(D) The Council shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

### 3-5-18 PENALTIES

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction shall be punished. The penalty for a misdemeanor in violation of this Chapter is a fine of not more than five hundred dollars (\$500.00) and/or jail of not more than six (6) months for each offense.

### 3-5-19 PUBLIC PLACES

It shall be unlawful for any person to sell, serve, give away, dispense, consume or carry any liquor in open containers on or in any public street, highway, alley, lane, sidewalk, public or private parking lot, conveyance, primary and secondary school facilities, except on the premises of a licensed retail liquor establishment.

3-5-20        FALSE REPRESENTATION AS BEING TWENTY-ONE (21) OR MORE YEARS OF AGE

(A)    Any person under the age of twenty-one (21) years who shall by any means represent to any person licensed to sell liquor at retail or wholesale, or to any agent or employee of such retail or wholesale licensee, that he or she is twenty-one (21) or more years of age for the purpose of entering licensed premises or inducing such retail or wholesale licensee, his or her agent or employee, to sell, serve or dispense liquor to him or her shall be guilty of a misdemeanor and sentenced as provided in Section 3-5-18 of this Chapter. <sup>[1-]</sup><sub>[SEP]</sub>

(B)    Any person who shall by any means represent to any such retail licensee, his or her 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 entering licensed premises or inducing such retail or wholesale licensee, his or her agent or employee, to sell, serve or dispense liquor to such other person, shall be guilty of a misdemeanor and sentenced as provided in Section 3-5-18 of this Chapter.

[Title 5, Chapter 3 enacted January 2018]

## TITLE 4 HEALTH AND PUBLIC SAFETY

CHAPTER 1 .....	GENERAL OFFENSES
CHAPTER 2 .....	VEHICLE STORAGE; JUNK AND LITTER CONTROL
CHAPTER 3 .....	DOG CONTROL
CHAPTER 4 .....	STREETS, SIDEWALKS, AND PUBLIC WAYS
<b>Error! Reference source not found.</b> .....	MAILBOX CODE
CHAPTER 6 .....	FIREARMS
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## CHAPTER 1      GENERAL OFFENSES

### SECTION:

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4-1-1(B)	PENALTY
4-1-2	DESTRUCTION OF PROPERTY
4-1-2(A)	PROHIBITED CONDUCT
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4-1-3(F)	PENALTY

#### 4-1-1              DISTURBING THE PEACE:

(A)      Prohibited Conduct: It shall be unlawful for any person to willfully and unlawfully, or maliciously, commit any disturbance of the peace, within the limits of the City of Menan, by loud and unusual noises, or by using offensive or tumultuous conduct, or by foul or offensive odors, or profane or obscene language; by indecent or disorderly, or boisterous, or lewd, or lascivious conduct, or behavior, or by the discharging of pistols, guns or other firearms, or anything loaded with gunpowder or other explosives, or in any such manner or otherwise disturb any lawful assembly, or by committing assault or battery against any person, is guilty of the crime of disturbing the peace.

(B)      Penalty: Any person who is found guilty of the crime of disturbing the peace shall be guilty of (1) an infraction on the first offense, and shall be fined not more than one hundred dollars (\$100.00) for that offense; (2) an infraction on the second offense, and shall be fined not more than three hundred dollars (\$300.00) for that offense; (3) a misdemeanor on the third offense and each offense thereafter, and shall be fined not more than one thousand dollars (\$1,000.00) and/or jailed for not more than six (6) months for that offense.

4-1-2

DESTRUCTION OF PROPERTY:

(A) Prohibited Conduct: It shall be unlawful for any person or persons to maliciously destroy, remove, or deface, any tie-post, sign board, foot bridge, tree-crib, or posts that are set out for the protection of sidewalks, or shade trees, or any property, public or private, within the corporate limits of the City of Menan.

(B) Penalty: Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed seventy-five dollars (\$75.00), or be imprisoned in the City or County jail, for one day for each one dollar of such fine.

4-1-3

BURNING OF DEBRIS:

(A) Definitions: For the purposes of this section, words shall have the following meanings:

DEBRIS: Includes construction debris associated with the initial construction or remodel of a building, lawn clippings, tree trimmings, cardboard boxes, animal remains, tires and plastic.

PERMIT: A temporary license issued by the City of Menan specifying the date, time and place of the burn.

NUISANCE: Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, or any navigable lake, or river, stream, canal or basin, or any public park, square, street, or highway is a public nuisance.

(B) Prohibited Conduct: The burning of debris is prohibited within the confines of the City of Menan without a permit.

(C) Permit Application: Application shall be made on a form provided by the City of Menan. There shall be no fee required, but the applicant must submit the request seventy-two (72) hours prior to the burn.

(D) Right to Decline: The City retains the right to decline the permit based upon weather conditions and whether the smoke would constitute a nuisance.

(E) Exceptions: This section shall not apply to barbecues, Dutch oven cooking, or bon fires confined within a three-foot pit or other structure having a diameter of three feet (3') or less. Unforeseen fires shall be exempted from this provision.

(F) Penalty: A first offense shall be punishable by a fine up to and including fifty dollars (\$50.00). A second or subsequent offense is punishable by a fine up to five hundred dollars (\$500.00) and six (6) months in jail.

## CHAPTER 2

## VEHICLE STORAGE; JUNK AND LITTER CONTROL

### SECTION:

4-2-1	DEFINITIONS
4-2-2	STORAGE OF AUTOMOBILES AND MACHINERY
4-2-3	RECREATIONAL OR COMMERCIAL VEHICLES; BUSES
4-2-3(A)	RECREATIONAL VEHICLES
(B)	COMMERCIAL VEHICLES
4-2-3(C)	BUSES
4-2-4	OBSTRUCTING SIDEWALKS, WALKWAYS AND PATHS
4-2-5	STORAGE BETWEEN CITY PROPERTY LINE AND SETBACK LINE
4-2-5(A)	ITEMS ENUMERATED
4-2-5(B)	CONCEALED FROM PUBLIC VIEW
4-2-6	LITTERING
4-2-6(A)	PUBLIC OR PRIVATE PLACES
4-2-6(B)	ACCUMULATION UPON PRIVATE PROPERTY
4-2-6(C)	LITTERING FROM VEHICLES
4-2-7	DEPOSIT OF PETROLEUM PRODUCTS
4-2-8	PENALTIES

### 4-2-1 DEFINITIONS:

COMMERCIAL VEHICLES: As defined in Idaho Code § 49-123(c).

GARBAGE: Any waste resulting from the preparation, cooking, consumption or handling of food or other edible substance, whether for human or animal consumption, including without limitation, waste from the handling, storage and sale of produce.

JUNK: Any waste consisting of any mechanical appliance, vehicle, machinery, equipment or apparatus, or any parts therefrom, including without limitation, all non-functional appliances, automobiles, automobile parts, recreational vehicles, boats, snowmobiles, motorcycles, farming and construction equipment. Antique vehicles or equipment used for decoration purposes shall not be considered junk.

LITTER: Garbage, junk refuse, and weeds as defined therein.

OCCUPANT: Any person or tenant having control, possession or charge over real property. Any person or tenant who occupies the whole or any part of a building or land whether alone or with others.



OWNER: Any person having a fee ownership in real property, including any part owner, joint owner, or tenant in common.

REFUSE: All waste of any kind or nature, including but not limited to, handbills, newspapers, paper, cartons, boxes, barrels, wood, brush, weeds, branches, yard trimmings, leaves, furniture, bedding, tin cans, metals, bottles, ashes, clinkers, automobile bodies and parts, appliances, broken glass, broken concrete, rock, crockery, mineral waste, street sweepings, industrial waste, sawdust, lumber scraps, shavings, animal carcasses, wire and plastics.

WASTE: Any material having little or no value beyond its value for recycling purposes, or any material for which there is no practical use other than for recycling, and which if placed or deposited as prohibited in this chapter is markedly offensive or unsightly, or which creates an offensive odor or in unsanitary or unsafe, attracts insects or rodents, or in any way creates a public nuisance or health or safety hazard.

WEEDS: Any plant, growing or dead, more than ten (10) inches in height, measured from the surface of the ground, except plants grown for ornamental purposes or for production of food for man or beast. Noxious plants, regardless of height, shall be considered weeds.

4-2-2                      STORAGE OF AUTOMOBILES AND MACHINERY: Any automobile or automobile body that is not licensed with current registration or is not in operating condition, and any stripped, dismantled or junked machinery, automobile, body or parts may not be parked, stored or maintained upon any roads, streets, sidewalks, city rights of way, or highways, and that none of the items described above may be parked, stored, or maintained on any public or private premises at a location between the building setback line and the road right of way. All such items shall be stored or maintained behind the building setback line.

4-2-3                      RECREATIONAL OR COMMERCIAL VEHICLES; BUSES:

(A)       Recreational Vehicles: No recreation vehicle or trailers may be parked, stored or maintained upon any roads, streets, sidewalks, City owned real property (except City rights-of-way as set forth herein), or highways. Recreational vehicles may be parked on City rights-of-way for a maximum of seven days in any calendar year. No recreational vehicles may be parked, stored, or maintained on any privately-owned property while being used for sleeping, cooking, or living, for longer than seven (7) days, unless a permit has been issued. A permit must be issued by the City Clerk of the City of Menan before the expiration of the initial seven (7) day period. The permit issued shall allow a recreational vehicle to be parked, stored, or maintained on any privately-owned property for an additional thirty (30) days. That permit shall provide written notice to the permittee that a second permit may be issued at a regularly scheduled Menan City Council meeting. A second thirty (30) day permit may be issued by the Menan City Council upon petition to the Menan City Council at a regularly scheduled meeting. The Menan City Council shall only grant up to two (2) thirty (30) day permits in any calendar year (for a total of 97 days maximum in any calendar year). All units must be entirely self-contained without any leakage from sewage or gray water and all waste must be disposed of in commercially designated places.

Any violation of this section shall be an infraction punishable by a Three Hundred Dollar (\$300.00) fine for each day a recreational vehicle is in violation of this section.

[Amended by Ordinance 2019-5; enacted October 12, 2020]

(B)       Commercial Vehicles: No commercial vehicles may be parked, stored, or maintained upon any roads, streets, sidewalks, City rights of way, or highway.

(C)       Buses: No buses may be parked, stored or maintained upon any roads, streets, sidewalks, City rights of way, or highways.

4-2-4               OBSTRUCTION OF SIDEWALKS, WALKWAYS, AND PATHS: No vehicle, object, or equipment shall be parked, placed, maintained or obstruct any sidewalk, designated walkway, bridle path or bicycle path.

4-2-5               STORAGE BETWEEN CITY PROPERTY LINE AND SETBACK LINE:

(A) Items Enumerated: The following items must not be parked, stored, or otherwise maintained in the area between the city property line and the required setback line. Material such as, but not limited to, newspapers, cartons, boxes, pallets, barrels, wood, brush, weeds, branches, yard trimmings, furniture, tin cans, appliances, broken glass, broken concrete, lumber scraps, wire, plastics, recyclable materials, bedding, sawdust, ashes, clinkers, and industrial waste.

(B) Concealed From Public View: All such items shall be stored or maintained behind the building setback line and screened from front view by natural terrain, growth, fences, garages, or other allowable obstruction as approved by the planning and zoning codes of the City of Menan.

#### 4-2-6 LITTERING:

(A) Public or Private Places: No person shall throw or deposit litter in or upon any private property, canal right of way, public street, alley, sidewalk, park, right of way or upon any publicly-owned property within the City, except in receptacles designed therefore.

(B) Accumulation Upon Private Property: It shall be unlawful for any person owning or having control of private property within the City to deposit, store or allow the accumulation of litter upon such property, except:

(1) The temporary storage or accumulation of construction debris or materials in a manner which prevents the same from being blown upon adjoining property, while a building or structure is being constructed upon the premises, or during remodeling or reconstruction thereof.

(2) Upon any property owned or operated by any recycler, salvage dealer, or junk yard dealer licensed by the City, subject to all provisions and restrictions contained in any ordinance or statute governing the operation of such licensed business.

(C) Littering From Vehicles: No person shall throw, or permit to be thrown from any vehicle, any litter or handbills while a driver or passenger in a vehicle being operated upon a public street or alley.

4-2-7 DEPOSIT OF PETROLEUM PRODUCTS: No person shall pour or deposit oil or any other petroleum product upon any private property, canal right of way, public street, alley, sidewalk, park or other public property, provided nothing herein shall prevent the use of oil, asphalt or other petro-chemicals for the purpose of construction, maintenance or operation of a street or alley.

4-2-8 PENALTIES: A violation of any of the provisions of this chapter shall be a misdemeanor, and shall be punishable by a fine, not to exceed three hundred dollars (\$300), and that no violation citation shall issue until the offender has received at least one (1) warning and has been given a period of thirty (30) days to comply with the ordinance after notice of violation, that each day during which the condition is allowed to exist subsequent to official notice shall be deemed a separate offense.

## **CHAPTER 3            DOG CONTROL**

### **Section:**

4-3-1	DOG OWNER DEFINED
4-3-2	LICENSING REQUIREMENTS AND FEES
4-3-2(A)	ANNUAL LICENSE REQUIRED
4-3-2(B)	LICENSE FEES
4-3-3	NONCOMMERCIAL KENNEL LICENSE
4-3-3(A)	LICENSE REQUIRED
4-3-3(B)	APPLICATION; CONSENT OF NEIGHBORING PROPERTY OWNERS
4-3-3(C)	APPLICATION FEE
4-3-3(D)	CONTENTS OF APPLICATION; CONDITIONS FOR APPROVAL
4-3-3(E)	NONTRANSFERABLE; TERM
4-3-3(F)	ADDITIONAL DOGS
4-3-3(G)	APPLICATION FORM
4-3-3(H)	INDIVIDUAL DOG LICENSES
4-3-4	CONTROL AND CONFINEMENT
4-3-5	RABIES; PROCEDURE UPON DETECTION
4-3-5(A)	DISPOSAL OF AFFLICTED DOG
4-3-5(B)	QUARANTINE OR IMPOUNDMENT AUTHORIZED
4-3-6	NOISY OR VICIOUS DOGS
4-3-6(A)	PROHIBITED CONDUCT
4-3-6(B)	VICIOUS DOG DEFINED
4-3-7	SEIZURE OF STRAY DOGS; NOTIFICATION OF OWNER; FEES
4-3-7(A)	POLICE DUTIES
4-3-7(B)	FEES
4-3-8	VIOLATIONS AND FINES
4-3-8(A)	PENALTIES IMPOSED
4-3-8(B)	TIME PERIOD FOR CONSIDERING VIOLATIONS

4-3-1            DOG OWNER DEFINED: The term “owner”, as used in this chapter, shall be construed to mean and include any person, association, or corporation owning, harboring or keeping a dog or dogs within the corporate limits of the City.

4-3-2            LICENSING REQUIREMENTS AND FEES:

(A) Lifetime License Required: It shall be unlawful to keep, maintain, harbor or possess a dog within the City unless the owner or person in charge of said dog shall have obtained a lifetime dog license from the City. A lifetime license is hereby defined as a paper license issued by the City of Menan and a chip, approved by the City of Menan, implanted in the dog.

(B) License Fees:

(1) The fee for said lifetime dog license shall be set by resolution by the Menan City Council;

(2) The license fee shall be paid to the City Clerk, who shall thereupon give to the person paying for such license the paper license and a receipt stating the owner's name, address, name of the dog, type of chip implanted in the dog, and other information contained on the request for issuance of dog license documents prepared by the City Clerk to accomplish the purposes of this section.

[Amended by Ordinance 422; enacted May 10, 2018]

#### 4-3-3 NONCOMMERCIAL KENNEL LICENSE:

(A) License Required: It shall be unlawful to keep, maintain, harbor, or possess upon the premises of any one household more than two (2) dogs unless the owner or person in charge thereof shall have obtained a noncommercial kennel license.

(B) Application; Consent of Neighboring Property Owners: Application for a noncommercial kennel license shall be made to the City Clerk and must be accompanied by the written consent to such noncommercial kennel by at least seventy-five percent (75%) of all the persons in possession of premises within three hundred feet (300'), measured on street lines, of the premises upon which said noncommercial kennel is to be maintained.

(C) Application Fee: Said application shall be accompanied by the deposit of a license fee which shall be set by resolution of the City Council which deposit shall be returned to the applicant if the license is not finally issued.

[Amended by Ordinance 422; enacted May 10, 2018]

(D) Contents of Application; Conditions for Approval:

(1) Contents of Application: The application shall state the name and address of the owner, where the noncommercial kennel is to be kept and the number of dogs.

(2) Compliance with Health Regulations: The application shall be in duplicate and the duplicate thereof shall be referred to the Planning and Zoning Commission, which Commission shall, within thirty (30) days thereof, make its report to the City Council whether or not the location and operation of said kennel complies with the ordinances in the City; and if such report is unfavorable, no license shall be issued.

(E) Nontransferable; Term: Noncommercial kennel licenses shall not be transferable, and shall expire on December 31 of the year in which issued.

(F) Additional Dogs: Whenever additions are made to the number of dogs for which a kennel license has been issued, the licensee shall, within three (3) days, report to the City Clerk and pay the required license fee; provided however, that whenever puppies are born to a dog theretofore counted in computing the license fee, such puppies shall not be counted as additions until three (3) months old.

(G) Application Form: The application form for a noncommercial kennel license shall be as provided for by the City Clerk, and shall be and remain on file in the office of the City Clerk.

(H) Individual Dog Licenses: The issuance of a noncommercial kennel license shall not obviate the necessity of obtaining an individual dog license nor shall any of the provisions hereof be deemed to vary or alter any of the zoning ordinances of the City.

4-3-4 CONTROL AND CONFINEMENT

(A) Except as provided by section 4-3-4(B), it shall be unlawful for any owner to allow or permit any dog, whether licensed or not, to be or remain upon the streets or alleys of the City, or in any public place in the City, or upon any other premises without the consent of the person in possession of such premises, unless such dog shall be in the charge of a person and controlled by a leash.

(B) Public Areas Designated for Training and Exercise: The City Council may designate such areas of the public park or other public grounds of the City which may be used, subject to such rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within such areas so designated need not be controlled by leash but shall be under the control of a responsible person and controlled by a whistle, voice or other effective command.

#### 4-3-5 RABIES; PROCEDURE UPON DETECTION:

(A) Disposal of Afflicted Dog: Any dog afflicted with rabies shall be disposed of immediately either by the owner, by the Chief of Police or anyone designated by the City Council.

#### (B) Quarantine or Impoundment Authorized:

(1) Law Enforcement or any person designated by the City Council has the authority to order the owner of any dog showing symptoms of rabies, or of any dog which has bitten any person so as to cause any abrasion of the skin; to subject such dog to the City pound for quarantine for a period of time not to exceed fifteen (15) days, and if such owner shall pay the regular fee for keeping dogs impounded, no other fee shall be charged. If such fee is not paid, the dog shall be subject to disposal as provided in section 4-3-7 and the owner shall be liable for costs as provided in section 4-3-7.

(2) Provided, however, that in lieu of submitting such dog to the City pound, the owner may, at his expense, admit such a dog to a veterinarian for examination.

#### 4-3-6 NOISY OR VICIOUS DOGS:

(A) Prohibited Conduct: It shall be unlawful to keep, maintain, harbor, or possess a howling, barking, noisy, or vicious dog. Any such dog shall be considered a public nuisance and may be abated as such.



(B) Vicious Dog Defined: Any dog which, when not physically provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing, is vicious.

#### 4-3-7 SEIZURE OF STRAY DOGS; NOTIFICATION OF OWNER; FEES:

(A) Police Duties: It shall be the duty of law enforcement or any other person designated by the City Council, to seize any and all dogs, whenever and wherever found, whether on public or private property within the City without a collar with such license tag or disc, as prescribed in Section 4-3-2; and also any and all such dogs wearing collars with such license tag or disc, whenever and wherever found, whether on public or private property, on which the owner has failed to renew the annual license; provided, that when a dog wearing a collar with a license attached has been taken up, law enforcement shall leave notice with the owner, if known, at their last known address; who may thereupon recover possession of the dog upon payment of the license fee, fine and costs, as set forth in Sections 4-3-2(A) and (B).

(B) The Mayor shall be authorized to hire, by written contract, a third-party individual or company to provide impound services for the City of Menan of all stray dogs. The third-party may be authorized, from time to time, to provide microchip and vaccination services for stray dogs, to provide spay and neuter services, to adopt stray dogs out if the dog is not claimed in 5 days, to collect all fees and costs incurred by the third-party during all periods of impound including surrender fees and kenneling charges from the individual owner or the City of Menan, as the case may be; and to euthanize stray dogs that are aggressive or have a poor quality of life.

(C) All stray dogs must be claimed within 3 days of impound, if impounded during the week, or 5 days of impound, if impounded over the weekend, or the stray dog will be placed for adoption.

(D) Fees: Owners shall be charged \$200.00 for any dog they refuse to retrieve from impound. Owners shall be charged the going rate charged by the third-party hired by the City of Menan for microchipping any dog that has not been microchipped; vaccination costs, boarding costs, and spay and neuter costs. Owners shall pay all of those fees directly to the third-party prior to retrieving their dog from the third-party individual or company which is in contract with the City of Menan (as set forth in Section 4-3-7(B) above.

[Amended by Ordinance 2023-5; signed October 13, 2023].

(A) Penalties Imposed: Any person violating a provision of this chapter shall be guilty of (1) an infraction on the first offense, and shall be fined not more than one hundred dollars (\$100.00) for that offense; (2) an infraction on the second offense, and shall be fined not more than three hundred dollars (\$300.00) for that offense; (3) a misdemeanor on the third offense and each offense thereafter, and shall be fined not more than one thousand dollars (\$1,000.00) and/or jailed for not more than six (6) months for that offense.

(B) Time Period for Considering Violations: For purposes of this section, all violations within three (3) years of the last offense shall be considered.

## CHAPTER 4            STREETS, SIDEWALKS AND PUBLIC WAYS

### SECTION:

4-4-1	IRRIGATION, OTHER WATERS UPON PUBLIC WAYS
4-4-1(A)	PROHIBITED ACTS AND CONDITIONS
4-4-1(B)	DUTIES
4-4-1(C)	PENALTIES
4-4-2	RUNNING WATER ACROSS SIDEWALKS; CLEARING SIDEWALKS
4-4-2(A)	DUTY TO ADEQUATELY RUN WATER
4-4-2(B)	DUTY TO CLEAR SIDEWALKS
4-4-2(C)	PENALTY
4-4-3	UNLAWFUL USE OF SIDEWALKS
4-4-3(A)	PROHIBITED USES
4-4-3(B)	PENALTY
4-4-4	GENERAL PARKING RESTRICTIONS
4-4-5	MANNER OF PARKING ON CITY STREETS
4-4-6	PARKING IN VIOLATION OF STREET SIGNS
4-4-7	PROHIBITION OF USE OF RIGHTS OF WAY DURING EVENTS

### 4-4-1            IRRIGATION, OTHER WATERS UPON PUBLIC WAYS

(A)            Prohibited Acts and Conditions: It shall be unlawful for any person, association or corporation, to permit water from irrigation ditches or any other source which such person, association or corporation may be using or have control of, to flood out upon, or run or spread over or upon, any of the public streets or alleys within the corporate limits of the City of Menan.

(B)            Duties: It shall be the duty of any person, association, or corporation, who may be using water for irrigation or other purposes within the corporate limits of the City of Menan, to properly clean out private or individual irrigating, or other ditches, or water-ways necessary for the proper use and distribution of such water, and to make the banks thereof solid and substantial, so as to prevent the breaking away of such water, and thereby preventing the same from flooding upon or spreading over any of the streets or alleys within the limits of said City.

(C) Penalties: Any person, association, or corporation, violating any of the provisions of this section, shall be fined in a sum not less than \$5.00, nor more than \$25.00, or be imprisoned in the City or County jail for one day for each \$1.00 of such fine, or by both such fine and imprisonment.

#### 4-4-2 RUNNING WATER ACROSS SIDEWALKS; CLEARING SIDEWALKS

(A) Duty to adequately run water: It is the duty of every person, firm, or corporation or their agents, that runs any water across any sidewalk, or that constructs a ditch across the same for any purpose, to construct and put in properly, and keep in good repair, under the supervision of, and to the satisfaction of the Chairman of the City Board, a good and substantial culvert of sufficient capacity for carrying all water so run across said sidewalk, for the full width of grade of same, and to be covered and set below the survey line or surface of same.

(B) Duty to clear sidewalks: It shall be the duty of the owner, occupant or agent of any real property within the corporate limits of the City of Menan, to cut and remove all sagebrush, weeds, or other similar obstruction or growth, from the sidewalk or sidewalks abutting said property, and to keep the same in a sightly and passable condition throughout the full width thereof, to-wit: sixteen and one-half feet (16 ½') on Main Street, and fourteen feet (14') on all other streets, from the line of said real property along such streets.

(C) Penalty: Any person or persons, agent, or occupant, who shall violate any of the provisions of this section, shall, be fined in any sum not to exceed fifty dollars (\$50.00), or be imprisoned in the City or county jail for one day for each two dollars (\$2.00) of such fine, or both such fine and imprisonment.

#### 4-4-3 UNLAWFUL USE OF SIDEWALKS

(A) Prohibited Uses:

(1) It shall be unlawful for any person or persons to lead, ride or drive, any horse, mule, or cattle, or other beast of burden, whether hitched to a vehicle or not, upon any sidewalk within the corporate limits of the City of Menan.

(2) It shall be unlawful for any person, or persons, to stake any horse, mule, or cow, or other beast, upon any sidewalk or street within the corporate limits of the City of Menan.

(B) Penalty: Any person or persons who shall be found guilty of a violation of this section is guilty of a misdemeanor, and shall be punished for each offense by a fine not to exceed twenty dollars (\$20.00), or by imprisonment in the City or County jail not more than ten days, or by both such fine and imprisonment.

4-4-4 GENERAL PARKING RESTRICTIONS

(A) Any person who parks a vehicle, except when necessary to allow movement of other vehicular traffic or pursuant to the direction of a peace officer or traffic control device, in any of the following designated places, shall be guilty of an infraction, and fined in the amount of \$50.00 per offense:

1. On a public sidewalk.
2. Within any portion of a public or private driveway or entrance to a public or private driveway.
3. Within an intersection.
4. Within a crosswalk.
5. Within twenty (20) feet of a crosswalk located at any intersection.
6. Within thirty (30) feet of the approach to any flashing beacon, stop sign or traffic control signal.
7. Within fifty (50) feet of the nearest rail of a railroad crossing.
8. Within twenty (20) feet of the driveway entrance to any fire station
9. Beside or opposite any street excavation or obstruction in a manner which obstructs traffic.
10. Upon any street or portion thereof in a manner which blocks or interferes with the regular flow of vehicular traffic.
11. Upon any bridge or elevated structure upon or part of a public highway.
12. At any place where signs prohibit such parking.

#### 4-4-5

#### RUNNING MANNER OF PARKING ON CITY STREETS

Any person who parks or allows to be parked any vehicle, in any of the following manners shall be guilty of an infraction and fined in the amount of \$50.00 per offense:

- (1) Any part of the bumper is eighteen inches (18") or more into the road from the road edge (i.e. where the road surface meets the ground where no road exists); or
- (2) Any part of the vehicle is eighteen inches (18") or more into the road from the road edge (i.e. where the road surface meets the ground where no road exists).

#### 4-4-6

#### PARKING IN VIOLATION OF STREET SIGNS

Any person who parks or allows any vehicle to be parked upon any street in violation of any sign, flags, or road markings which restrict parking within such area, shall be guilty of an infraction and fined in the amount of \$50.00. All such parking restrictions shall be established by resolution of the City Council.

[Chapter 4 added by Ordinance 2020-1; enacted August 13, 2020]

#### 4-4-7

#### PROHIBITION OF USE OF RIGHTS OF WAY DURING EVENTS

(A) **Definitions.** The following words and phrases when used in this chapter shall have the meaning set out in this section.

- (1). **Event.** Any specific date(s) set forth by Resolution of the Menan City Council for celebration of any specific purpose.
- (2). **Prohibited Locations.** Any location within the City right-of-way that has been designated by the City prohibiting the placement of personal property at that location.

(B) **Prohibition of Use of Right of Way.** No personal property may be placed on the public right-of-way before 6:00 A.M. the day of the Event in Prohibited Locations. The City shall identify Prohibited Locations in clearly conspicuous location(s) by placing signs and other markers, in large print, that notifies the public of the boundaries of the same. Permits

shall be issued to allow the placement of vehicles in the prohibited locations as set forth in subsection (C) hereinbelow.

(C) **Permits.** Any landowner or lessee of any landowner shall have the right to obtain permit(s) for the placement of vehicles in the City right-of-way immediately in front of their real property. Permit(s) shall be issued by the City and may be obtained from the City Clerk at the Menan City Hall up to a week prior to the Event. Proof of ownership or lease of real estate shall be required at the time of the issuance of the permit, which can include any document evidencing residence adjacent to a Prohibited Location (i.e. bill, mail, driver's license, etc.).

(D) **Removal of Personal Property.** Any personal property placed in violation of this code section shall be removed and, in the sole discretion of the City of Menan, may be destroyed or otherwise confiscated.

(E) **Penalties.** Any person violating a provision of this chapter shall be guilty as follows: of (1) First Offense. An infraction in the amount of \$100.00; (2) Second Offense. An infraction in the amount of \$300.00; (3) Third and Subsequent Offense(s). A misdemeanor, with a fine of not more than \$1,000 and/or jail for not more than 6 months.

(F) **Time Period for Considering Violations.** For purposes of this Section, all violations within three (3) years of the last offense shall be considered.

[Chapter 4, Subsection 7, added by Ordinance 2024-7; enacted November 14, 2024]

## CHAPTER 5 MAILBOX CODE

### SECTION:

#### 4-5-1 MAILBOXES AND MAILBOX LOCATION

#### 4-5-1 MAILBOXES AND MAILBOX LOCATION

(A) No mailbox or newspaper delivery box, (hereafter referred to as mailbox) will be allowed to exist on the City's rights-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the street system, including snow removal equipment. A mailbox installation that does not conform to the provisions of this chapter is an unauthorized encroachment under Idaho Code § 49-221(2); § 50-313; or § 50-314, and any amendments thereto.

(B) The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service, as well as the Local Highway Technical Assistance Council's Manual For the Location, Support and Mounting of Mailboxes, dated April, 1997, (hereafter referred to as Mailbox Manual), which is hereby adopted by the City.

(C) The mailbox installation that conforms with the Mailbox Manual will be considered acceptable. Mailbox location, height, support, mounting and turnout construction shall be in accordance with the Mailbox Manual.

(D) Any exceptions to the Mailbox Manual may be granted if, in the judgment of the City, the installation does not interfere with the safety of the traveling public or the function, maintenance, or the operation of the street system. Requests for any exception to the Mailbox Manual shall be in writing to the City. The request shall contain sufficient details to evaluate the requested exception.

(E) Mailbox Manuals are available from the Menan City Building located at 664 N. 3530 East, Menan, Idaho.



(F) It will be the responsibility of the postal patron to inform the City of any new or existing mailbox installation where turnout construction is inadequate or will not permit all-weather access to mailbox. An all-weather turnout is sufficiently stable to support passenger cars stopping regularly during all weather conditions. The sub-base (ballast), base and surface treatment is a requirement of all new or reconstructed turnouts, and shall be the same as the adjacent roadway section.

(G) No mailbox will be permitted where access is obtained from the lanes of an arterial or where access is otherwise prohibited by law or regulation. Where a mailbox is installed in the vicinity of an existing guardrail, it should, whenever practical, be placed behind the guardrail.

(H) Exceptions to the lateral placement criteria may exist on residential streets and certain designated rural roads where the City deems it is in the public interest to permit lesser clearances or to require greater clearances.

(I) Mailboxes shall be of light metal or plastic construction, conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

(J) Mailbox supports shall not be set in concrete, unless the support design has been shown to be safe by crash tests when so installed. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device (stabilizer fin) that extends no more than 10 inches (10”) below the ground surface.

(K) The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post if the installation is struck by a vehicle. The product must result in a satisfactory attachment of the mailbox to the post, and all components must fit together properly.

(L) Any mailbox that is found to violate the intent of this chapter shall be removed by the postal patron upon notification by the City. At the discretion of the City, based on an assessment of hazard to the public, the patron will be granted not less than 24 hours or more than 15 days to remove an unacceptable mailbox. After the specified removal period has expired, the unacceptable mailbox will be removed by the City at the postal patron's expense. The City shall not be liable to the postal patron for damage done to the mailbox, its support, or the surrounding area, for having to remove the unacceptable mailbox. The cost of the removal of the unacceptable mailbox shall be \$100.00.

## **CHAPTER 6            FIREARMS**

### **SECTION:**

4-6-1	DEFINITION
4-6-2	DISCHARGE OF FIREARMS PROHIBITED
4-6-3	CARRYING WEAPONS IN PUBLIC PLACES
4-6-3(A)	PROHIBITED CONDUCT
4-6-3(B)	EXCEPTION
4-6-4	EXCEPTION; PERMITS
4-6-5	PENALTY

4-6-1                    **DEFINITION:** Wherever the term "firearms" is used in this Chapter, the term shall mean any instrument used in the propulsion of shot, shell or bullets or other harmful objects by the action of gunpowder exploded within it.

4-6-2                    **DISCHARGE OF FIREARMS PROHIBITED:** It shall be unlawful to discharge any firearms within the City limits, except when discharged by law enforcement officers, military personnel or militia in the discharge of their duties or in the authorized performance of ceremonials.

4-6-3                    **CARRYING WEAPONS IN PUBLIC PLACES:**

**(A)        Prohibited Conduct:** It shall be unlawful for any person to carry a concealed or unconcealed weapon in the following places:

- (1)    Publicly owned building;
- (2)    Park; or
- (3)    School

(B) Exceptions:

(1) Nothing contained herein shall allow the City to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others, nor shall anything contained herein prohibit the legitimate transportation of firearms through the City.

(2) Nothing herein shall prohibit peace officers and other persons with authority to carry weapons in buildings.

4-6-4 EXCEPTIONS; PERMITS: The Mayor and City Council may at any time, upon receipt of proper application, grant special permits to shooting galleries, gun clubs and others for shooting in fixed localities and under specified rules. Such permits shall be in writing attested by the City Clerk conforming to such requirements as the Mayor and City Council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the Mayor and City Council.

4-6-5 PENALTY: Violation of this chapter within the City Limits shall be a misdemeanor punishable by up to six (6) months in jail and a fine of up to \$300.00.

## CHAPTER 7 FIREWORKS

### SECTION:

- 4-7-1 DEFINITIONS
- 4-7-2 PROHIBITED CONDUCT
- 4-7-3 PENALTY

4-7-1 DEFINITIONS: For the purposes of this chapter, words shall have the following meaning:

**PUBLIC PROPERTY:** All roadways, alleys, streets, sidewalks, walk paths, parks, bridges, public buildings and all property owned by the City of Menan contained within the geographical confines of the City, including those properties leased and/or rented by the City of Menan for public use.

**FIREWORKS:** Include all fireworks both banned and allowed by Idaho Code. Similarly it shall include the discharge of any firearm used for the purpose of simply making noise or celebrating an event. The term explicitly includes such items as “party poppers” horns, bells, and whistles.

**DISCHARGE:** includes but is not limited to: light, ignite, attempt to ignite or lights and fire.

4-7-2 **PROHIBITED CONDUCT:** The discharge of attempt to discharge fireworks upon City property without the express, written consent of the Mayor and Council is prohibited.

4-7-3 **PENALTY:** Any person convicted of violating the provision of this chapter shall be guilty of a misdemeanor punishable by a \$300 fine and/or six months in jail.

## **TITLE 5   PUBLIC UTILITIES AND PROPERTY**

CHAPTER 1 .....	SEWER CONNECTIONS AND CHARGES
CHAPTER 2 .....	SEWER USE
CHAPTER 3 .....	TREES AND SHRUBBERY
CHAPTER 4 .....	PARKS AND COMMUNITY FACILITIES
CHAPTER 5 .....	SANITATION SERVICE
CHAPTER 6 .....	LIVESTOCK ON PUBLIC STREETS

## **CHAPTER 1           SEWER CONNECTIONS AND CHARGES**

### **SECTION:**

5-1-1	SHORT TITLE
5-1-2	CONNECTION TO SANITARY SEWER REQUIRED
5-1-3	DOMESTIC AND COMMERCIAL USER CHARGES (INSIDE CITY)
5-1-3(A)	GENERAL
5-1-3(B)	BASIS FOR USER CHARGE
5-1-3(C)	DEFINITION OF EQUIVALENT USER
5-1-3(D)	EQUIVALENT USER SCHEDULE
5-1-3(E)	SURCHARGE FOR EXCESSIVE STRENGTH
5-1-3(F)	SPECIAL USERS
5-1-3(G)	REVIEW AND REVISION OF USER CHARGES
5-1-3(H)	USER REQUEST FOR CHANGE IN USER CHARGE
5-1-4	SEWER CONNECTION FEE
5-1-5	RULES GOVERNING CONNECTION FEES
5-1-6	DOMESTIC AND COMMERCIAL USER CHARGES (OUTSIDE CITY)
5-1-7	METERED SERVICE
5-1-8	PENALTIES FOR VIOLATION; DELINQUENT ACCOUNTS
5-1-8(A)	PENALTIES FOR VIOLATION
5-1-8(B)	DELINQUENT ACCOUNTS
5-1-9	BILLING PROCEDURES AND DUE DATE
5-1-10	TERMINATION OF SERVICES

5-1-1           SHORT TITLE: This chapter shall be known and may be cited as the "Sanitary Sewer System Ordinance" of the City of Menan, Idaho.

5-1-2           CONNECTION TO SANITARY SEWER REQUIRED: Every parcel of land or premises within the boundaries of the City of Menan, improved for occupancy and occupied or used by any person or persons, shall be connected to the public sanitary sewer system. Inflow (storm drain) sources, or ground water infiltration into the sanitary sewer system shall neither be required nor permitted. The owner or person in charge of such land shall make or cause to be made such connection within sixty (60) days after receiving official notice from the City to so connect. All charges associated with the laying of pipe from the homes or facilities to be serviced to said mains shall be borne by the property owner. All such connections to the City's mains shall be properly designed and constructed in conformity with requirements specified by the City.

(A) General: This is a user charge for a small community which follows model number one in Appendix B of the Federal Register dated 9-27-78. This treatment work is primarily flow dependent and will utilize the equivalent user concept. A sewer user charge shall be levied on all users of the sewage collection and treatment facilities, for the purpose of allocating among such users the costs of operation, maintenance, replacement and financing of this facility in approximate proportion to each user's contribution to the total wastewater load of such facilities.

(B) Basis for User Charge: The sewer user charge shall be based on the user's contribution to the total wastewater loading of the treatment facilities in comparison to a standard, equivalent user as defined. The sewer user charge for each user shall be in accordance with the equivalent user schedule established below. The sewer user charge for a single user having more than one classification of use shall be determined by adding together the equivalent users for each classification. The user charge for special users contributing sewage of excessive flow and/or strength, for which the tabulated equivalent users below do not apply, shall be individually calculated users provided below. The monthly fee to be paid by each user shall be computed by multiplying the sewer user charge for each user by a constant monthly factor which shall be as set by the Menan City Council. The minimum sewer user charge shall be one (1) equivalent user.

(C) Definition of Equivalent User: One equivalent user shall be defined as contributing 350 gallons per day of wastewater containing not more than 0.7 pounds of 5-day Biological Oxygen Demand and 0.7 pounds of suspended solids. The equivalent user flow has been developed from population and sewer usage records which indicate an average single dwelling unit has 3.5 people contributing 100 gallons per day. Standard engineering data indicates 0.2 pounds of 5-day Biological Oxygen Demand and 0.2 pounds of suspended solids respectively per person per day. The basic equivalent user shall be subject to revision if population, water usage, sewage volume and/or other information indicates flow and/or strength is significantly different from that defined herein. Revision of the basic equivalent user criteria shall normally only be made upon the recommendation of a registered, professional engineer.



(D) Equivalent User Schedule: The number of equivalent users that shall comprise the sewer user charge for each user and/or user class shall be in accordance with the following equivalent user schedule in the absence of flow information. Assignment of equivalent users shall apply for one (1) year until the next annual user charge review. Users so indicated, or not included in this schedule, shall be considered special users and shall be evaluated separately as provided below. If and when the information indicates that the strength of sewage contributed by any of the following users is in excess in comparison with the allowable limits listed above, then a surcharge shall be levied against such users as provided below. Any of the users in the following schedule may be classified as special users if information on their contribution flow and/or strength indicates a need to do so.

## EQUIVALENT USER SCHEDULE

### 1.0 Minimum

Assembly Hall or Lodge (no cafe)	1.00
Bar Tavern (for each seat)	0.06
Barber & Beauty Shops (per chair)	0.20
Café, up to 50 seats	2.00
(for each additional 25 seats)	1.00
Cafe, Drive-Inn, less than 20 inside seats	2.00
(for each additional 20 inside seats)	1.00
Bowling Alley (per lane)	0.50
Car Washes, per stall	2.00
Churches (single congregation)	2.50
(multiple congregations for each addit.)	2.50
(for churches w/kitchen additional)	1.00
Garage or Maintenance Shop	1.00
Hospitals or Medical Clinics (w/no beds)	3.00
(for each additional bed)	0.50
Hotels, Motels (per unit)	0.38
or Rooming House (addit. per unit w/kitchen)	0.20
Office, up to 20 employees	1.00
(for each additional employee)	0.03
Trailer Parks	
Permanent Resident Trailers	1.00
Overnight Trailers	0.38
Sanitary Waste Dump Station	5.00
Swimming Pools, per average person	0.06
Laundromat, per washer	0.30
Institutions w/permanent or temporary residents	1.00
Rest homes, etc. (plus per resident)	0.30
Seminary (per student)	0.014
Schools no cafeteria, per student	0.02

(with cafeteria, per student)	0.0281
Service Station	2.00
Single Dwelling Unit (residence, apartment or trailer)	1.00
Store or Business, up to 20 employees	1.00
(each additional employee)	0.03
Supermarkets, Grocery	2.00
(w/Butcher Shop)	1.00
Open Class per 10,000 gallons/month	1.00

[Modified by Ordinance 413, enacted September 2016]

(E) Surcharge for Excessive Strength: When any user contributes wastewater having an average biological Oxygen Demand and/or suspended solids loading in excess of the designated allowable limits hereinafter designated, a surcharge shall be levied against such user. Said surcharge shall apply to sewage strength in excess of 200 mg per liter of Biological Oxygen Demand and 200 mg per liter of Total Suspended Solids. Said surcharge is based only on operation and maintenance costs for the current year's city budget as determined in the user charge system. Said surcharge shall be levied against the user in excess of the charge provided in the user charge system schedule. The proportion of the Operating and Maintenance Costs (O & M Costs) shall be distributed as follows:

Flow = 60%

Biological Oxygen Demand = 20% x Costs of Operations and Maintenance.

Total Suspended Solids = 20% x Costs of Operations and Maintenance.

The Biological Oxygen Demand and Total Suspended Solids loading shall be determined from the tests averaged over the period made by City officials or the City Engineer. The monthly user surcharge shall be computed by use of the following equations:

Biological Oxygen Demand/\$Month = Total Flow/Month x Biological Oxygen Demand -  
200 x 20% Equivalent Users Operations and Maintenance

<u>Tested</u>	
200	10, 500

WHERE : Flow is in Gallon  
: Biological Oxygen Demand tested is in ppm or mg/l  
: 200 is the allowable limit in ppm or mg/l  
: Equivalent Users Operations and Maintenance in ppm or mg/l

Total Suspended Solids/\$Month = Total Flow/Month x Total Suspended Solids - 200 x  
20% x Equivalent Users Operations and Maintenance

<u>Tested</u>	
200	10,500

WHERE : Flow is in Gallon  
: Total Suspended Solids tested is in Parts Per Million or Milligram Per Liter  
: 200 is in Parts Per Million or Milligram Per Liter  
: Equivalent Users Operations and Maintenance in Parts Per Million or Milligram Per Liter

A copy of the list of user surcharge, the characteristics of their sewage and the surcharge for each shall be kept on file at all times in the Office of the City Clerk.

(F) Special Users: If, in addition to excessive strength, a user is determined to add flow to the lagoon in excess of 10,000 gallons per month, the above formula shall be multiplied by a factor of total flow divided by 10,000 gallons per month. In order to determine the flow of this special user, the City may monitor sewage and water flow in order to determine total flow. The value of User's Monthly Charge computed in the formula above will be the same value as assigned single dwelling units. "UMC" represents the basic user's monthly charge computed as provided for above.

(G) Review and Revision of User Charges: The sewer water user charges shall, as a minimum, be revised annually and updated to reflect each user's actual contribution to the wastewater load of the sewer collection and treatment facilities. Any revision of the user charges shall be based on actual operation, maintenance, replacement and financial expenses and/or on significant changes in the total number of equivalent users, the total daily flow, the total daily Biological Oxygen Demand, and/or the total daily suspended solids. The city may install flow-measuring devices and/or collect wastewater samples at any time in any user's service line to determine actual usage as a basis for revision of the user's charge. Revisions due only to changes in expenses and user class shall be made by the City. Revisions involving user's flow, Biological Oxygen Demand and/or suspended solids shall normally only be made by the city. Revisions involving user's flow, Biological Oxygen Demand and/or suspended solids shall normally only be made upon the recommendation of a registered, professional engineer. All changes in user charges applicable to the Ordinance shall be computed by the methods outlined herein.

(H) User Request for Change in User Charge: Any sewer user, who feels his user charge is unjust and inequitable as applied to his premises within the spirit and intent of the foregoing provisions may make written application to the City Council requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Any flow measurements and/or testing of wastewater shall be approved in detail by the City and/or its engineer. Review of the request by the City Council shall determine if it is substantial or not, including recommended further study of the matter for the City and/or user by a registered, professional engineer.

5-1-4 SEWER CONNECTION FEE: The sewer connection fee shall be set by resolution and set forth in the City's Fee Schedule, as determined from time to time by the Mayor and City Council.

Any special connections not covered by the resolution and fee schedule, including users outside the City, shall have connection fees set by the Mayor and the City Council in each individual situation.

The foregoing fees are for the privilege of connecting with the City sewer, and all work necessary for making proper connection shall be done to the satisfaction of and under the supervision of the person identified by the Mayor as the inspector and shall be paid for by the person desiring such connection; and further, such person shall obtain all permits and pay all permit fees required for a sewer connection.

[Modified by Ordinance 414, enacted January 2017]

5-1-5

RULES GOVERNING CONNECTION FEES:

(A) Any applicant for a sewer connection to any lot abutting

on a street, alley or other right-of-way containing a main sewerline shall therefore pay the full connection fee.

(B) In case wherein two (2) or more dwellings exist on any lot under the same ownership, and if any such dwellings are located to the rear of the other or if at least 75 feet (75') from the property line abutting on any street, alley or right-of-way containing a main sewer line, the rear dwelling shall be charged one-half the applicable full-connection fee where the owner thereof requested only one stub for dwellings on such lot and the same service lateral is used for all such dwellings.

(C) In any "Business Block," or shopping center containing more than one adjoining business or commercial establishment under one ownership, where more than one such establishment is connected with the same lateral but separate applications for service are made and separate billings requested, one of such establishments shall pay the applicable full-connection fee, and each additional establishment shall pay one-half the applicable connection fee required for connection of similar size.

(D) Any person owning unimproved real property which does not abut a street, alley or right-of-way containing a main sewer line and who subdivides the same for construction of dwellings, shall install at his own cost all collection lines acceptable to the City and connect the same to an existing main sewer line at a place to be determined by the City Council and all at the cost and expense of said subdivider. Each lot shall pay a hookup cost.

5-1-6

DOMESTIC AND COMMERCIAL USER CHARGES (OUTSIDE CITY):

The sewer user charge for treatment of sewage collected outside of the City shall be computed by multiplying the number of equivalent users determined from the above schedule by 1.28. The purpose of this extra charge is used to compensate for expenses attributed to users outside the city limits which are not covered by city taxes.

5-1-7                    METERED SERVICE: Whenever the Council shall deem it appropriate and in the best interests of the City and its citizens to require a user to have the sewer and/or water service to his facilities metered to more appropriately determine the amount of service provided such user by the system, the Council may by resolution require the said user to install a meter and/or meters which will accurately measure the services provided; and the Council may further establish by resolution the rates to be charged for such service as will properly pay the fair share of the services provided such user. The cost of the meter and its installation shall be borne by the user.

5-1-8                    PENALTIES FOR VIOLATION; DELINQUENT ACCOUNTS

(A)            Penalties for Violation: Any person who shall violate any provision of the Sanitary Sewer System Ordinance upon conviction thereof shall be deemed to be guilty of a misdemeanor, and shall be fined not to exceed \$500.00 or imprisoned not to exceed thirty (30) days, or be both fined and imprisoned. Any violation of any or all provisions of this chapter for any one (1) day shall constitute a separate offense. In addition to such fine and imprisonment, such person shall be liable for any expense incurred by the City in enforcing this chapter.

(B)            Delinquent Accounts: When assessed fees are not paid within sixty (60) days after the due date, the City may disconnect such services or any other services the City provides, to a delinquent customer. In a case where one or more such services is discontinued for delinquency, it shall not be restored until such delinquency is paid in full or arrangements for payment have been made and approved by the City. In addition, a fee of \$200.00 shall be assessed for restoring service that has been discontinued for delinquency. Such disconnection of service must comply with section 5-1-10 or amendments thereto.

5-1-9 BILLING PROCEDURES AND DUE DATE: Fees assessed for metered water, municipal collection and sanitation services, and sewage collection and treatment, shall be combined in one (1) monthly bill and shall be mailed or otherwise delivered to users monthly in the month following that month for which the service was rendered. The owner of each premises utilizing such services shall be deemed primarily liable for the payment of such fee. Acceptance by the City of payment from a tenant shall not constitute a waiver by the City of the owner's primary liability for charges for such services which were not paid by the tenant. The fee assessed for such services shall be due within fifteen (15) days of the date of mailing, or other delivery or each monthly billing. When the 15th day falls upon a legal holiday, or on a day when the City offices are not open for business, the next regular business day is considered as the final due date. Where remittances are made by mail, assessed fees shall be deemed paid on the date of mailing as shown by the postmark. A delinquency charge of ten percent (10%) shall be added to each delinquent bill for each period of thirty (30) days delinquency or fraction thereof. Failure to receive a billing for services rendered does not excuse the user from liability for services rendered.

5-1-10 TERMINATION OF SERVICES: In the event any owner or occupant fails to pay the monthly fees as set forth herein, or otherwise fails to comply with the provisions of this Chapter, then the City may terminate and disconnect sewer services to the premises receiving services or any other property owned by the customer receiving such services. Such termination of services shall conform to the following procedures:

(A) Whenever a bill becomes delinquent for more than sixty (60) days, or upon the customer's failure to comply with this Chapter, the City Clerk shall serve notice of termination through personal service by the Sheriff's Department to the customer and the customer's service may thereafter be terminated upon compliance with the procedure set forth herein. The notice of termination shall contain the following:

- (1) The customer's name and mailing address;
- (2) The address or addresses where service is being delivered;

- (3) The customer's account number under which the default has occurred;
- (4) A statement that the customer's account is delinquent and the amount of such delinquency as of a specified date, or a statement of the reason for the proposed disconnect;
- (5) A statement that the customer is entitled to a hearing regarding the alleged default;
- (6) The period of time within which the customer must appear for hearing; and
- (7) A statement that if customer does not appear within thirty (30) days to request a pre-termination hearing, the amount of the delinquency or the default will be deemed to be correct and that the customer's sewer services may be discontinued immediately thereafter if the bill is not sooner paid or unless a written arrangement for payment of the billing satisfactory to the City Clerk is made, or unless the default is immediately corrected.

(B) The period of time in which the customer must appear to request a pre-termination hearing shall not be less than thirty (30) days and shall commence the day after the date the notice of termination is personally served by the Sheriff's Department. If the customer fails to request a pre-termination hearing within such time period and the bill has not been paid, or satisfactory arrangements for the payment thereof have not been made, or the customer's default has not been satisfactorily corrected, the City Clerk may immediately issue an order to discontinue service to such customer. If the customer appears at the hearing, the City Clerk shall hear the customer's complaint, review and examine the testimony and evidence presented and forthwith render a decision based upon such testimony and evidence upon the records of the City. The City Clerk may render a decision at the hearing or may render a decision in writing, and in such case shall mail a copy thereof to the customer. In the event the City Clerk finds the customer to be in default, the City Clerk shall advise the customer that his or her sewer service will be discontinued at the expiration of three (3) days after notice of the Clerk's decision is given or mailed, unless the customer's default is satisfactorily corrected before such date. Termination of sanitation service may be made of any or all accounts under the name of the customer in default, regardless of whether or not the default relates to the premises or account for which termination is ordered.

(C) Prior to termination, the City shall notify the State Health Department. Except in an emergency, sewer service disconnection will not take place after noon on Fridays, and shall not take place on Saturdays, Sundays, Holidays, or Holiday Eves.



(D) Reconnection of sewer will take place only after the reason for the termination has been remedied, including the payment of all overdue system fees and charges, deposits, disconnection fees and reconnection fees.

(E) The Notice of Termination shall also be published in the official newspaper of the City, at least thirty (30) days prior to the disconnection of services.

## CHAPTER 2 SEWER USE

### SECTION:

5-2-1	DEFINITIONS
5-2-2	PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGE
5-2-2(A)	PROHIBITIONS ON WASTEWATER DISCHARGES
5-2-2(B)	LIMITATIONS ON WASTEWATER DISCHARGES
5-2-3	CONTROL OF PROHIBITED WASTES
5-2-3(A)	REGULATORY ACTIONS
5-2-3(B)	SUBMISSION OF PLANS
5-2-3(C)	PRETREATMENT FACILITIES OPERATIONS
5-2-3(D)	ADMISSION TO PROPERTY
5-2-3(E)	PROTECTION FROM ACCIDENTAL DISCHARGE
5-2-3(F)	REPORTING OF ACCIDENTAL DISCHARGE
5-2-3(G)	FEDERAL CATEGORICAL PRETREATMENT STANDARDS
5-2-3(H)	MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS
5-2-4	INDUSTRIAL WASTEWATER MONITORING AND REPORTING
5-2-4(A)	DISCHARGE REPORTS
5-2-4(B)	RECORDS AND MONITORING
5-2-4(C)	INSPECTION, SAMPLING, AND ANALYSIS
5-2-5	ENFORCEMENT PROCEDURES
5-2-5(A)	NOTIFICATION OF VIOLATION
5-2-5(B)	SHOW CAUSE HEARING
5-2-5(C)	EMERGENCY SUSPENSION OF SERVICE
5-2-5(D)	LEGAL ACTION
5-2-5(E)	REVOCATION OF TREATMENT SERVICES
5-2-6	PENALTY; COSTS
5-2-7	RIGHT OF APPEAL

5-2-1                   DEFINITIONS: Unless the context specifically indicates otherwise, the following terms, used in this Chapter, shall have the meaning hereinafter designated. Terms not otherwise defined herein shall be adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER: An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized

representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C (20° C), expressed in terms of weight and concentration (milligrams per liter).

**CITY COUNCIL:** The duly elected council of the City of Menan, Jefferson County, Idaho.

**COOLING WATER:** The water discharged from any use such as air conditioning, cooling or refrigeration, curing which the only pollutant added to the water is heat.

**COMPATIBLE POLLUTANT:** BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the City's NPDES permit for its wastewater treatment works where said works have been designed and used to reduce or remove such pollutants.

**DIRECTOR:** The director of public works of this City or his duly appointed deputy, agent or representative.

**DOMESTIC WASTES:** Liquid wastes (i) from the non-commercial preparation, cooking and handling of food or (ii) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

**ENVIRONMENTAL PROTECTION AGENCY (EPA):** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

**GRAB SAMPLE:** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**INCOMPATIBLE POLLUTANT:** Any pollutant which is not a "compatible pollutant" as defined in this section.

**INDUSTRIAL WASTEWATER:** The liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD:** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** The program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to section 402 of the Act.

**NATIONAL PROHIBITIVE DISCHARGE STANDARD (PROHIBITIVE DISCHARGE STANDARD):** Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5

**NEW SOURCE:** Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

**PERSON:** Any individual, firm, company, partnership, corporation, association, group or society, and includes the State of Idaho, and agencies, districts, commissions and political subdivisions created by or pursuant to State law.

**pH:** The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

**POLLUTION:** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**POLLUTANT:** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

**PRETREATMENT:** Application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

**PRETREATMENT STANDARDS:** All applicable Federal rules and regulations implementing section 307 of the Act, as well as any nonconflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

**SHALL** is mandatory. **MAY** is permissive.

**SIGNIFICANT INDUSTRIAL USER:** Any industrial user of the City's wastewater treatment system whose flow exceeds (i) 25,000 gallons per day, of (ii) five 5 percent (5%) of the daily capacity of the treatment system.

**STATE:** State of Idaho.

**STORM WATER:** Any flow occurring during, or immediately following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT:** The person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his duly authorized representative.

**SUSPENDED SOLIDS:** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**TOXIC POLLUTANT:** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.

**UNPOLLUTED WATER:** Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

**USER:** Any person who discharges, causes or permits the discharge of wastewater into the City's wastewater treatment system.

**USER CLASSIFICATION:** A classification of user based on the 1972 (or subsequent) edition of the standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

**WASTEWATER:** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be presented, whether treated or untreated, which is discharged into or permitted to enter the City's treatment works.

**WASTEWATER TREATMENT SYSTEM (SYSTEM):** Any device, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residue resulting from such treatment.

## 5-2-2                      PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGES

(A) Prohibitions on Wastewater Discharges: No person shall discharge or deposit or cause or allow to be discharged or deposited into the wastewater treatment system any wastewater which contains the following:

(1) Residential Oils and Grease. Solid or viscous oils or grease which may cause obstructions to the flow in a sewer or other interference with the operation of the wastewater treatment facility. Oils and greases containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (32° and 150° F) at the point of discharge into the system. Nonresidential facilities connected to the City of Menan's sewer system shall comply with the terms of Subsection (C) below.

[Amended by Ordinance 418; enacted May 2017]

(2) Explosive Mixtures. Liquids, 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 sewerage facilities or to the operation of the system. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(3) Noxious Material. Noxious or malodorous solids, liquids or gases, which , either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

(4) Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch (1/2") in any dimension.

(5) Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(6) Solid or Viscous Wastes. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(7) Excessive Discharge Rate. Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceeds for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

(8) Toxic Substances. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or that will pass through the system.

(9) Unpolluted Waters. Any unpolluted water including, but not limited to, water from cooling systems or of storm water origin, which will increase the hydraulic load on the treatment system.

(10) Discolored Material. Wastes with objectionable color not removable by the treatment process.

(11) Corrosive Wastes. Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to nine (9) standard units. Prohibited materials, include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(12) Prohibited and Categorical Wastes. Any wastes defined by the EPA pretreatment regulations as a "prohibited " or "categorical" waste as defined by 40 CFR, Section 403.5(b) and Section 403.6.

(B) Limitations on Wastewater Discharges. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of such character or quantity that will:

(1) Not be susceptible to treatment or interfere with the process or efficiency of the treatment system.

(2) Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent.

(3) Violate pretreatment standards.

(4) Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.

(5) Cause the treatment works to be over loaded by either large flows or large concentrations of pollutants.

(C) Grease and Oil Control

(1) Scope and Purpose. To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, and greases into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

(2) Definitions.

a. Fats, Oils, and Greases. Organic polar compounds derived from animal and/or plant sources that contained multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. Fats, Oils, and Greases are sometimes referred to collectively herein as “grease” or “greases”.

b. Grease Trap. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas.

c. Grease Interceptor. A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are often belowground units in outside areas and are built as two or three chamber baffled tanks.

d. Food Service Establishments. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for



consumption by the public such as restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, and care institution. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

e. Minimum Design Capability. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.

f. Public Works Director. That person, an employee of the City of Menan or other appointed individual, who has been assigned the responsibilities of the Public Works Director pursuant to this Section.

g. User. Any person, including those located outside the jurisdictional limits of the City of Menan who contributes, causes, or permits the contribution or discharge of wastewater into sewers within the City of Menan's city boundaries, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

(3) Food Service Establishment Permit Requirement. All permitted food service establishments discharging wastewater to the City of Menan sanitary sewer collection system are subject to the following requirements:

a. Grease Interceptor Requirements: All permitted food service establishments are required to install, operate, and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Ordinance. All grease interceptors must meet the requirements of the international building codes adopted by the City of Menan in Title 8, Chapter 6, Section 2.

b. Implementation: All new food service establishment facilities are subject to grease interceptor requirements. All such facilities must obtain prior approval from the Public Works Director for grease interceptor sizing prior to submitting plans for a building permit. All grease interceptors shall be readily and easily accessible for cleaning and inspection. Existing facilities with planned modification in plumbing improvements, with a building permit evaluation of \$10,000 or more will be required to include plans to comply with the grease interceptor requirements. These facilities must obtain approval from the Public Works Director for grease interceptor sizing prior to submitting plans for a building permit. All existing food service establishments, determined by the Public Works Director, to have a reasonable potential to adversely impact the City's sewer system will be notified of their obligation to install a grease interceptor within the specified period set forth in the notification letter.

c. Variance from Grease Interceptor Requirements: Grease interceptors required under this Section of the Code shall be installed unless the Public Works Director authorizes the installation of an indoor grease trap or other alternative

pretreatment technology and determines that the installation of a grease interceptor would not be feasible. The food service establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The Public Works Director may authorize the installation of an indoor grease trap where the installation of a grease interceptor is not feasible due to space constraints or other considerations. If an establishment believes the installation of a grease interceptor is infeasible, because of documented space constraints, the request for an alternate grease removal device shall contain the following information:

1. Location of sewer main and easement in relation to available exterior space outside building.
2. Existing plumbing at or in a site that uses common plumbing for all services at that site.

Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate, and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by the Public Works Director.

(4) Wastewater Discharge Limitations. No User shall allow wastewater discharge concentration from subject grease interceptor, grease trap, or alternative pretreatment technology to exceed 100 milligrams per liter for petroleum or mineral products or 250 milligrams per liter for animal or vegetable based products.

(5) Grease Interceptor Requirements

a. Grease interceptor sizing and installation shall conform to the international building codes adopted by the City of Menan in Title 8, Chapter 6, Section 2.

b. Grease interceptors shall be constructed in accordance with design approved by the Public Works Director and shall have a minimum of two compartments with fittings designed for grease retention.

c. Grease interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled. The location of the grease interceptor must meet the approval of the Public Works Director.

d. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume. These devices should be inspected at least monthly. Users who are required to maintain a grease interceptor shall:

1. provide for a minimum hydraulic retention time in accordance with the international building codes adopted by the City of Menan in Title 8, Chapter 6, Section 2 of the City Code.
2. remove any accumulated grease cap and sludge pocket as required. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the device.

e. The User shall maintain a written record of inspection and maintenance for 2 years. All such records will be made available for on-site inspection by representative of the City of Menan during all operating hours.

f. Sanitary wastes are not allowed to be connected to sewer lines intended for grease interceptor service.

g. Except as provided herein, for a period of one year following adoption of this Section, although installation of grease interceptors will be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on grease discharges from grease interceptors. If, during this one year period an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), the City of Menan will take appropriate enforcement actions, as stipulated in the Industrial Pretreatment Enforcement Plan and Sewer Use Ordinance, against the generator or contributor of such grease.

h. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

(6) Grease Trap Requirements

a. Upon approval by the Public Works Director, a grease trap complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service establishments where grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal.

b. Grease traps sizing and installation shall conform to the international building codes adopted by the City of Menan in Title 8, Chapter 6, Section 2.

c. No grease trap shall be installed which has a stated rate flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except when specially approved by the Public Works Director.

d. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, or public or private sewer.

e. No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.

f. Wastewater in excess of one hundred-forty (140)°F/ (60°C) shall not be discharged into a grease trap.

g. Except as provided herein, for a period of one year following adoption of this Section, although installation of grease traps will be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on grease discharges from the facility. If, during this one year period an obstruction of a sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the sewer main(s), the City of Menan will take appropriate enforcement actions, as stipulated in the Industrial Pretreatment Enforcement Plan and Sewer Use Ordinance, against the generator or contributor of such grease.

[Amended by Ordinance 418; enacted May 2017]

## 5-2-3 CONTROL OF PROHIBITED WASTES

(A) Regulatory Actions. If wastewaters containing any substance described in section 5-2-2 are discharged or proposed to be discharged into the sewer system of the City or to any sewer system tributary thereto, the Director and City Attorney may take any action necessary to:

- (1) Prohibit the discharge of such wastewater.
- (2) Require a discharger to demonstrate that onsite modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.
- (3) Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
- (4) Require the person making, causing or allowing the discharge to pay any additional cost or expenses, or fines, or penalties, incurred by the City for handling and treating excess loads imposed on the treatment system.
- (5) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(B) Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Director for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations, or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Director.

(C) Pretreatment Facilities Operations. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.

(D) Admission to Property. Whenever it shall be necessary for the purposes of these rules and regulations, the Director, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under the provisions of this chapter, (2) inspecting and monitoring equipment or method, and (3) sampling any discharge or wastewater to the treatment works. The Director may enter upon the property at any hour under emergency circumstances.

(E) Protection from Accidental Discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this chapter.

(F) Reporting of Accidental Discharge. If, for any reason, a facility does not comply with any prohibition or limitations in this chapter, the facility responsible for such discharge shall immediately notify the Director so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Director detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the noncomplying discharge.

(G) Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

(H) Modification of Federal Categorical Pretreatment Standards. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c) (2) of Title 40 of the Code of Federal Regulations, Part 403 – "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

#### 5-2-4 INDUSTRIAL WASTEWATER MONITORING AND REPORTING

##### (A) Discharge Reports

(1) Every significant industrial user shall file a periodic Discharge report at such intervals as are designated by the Director. The Director may require any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports.

(2) The discharge report shall include, but, in the discretion of the Director, shall not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged.

##### (B) Records and Monitoring.

(1) All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this chapter and any applicable State or Federal Pretreatment standards or requirements.

(2) Such records shall be made available upon request by the Director. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this chapter shall be prepared quarterly and submitted to the Director.

(3) The owner or operator of any premises or facility discharging industrial wastes into the system shall install suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. The owner or operator of any premises or facility established after September 24, 1981 shall install at his own cost the suitable monitoring equipment. All such monitoring equipment shall be maintained in proper working order and kept safe and accessible at all times. A suitable monitor system must be approved by City and State Department of Health and Welfare.

(4) The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Director may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

(5) When more than one user can discharge into a common sewer, the Director may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director may require that separate monitoring facilities be installed for each separate discharge.

(6) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director's requirements and all applicable construction standards and specifications.

(7) The City shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants or premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. Regulatory agencies such as the City, Idaho Department of Health and Welfare, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the regulatory agency will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(C) Inspection, Sampling, and Analysis

(1) Compliance Determination. Compliance determinations with respect to section 5-2-2 prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four hour period, or over a longer or shorter time span, as determined necessary by the director to meet the needs of specific circumstances.

(2) Analysis of Industrial Wastewaters. Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods", "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials. Analysis of the pollutants not covered by these publications shall be performed in accordance with procedures established by the State Department of Environmental Health.

5-2-5 ENFORCEMENT PROCEDURES

(A) Notification of Violation. Whenever the Director finds that any person has violated or is violating this chapter, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.



(B) Show Cause Hearing.

(1) If the violation is not corrected by timely compliance, the Director may order any person who causes or allows an unauthorized discharge to show cause before the City Council why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the City Council regarding the violation, and directing the offending party to show cause before the City Council why an Order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(2) The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City Council to:

a. Issue in the name of the City Council notice of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing.

b. Take the evidence.

c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

(3) At any public hearing, testimony taken before the City Council or any person designated by it, must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(4) After the City Council has reviewed the evidence, it may issue an Order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(C) Emergency Suspension of Service. The Director may for good cause shown suspend the wastewater treatment service to a user when it appears to the Director that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the wastewater treatment system, or violate any pretreatment limits imposed by this chapter. Any user notified of the suspension of the Authority's wastewater treatment service, shall within a reasonable period of time, as determined by the Director, cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order within the specified time, the Director and City Attorney shall commence judicial proceedings immediately thereafter to compel the user's compliance with such order. The Director shall reinstate the wastewater treatment service and terminate judicial proceedings pending upon proof by the discharger of the elimination of the non-complying discharge of conditions creating the threat of imminent or substantial danger as set forth above.

(D) Legal Action. Any discharge in violation of the substantive provisions of this chapter or an Order of the City Council shall be considered a public nuisance. If any person discharges sewage, industrial wastes or other wastes into the City treatment system contrary to the substantive provisions of this chapter or any Order of the City Council, the City Attorney shall commence an action for appropriate legal and/or equitable relief in the District Court of this County.

(E) Revocation of Treatment Services. The Director may seek to terminate the wastewater treatment services to any user which fails to (i) report significant changes in wastewater constituents or characteristics; (ii) refuses reasonable access to the user's premises by representatives of the Director for the purpose of inspection or monitoring; or (iii) violates the conditions of chapter, or any final judicial order entered with respect thereto.

5-2-6 PENALTY; COSTS: Any person who is found to have violated an Order of the City Council or who willfully or negligently failed to comply with any provision of this chapter, and the Orders, rules and regulations issued hereunder, shall be guilty of a misdemeanor; and shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules and regulations issued hereunder.

5-2-7                      RIGHT OF APPEAL: Any user or any interested party shall have the right to request in writing an interpretation of ruling by the Director on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this chapter for which enforcement activity relating to an alleged violation which is the subject, receipt of a user's request, shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with State Law.

## CHAPTER 3 TREES AND SHRUBBERY

### SECTION:

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5-3-5	PENALTY
5-3-6	SEVERABILITY

5-3-1 PURPOSE: This chapter is intended to encourage the preservation, protection, and proper maintenance of trees within the City, establish a tree committee, obtain certification and perpetuate the City as a “Tree City USA,” provide direction in the planting and caring for trees, in order to enhance the beauty of the City.

5-3-2                      DEFINITIONS: For purposes of this chapter, words shall have the following meaning:

HAZARDOUS TREE: Any public tree with visibly defined structural defects likely to cause failure of all or part of the tree and be a danger to public safety.

OBSTRUCTIVE TREE: Any public tree that prevents appropriate passage or safe vision on any public property.

PARK TREES: Trees or shrubs in public parks or open space owned by the City to which the public has access.

PUBLIC RIGHT-OF-WAY: Public property owned by, dedicated to, or deeded to the public for pedestrian, vehicular or other use.

PUBLIC TREES: Trees or shrubs situated in such a manner that over 50% of the base or trunk of the tree is on public property or within a public right-of-way.

5-3-3                      TREE COMMITTEE: The Tree Committee for the City of Menan shall consist of four members, who shall be appointed by the Mayor, with the approval of the City Council, and shall serve without compensation. In addition, there shall be one City Council member appointed by the Mayor to serve on the Tree Committee as an advisor. The Tree Committee shall elect a chairman, vice chairman, and secretary from within its membership. The committee shall meet as needed, but at least once each year to review plans for the coming year. Tree Committee meetings shall comply with open meeting requirements. A majority of the committee members must be present for voting purposes.

(A)                      Term of Office: The term of office for the original appointed members shall be two members appointed for two years and two members appointed for three years. Thereafter, reappointive terms for each member shall be for two years. In the event a vacancy occurs a successor shall be appointed and shall fulfill the term of the person being replaced.

(B) Duties: It shall be the duty of the Tree Committee to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plans will be presented to the City Council for approval. The Tree Committee should hold workshops and provide information to the citizens of Menan to promote good tree care.

(C) Applicability: This chapter provides full power and authority over all trees, plants and shrubs located within the street rights-of-way, parks, and public places of the City.

(D) Licensing and Insurance: Public trees and shrubs shall be maintained by qualified city employees or by a business that is licensed and insured.

(E) Landscaping: Landscape plans of public property or commercial developments shall be submitted to the Tree Committee for review prior to breaking ground.

(F) Private Tree Care: The City of Menan will not dictate policy for trees on private property. The Tree Committee will provide citizens with education on proper tree planting and maintenance as needed.

(G) Public Tree Care: Public tree care and management will be done in accordance with the forestry work plan prepared by the Tree Committee. Pruning of public trees shall be performed in accordance with ANSI Standard A300-2001.

5-3-4 PROHIBITED CONDUCT: It shall be unlawful to:

(A) “Top” any public tree in such a way that the crown is removed or severely cut back.

(B) Cut down, destroy, or damage any public tree without permission from the City Council.

(C) Attach devices or signs to any public tree.

(D) Dispose of or apply any substance toxic to trees near any public trees or on public property.

(E) Damage any public trees as a result of construction or excavation activities.

(F) Vandalize or deface any public tree.

(G) Remove or damage any device whose purpose is to provide care or support for any public tree.

(H) Fail to remove branches, stump, or debris resulting from tree maintenance or natural disaster from any right-of-way. Responsibility for removal lies with the owner of the tree.

(I) Plant public trees that:

(1) Are within four feet (4') of any building or structure.

(2) Are within ten feet (10') of fire hydrants or utility poles.

(3) Are within three feet (3') of existing curb, sidewalk, or asphalt.

(4) Are within ten feet (10') of sewer access.

(5) Are within twenty feet (20') of a stop or yield sign.

(6) Are within the site triangle of any public intersection.

Trees shall not obscure sight between three feet (3') and seven feet (7') in height and must be located at least 30 feet (30') from any corner of an intersection.

(7) Have a maximum height that will eventually interfere with overhead power lines.

5-3-5                   PENALTY: Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to provision of the ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed \$500 and/or 6 months in the county jail for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. In addition, if, as the result of the violation of any provision of this chapter, the injury, mutilations, or death of a tree, shrub or plant located on city-owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or plant, shall be borne by the party in violation.

5-3-6                   SEVERABILITY. The sections and subsections of this chapter are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections or subsections.



## CHAPTER 4      PARKS AND COMMUNITY FACILITIES

### SECTION:

5-4-1	PARK OR COMMUNITY FACILITY USE
5-4-2	APPLICATION FOR PERMIT
5-4-3	USE CONDITIONAL ON LIABILITY INSURANCE
5-4-3(A)	CONSIDERATIONS
5-4-3(B)	NONDISCRIMINATION
5-4-4	PROHIBITIONS ON ISSUING PERMIT
5-4-5	SECURITY DEPOSIT
5-4-5(A)	AMOUNT; FACTORS
5-4-5(B)	COVERAGE; RETURN OF BALANCE
5-4-6	LIABILITY INSURANCE REQUIREMENTS
5-4-7	APPEAL
5-4-8	ALCOHOL AND TOBACCO RESTRICTIONS
5-4-8(A)	ALCOHOL
5-4-8(B)	TOBACCO
5-4-9	EVENT REGULATIONS
5-4-9(A)	CONCLUSION OF EVENTS
5-4-9(B)	SECURITY
5-4-10	RENTAL FEE
5-4-11	PENALTY

5-4-1              PARK OR COMMUNITY FACILITY USE: The Menan City Council may grant the exclusive use of any park or portion of the park or facility or community hall thereof for a limited period of time not to exceed two (2) days for a noncommercial purpose and charge therefor such uniform rate as the Council may establish, when the granting of such use will not impair the city's ability to provide adequate park or community hall facilities for the use of the public during such period of time.

5-4-2                    APPLICATION FOR PERMIT: APPLICATION FOR PERMIT AND CONTRACT: Before the City Council may issue any permit hereunder, the person or organization seeking such permit shall file an application with the City Clerk. The City Clerk shall have sole authority within the City of Menan to approve or deny said permit on behalf of the City Council. The application for permit shall be in the form of a contract for the lease of the Town Hall, City Building, other building owned by the City of Menan, or park and shall at be in a form set by the City Council by resolution from time to time, as necessary to protect and maintain the buildings and parks of the City of Menan from potential damages that may occur when said buildings are leased to private individuals, organizations, or other public entities.

[Modified by Ordinance 419; enacted January 2018]

5-4-3                    USE CONDITIONAL ON LIABILITY INSURANCE: If the City Council determines that the use requested is different from the regular and normal use of such park property or community hall, and that to grant the use requested would effect a greater hazard to persons or property than such regular and normal use, the Council shall require as a condition of granting such use the providing of liability insurance specified herein.

(A)            Considerations: In making this determination, the Council shall consider the nature of the proposed use, the nature of the subject park property or community hall, and the reasonable adaptability of the same to such use, the number of persons expected to use such park property or community hall under such permit, the past experience the City and other governmental subdivisions have had with this type of use in facilities, the effect such use would be likely to have on the neighborhood adjacent to property, and the nature of the organization or group that would be using such park property under such permit.

(B)            Nondiscrimination: The Council shall not discriminate against any person because of race, color religion, sex, or national origin in making such determination.

5-4-4                    PROHIBITIONS ON ISSUING PERMIT: In no case shall the council permit, or continue to permit, a use of property under the provisions of this chapter if it reasonably appears to the City council that such use would effect, or is effecting, to a substantial extent, either at the location of the subject property or in the neighborhood adjacent to such property, an interference with the safe and orderly movement of vehicular or pedestrian traffic, an interference with fire or police protection, physical damage to persons or property, a disturbance of the peace, or a health hazard.

5-4-5

SECURITY DEPOSIT:

(A) Amount: The security deposit shall be set by resolution of the City Council from time to time as necessary to protect and maintain the buildings of the City of Menan from potential damages that may occur when said buildings are rented to the public. Said resolution may be the same resolution used to set the form of contract for lease, as required in Section 5-4-2 of the Menan City Code.

(B) Coverage; Return of Balance: The deposit shall not cover personal injury or property damage resulting to persons or organizations other than the City of Menan. After review of the premises by the City, the City shall return, in its absolute discretion, any amount not reasonably necessary to restore the premises to its condition prior to use by the permittee.

[Modified by Ordinance 419; enacted January 2018]

5-4-6

LIABILITY INSURANCE REQUIREMENTS: If the City requires, liability insurance shall be furnished the City if required hereunder and shall provide liability insurance coverage for the operations under such permit of the person or organization, including its members, to whom the permit is issued. Such insurance coverage shall be in the minimum amount as approved by the City Council for property damage in any one accident or occurrence; and both the person or organization and the City shall be insureds thereunder. Separate policies or certificates of insurance showing the person or organization to be covered under one policy and the City to be covered under another policy may be filled in lieu of a single policy or certificate, at the option of the person or organization. All such policies and certificates of insurance shall be issued by companies authorized to do business in the State of Idaho, and shall be approved as to form by the City Attorney before the commencement of such use.

5-4-7

APPEAL: Any person or organization aggrieved by any determination of the City Council made under any provision of this chapter may appeal such determination for reconsideration to the City Council by setting forth the details of such grievance in a letter to it. Not less than five (5) days after the filing of such letter, such person or organization shall personally appear before the City Council to show why he is aggrieved and why and how such determination should be modified or reversed by the City Council. The City Council shall then make a final determination of the matter in controversy at or before its next regular weekly meeting and shall sustain, modify, or reverse the original determination, made by the City Council.

5-4-8

#### ALCOHOL AND TOBACCO RESTRICTIONS:

(A) Alcohol: The possessing or consuming of an alcoholic beverage is forbidden in the public park or community center of the City of Menan. An alcoholic beverage shall be defined as having more than .05% alcohol by weight.

(B) Tobacco: The use of tobacco products is prohibited in the Menan Community Hall.

5-4-9

#### EVENT REGULATIONS:

(A) Conclusion of Events: Absent prior approval of the Menan City Council, all events shall be concluded by 12:00 o'clock p.m., with a reasonable time thereafter provided for clean up.

(B) Security: It shall further be the responsibility of the permittee to provide security via trained security guards or police officers. The security guards shall, at a minimum, be two (2) guards or such other number as may be required by the Menan City Council.

5-4-10

RENTAL FEE: The City Council is empowered to set a rental fee, which fee may be altered by resolution of the Menan City Council. The initial rental fee shall be set in the amount of \$50.00, which amount shall be paid in advance and in a form acceptable to the Menan City Council. Unless otherwise set by resolution, the minimum amount shall be \$50.00. The City council is authorized to provide different fees by resolution for different classes of events as such is reasonably necessary.

5-4-11

PENALTY: Any violation of the provisions of this chapter shall be a misdemeanor punishable by a fine of not more than \$300.00 or six (6) months in jail.

5-4-12

#### OVERNIGHT CAMPING:

An exception to the requirement of a permit, as set forth in 5-4-2, is hereby created to allow for the use of property owned by the City of Menan for camping purposes. The required permit procedure shall be simplified as determined by the City Council by resolution. The City Council shall also, by resolution, determine the per night rate for camping on public property. At no time shall any permittee use public land for any type of camp fire, cooking fire, or other open burning.

Additionally, the terms set forth in Section 5-4-8 regarding liquor shall be enforced such that no alcohol shall be consumed in any public park.

A violation of this section shall be an infraction, as defined in Idaho Code 18-111, punishable by a penalty not to exceed \$100.00 and for which no period of incarceration may be imposed.

[Added by Ordinance 416; enacted May 2017]

## **CHAPTER 5            SANITATION SERVICE**

### **SECTION:**

5-5-1	SCOPE
5-5-2	DEFINITIONS
5-5-3	USE OF SYSTEM
5-5-4	REFUSE ACCUMULATION
5-5-5	DEPOSIT OF REFUSE ON PUBLIC PROPERTY
5-5-6	REQUIREMENTS FOR VEHICLES
5-5-7	CONTAINERS
5-5-8	USE OF REFUSE CONTAINERS
5-5-9	COMPOST PILES
5-5-10	COLLECTION OF REFUSE
5-5-11	MATERIALS TO BE DISPOSED OF BY PERSON
5-5-12	MEDDLING PROHIBITED
5-5-13	COLLECTION AND HAULING FRANCHISE
5-5-14	LICENSING AND CONTRACTING
5-5-14(A)	AUTHORITY
5-5-14(B)	BOND
5-5-15	INSPECTION
5-5-16	SANITARY LANDFILL
5-5-17	FEES
5-5-17(A)	RESIDENCES, OCCUPIED PREMISES
5-5-17(B)	NON-RESIDENTIAL PREMISES AND MULTIPLE FAMILY UNITS
5-5-17(C)	METHOD OF FEE COLLECTION
5-5-18	PENALTIES
5-5-19	SEPARABILITY
5-5-20	TERMINATION OF SERVICES

5-5-1            SCOPE: This chapter shall apply to all properties and areas of the City, including apartments, trailer courts, and all other dwelling units, retail stores, banks, and all other commercial establishments.

5-5-2                    DEFINITIONS: For the purpose of this chapter the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number herein.

(A)            REFUSE: Includes garbage and trash as defined herein.

(B)            GARBAGE: Includes waste resulting from the handling, preparation, cooking and consumption of food, and wastes from the handling and storage of produce.

(C)            ASH AND CLINKERS: The residue from fire used for cooking, heating, or burning of trash after combustion has entirely ceased and the residue has entirely cooked.

(D)            TRASH: Includes wastes other than garbage such as tin cans, bottles, dust, ashes, clinkers, papers, pasteboard, cardboard or wooden boxes, lumber scraps and shavings, leaves, weeds, cuttings from trees, lawns, shrubs and garden, or other similar waste materials produced in normal course of everyday living. The term "trash" shall not include recognized construction wastes, industrial wastes, or by products, carcasses of dead animals, appliances, furniture, automobile parts and bodies, and bodies, and other similar items.

(E)            PERSON: Includes any person, firm, partnership, association, institute, company, corporation, or organization of any kind.

(F)            OWNER, OCCUPANT: May be used interchangeably and shall include every person in possession, charge, or control of any flat, dwelling, rooming house, apartment, or trailer where refuse is created or accumulated.

(G)            COLLECTOR: Includes the person holding a license or contract with the City, or employed and thereby authorized and designated by the City to collect, handle, transport and dispose of refuse.

(H) INSPECTOR: The authorized employee or employees of the City, or some individual designated by the Council as having to enforce this chapter. In the absence of an appointment, the City Public Works Director shall be deemed to have the power of inspector.

(I) APPROVED CONTAINER: Only those containers which have been approved by the "inspector" as to type and make. Only those containers meeting the following specifications shall be approved by the "inspector":

- (1) They shall be constructed to allow pick up through automated means;
- (2) They shall be a minimum of ninety (90) gallons.

(J) Wherever the word "shall" appears in this chapter, it shall be construed as being mandatory.

5-5-3 USE OF SYSTEM: Every person who is an owner or occupant of premises for residential or commercial purposes within the City limits shall use the refuse collection and disposal system herein provided and shall deposit or cause to be disposed of in accordance with this chapter all refuse which is accumulated on such premises; provided, however, that if the owner or occupant fails to pay the fees as provided by subsection 5-5-17(A), then the City may refuse garbage collection to that owner or occupant as set forth in section 5-5-20. Nothing herein is to be construed to prohibit any owner from transporting and disposing of refuse accumulated on his own premises, subject to all regulations herein contained.

5-5-4 REFUSE ACCUMULATION: It shall be unlawful for any person to permit or to suffer to accumulate in or about any yard, lot, place or premise, or upon any street, alley, or sidewalk adjacent to such lot, yard, place or premise, owned or occupied by such person, any refuse so as to cause such yard, lot, premise, or the street, alley, or sidewalk adjacent thereto, to be or remain in such condition as to cause or create an offensive odor or atmosphere, offensive as noticeably unsightly, or create an insect or rodent harborage, or thereby, in any manner, to be or become, or cause or create, a public nuisance or a menace to public health within the limits of the City. No person shall deposit refuse on or below the surface of the ground other than in a manner prescribed herein.



5-5-5                    DEPOSIT OF REFUSE ON PUBLIC PROPERTY: No person shall deposit or bury any refuse in or upon a public alley, street, other public area, or upon the premises of another person, whether or not the refuse is in an "approved refuse container". No refuse of any kind shall be thrown, swept or pushed into the street in front of any residence. The owner of the premises shall be responsible for the disposal of all such refuse.

5-5-6                    REQUIREMENTS FOR VEHICLES: The actual producers of refuse, or the owners of premises upon which refuse is accumulated, who desire personally to collect and dispose of refuse, persons who desire to dispose of waste materials not included in the definition of refuse or materials not acceptable for collection, and collectors of waste and refuse from outside of the City who desire to haul over the streets of the City shall use a vehicle so equipped and operated as to prevent refuse from being blown, dropped, or spilled therefrom and offensive odors escaping therefrom. This provision shall not be construed as authorizing the elimination of any recurring fees imposed by the City for garbage pick up.

5-5-7                    CONTAINERS: Every person using or occupying any building, house or structure within the corporate limits for residential purposes, shall provide and maintain "approved containers" of sufficient number and size to hold all refuse accumulating on the premises. The "collector" will empty and return only "approved containers."

5-5-8                    USE OF REFUSE CONTAINERS: All refuse must be placed in "approved containers" as defined herein. In residential areas all refuse that is mixed with water or other liquids shall be drained and shall be well wrapped in paper before being placed in containers. No free liquids shall be placed in the container. Containers when filled shall not weigh more than seventy-five (75) pounds. Lids of such containers shall not be removed except when necessary to place or remove refuse, and the lid or cover of every refuse container shall at all times be kept securely in place and no refuse container shall be so overloaded that the lid or cover cannot be properly kept in place.

5-5-9                    COMPOST PILES: Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only, may be transported, kept and used; providing that the same shall not cause obnoxious odors to the neighborhood.

5-5-10                    COLLECTION OF REFUSE: Refuse shall be collected from all residential premises within the City at least once each week. Premises wherein large accumulations of refuse occur may be classified separately with more frequent collection from such premises. The Council shall establish a schedule of collection and the person who owns or occupies residential premises within the City shall place all containers on the premises adjacent to the alley line of said premises upon the day scheduled for pickup. Where there is no alley entrance to premises, refuse containers shall be placed at the street curb or at the inside edge of the sidewalk where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection; and the empty containers shall be withdrawn from the front of the premises as soon after collection as possible on the same day. No refuse containers, refuse burners, or piles of refuse shall be placed in or upon the alley right-of-way.

5-5-11                    MATERIALS TO BE DISPOSED OF BY PERSON: Dirt or earth debris from construction or lawn renovation, rocks, stones, automobile bodies and parts, washing machines, refrigerators, hot water tanks, stoves, tree trunks, and stumps, and other similar materials, dead animals, furniture, building materials such as mortar, plaster, scrap lumber, broken concrete, and brick, shall be collected and disposed of by the building contractor, person, owner, or occupant of the premises. Waste oils and lubricants from garages, service stations, machine shops and other similar establishments shall be disposed of by the person responsible for the same.

5-5-12                    MEDDLING PROHIBITED: The meddling with refuse containers, i.e., any pilfering, scattering contents, and junking in any alley or street within the City limits is prohibited. The use of another person's container is prohibited and may be punishable by a fine of up to \$300.00.

5-5-13                    COLLECTION AND HAULING FRANCHISE: Any person, firm, or corporation desiring a franchise for the collection and disposal of refuse, shall make application to the City Council, who shall make and cause to be made such Investigation as it may consider necessary in order to determine whether or not the public convenience and necessity requires the granting of such franchise. Any franchise so granted shall be subject to the terms and conditions of the City Charter and this chapter.

5-5-14                    LICENSING AND CONTRACTING:

(A) Authority: The Mayor and Council have the sole authority:

(1) To license, contract, or perform all services pertaining to collection and disposal of refuse under this chapter.

(2) To establish reasonable fees for refuse collection and disposal services.

(3) To enter into contracts with one or more contractors.

(4) To establish reasonable rules and regulations governing the conduct and operation of such licensee or contractors.

(B) Bond: The Council may require of any such collector or contractor a bond in a reasonable amount, the condition of which shall be the satisfactory performance of the contract.

5-5-15 INSPECTION: All appropriate officers of the City shall have the right of ingress or egress to any premises for the purpose of inspecting all places and containers where refuse is accumulated or kept.

5-5-16 SANITARY LANDFILL: The disposal of all refuse collected, pursuant to the provisions of this chapter, shall be in a sanitary landfill.

5-5-17 FEES:

(A) Residences, Occupied Premises: The City Council shall assess each residence and/or occupied premises within the City upon which refuse accumulates, and charge it reasonable collection fees for services rendered. Said charges and billing practices may be amended from time to time, as reasonable, by motion, majority vote, and minute entry of the City Council. Initial billing shall be at the rate of \$7.50 per month, which amount shall be payable in advance. Amounts shall be deemed delinquent if not received by the City of Menan by the 30th of each month. If not so received, the Clerk shall attach a penalty of \$1.00, which shall be concurrent with any such late charge.

(B) Non-Residential Premises and Multiple Family Units: The "Inspector" shall determine from time to time the appropriate fees based upon the number of containers picked up.

(C) Method of Fee Collection: Fees shall be carried on the sewer bills, wherever applicable, and the City Clerk is authorized and directed to enforce collection by all means allowed by law.

5-5-18 PENALTIES: Any person found guilty of violating any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not more than three hundred dollars (\$300.00), or by imprisonment in the Jail, for a term not to exceed five (5) days.

5-5-19 SEPARABILITY: If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this chapter.

5-5-20 TERMINATION OF SERVICES: In the event any owner or occupant fails to pay the monthly fees as set forth herein, or otherwise fails to comply with the provisions of this chapter, then the City may terminate garbage collections services to the premises receiving collection services or any other property owned by the customer receiving such services. Such termination of services shall conform to the following procedures:

(A) Whenever a bill becomes delinquent for more than fifty (50) days or upon the customer's failure to comply with this chapter, the City Clerk shall mail a notice of termination to the customer and the customer's service may thereafter be terminated upon compliance with the procedure set forth herein. The notice of termination shall contain the following:

- (1) The customer's name and mailing address;
- (2) The address or addresses where service is being delivered;
- (3) The customer's account number under which the default has occurred;
- (4) A statement that the customer's account is delinquent and the amount of such delinquency as of a specified date, or a statement of the reason for the proposed disconnect;
- (5) A statement that the customer is entitled to a hearing regarding the alleged default;
- (6) The period of time within which the customer must appear for hearing; and
- (7) A statement that if customer does not appear within such time period the amount of the delinquency or the default will be deemed to be correct and that the customer's sanitation services at all points of delivery may be discontinued immediately thereafter if the bill is not sooner paid or unless a written arrangement for payment of the billing satisfactory to the City Clerk is made, or unless the default is immediately corrected.

(B) The period of time in which the customer must appear shall not be less than ten (10) days and shall commence two (2) days after the date the notice of termination is mailed. The notice of termination shall be deemed to have been delivered upon its deposit in the United States mail, postage prepaid, addressed to the customer at the customer's address set forth in the customer's application for garbage services, or such other address as may be communicated to the City Clerk in writing. If the customer fails to appear within such time period and the bill has not been paid, or satisfactory arrangements for the payment thereof have not been made, or the customer's default has not been satisfactorily corrected, the City Clerk may immediately issue an order to discontinue service to such customer. If the customer appears at the hearing, the City Clerk shall hear the customer's complaint, review and examine the testimony and evidence presented and forthwith render a decision based upon such testimony and evidence and upon the records of the City. The City Clerk may render a decision at the hearing or may render a decision in writing, and in such case shall mail a copy thereof to the customer. In the event the City Clerk finds the customer to be in default, the City Clerk shall advise the customer that his or her sanitation service will be discontinued at the expiration of three (3) days after notice of the Clerk's decision is given or mailed, unless the customer's default is satisfactorily corrected before such date. Termination of sanitation service may be made of any or all accounts under the name of the customer in default, regardless of whether or not the default relates to the premises or account for which termination is ordered.

(C) If the City terminates service to the customer, the City is authorized to confiscate the garbage container from the customer. A fee of ten dollars (\$10.00) will be charged each time the City confiscates a customer's garbage container for nonpayment. Subsequently, if garbage service is restored, and the same customer's service is terminated again for nonpayment, the fee will increase an additional ten dollars (\$10.00), to twenty dollars (\$20.00). This fee will increase an additional ten dollars (\$10.00) each time the City has to confiscate the same customer's garbage container.

## **CHAPTER 6            ANIMAL CONTROL**

### **SECTION:**

- 5-6-1            **ANIMAL CONTROL**
  - 5-6-1(A)            **PROHIBITED CONDUCT**
  - 5-6-1(B)            **GRAZING PROHIBITED**
- 5-6-2            **COMMUNICABLE DISEASE AND PROCEDURE UPON DETECTION**
  - 5-6-2(A)            **DISPOSAL OF AFFLICTED ANIMALS**
  - 5-6-2(B)            **QUARANTINE OR IMPOUNDMENT AUTHORIZED**
- 5-6-3            **PENALTIES**
  - 5-6-3(A)            **PENALTIES IMPOSED**
  - 5-6-3(B)            **TIME PERIOD FOR CONSIDERING VIOLATIONS**
- 5-6-4            **SEIZURE OF STRAY ANIMALS: NOTIFICATION TO OWNER, FEES**
  - 5-6-4(A)            **POLICE DUTIES**
  - 5-6-4(B)            **FEES**
- 5-6-1            **ANIMAL CONTROL:**

(A)        **Prohibited Conduct:** Any person or persons, or corporation permitting any animal, except dogs (governed by Title 4, Chapter 3) and felines of any variety, it shall be unlawful for any owner to allow or permit any animal to be on or remain upon the streets or alleys of the City, or in any public place in the City, or upon any other premises without the consent of the person in possession of such premises, unless such animal shall be in charge of a person and controlled by a leash or other method of actual control of the animal.

(B)        **Grazing Prohibited:** Grazing, feeding, gathering, or the like of any animal, except dogs (governed by Title 4, Chapter 3) and felines of any variety is prohibited upon any of the public streets or alleys within the corporate limits of the City of Menan, whether or not the animal is in the charge of any person or persons or otherwise.

[Amended by Ordinance 2021-3; enacted December 9, 2021]

(A) Disposal of Afflicted Animals: Any animal afflicted with any communicable disease that could be fatal to animals or humans shall be disposed of immediately either by the owner, by the Chief of Police, or anyone designated by the City Council.

(B) Quarantine or Impoundment Authorized: Law Enforcement or any person designated by the City Council has the authority to order the owner of any animal showing symptoms of any communicable disease that could be fatal to animals or humans, or of any animal which has bitten any person so as to cause any abrasion of the skin; to subject such animal to the City pound for quarantine for a period of time not to exceed fifteen (15) days, and if such owner shall pay the regular fee for keeping the animal impounded, no other fee shall be charged. If such fee is not paid, the animal shall be subject to disposal as provided in Section 5-6-4 and the owner shall be liable for costs as provided in Section 5-6-4. Provided, however, that in lieu of submitting such animal to the City pound, the owner may, at his or her expense, admit such an animal to a veterinarian for examination.

[Amended by Ordinance 2021-3; enacted December 9, 2021]

(A) Police Duties: It shall be the duty of law enforcement or any other person designated by the City Council, to seize any and all animals, except dogs (governed by Title 4, Chapter 3) and felines of any variety, whenever and wherever found, whether on public or private property within the City; provided, however, that if the owner of an animal has been seized, law enforcement shall leave notice with the owner, if known, at their last known address; who may thereupon recover possession of the dog upon payment of the license fee, fine and costs. Upon seizure of the animal, it shall be confined by the City in a proper impound for a period of not more than ten (10) days. If the animal is not picked up, it may be humanely destroyed.

(B) Fees: Costs shall be fifteen (\$15.00) for pickup fee and fifteen (\$15.00) per day for impound fee.

[Amended by Ordinance 2021-3; enacted December 9, 2021]



(A) Penalties Imposed: Any person violating a provision of this chapter shall be guilty of (1) an infraction on the first offense, and shall be fined not more than one hundred dollars (\$100.00) for that offense; (2) an infraction of the second offense, and shall be fined not more than three hundred dollars (\$300.00) for that offense; (3) a misdemeanor on the third offense and each offense thereafter, and shall be fined not more than one thousand dollars (\$1,000.00) and /or jailed for not more than six (6) months for that offense.

(B) Time Period for Considering Violations: For purposes of this Section, all violations within three (3) years of the last offense shall be considered.

[Amended by Ordinance 2021-3; enacted December 9, 2021]

## **CHAPTER 7            PUBLIC RIGHT-OF-WAY CONSTRUCTION**

### **SECTION:**

- 5-7-1:            DEFINITIONS
- 5-7-2:            PERMIT REQUIRED
- 5-7-3:            EXCEPTIONS
- 5-7-4:            INSURANCE
- 5-7-5:            APPLICATION FOR PERMIT
- 5-7-6:            PERMIT FEES
- 5-7-7:            LOCATION PROCEDURE
- 5-7-8:            COMPLETION OF WORK AND BACKFILLING
- 5-7-9:            TIME TO COMPLETE REPAIRS
- 5-7-10:           MAINTENANCE AND SAFEGUARDS
- 5-7-11:           WARRANTY OF REPAIRS
- 5-7-12:           REPAIRS BY CITY
- 5-7-13:           REMEDY FOR NONCOMPLIANCE
- 5-7-14:           NO DUTY

5-7-1:            DEFINITIONS: For the purposes of this Chapter, all terms used herein shall have the same meanings ascribed in the “Public Right-of-Way Construction” Chapter. In addition, certain terms shall have the meanings ascribed below:

**PUBLIC RIGHT-OF-WAY CONSTRUCTION:** The construction, placement or laying of any asphalt or concrete pavement; sidewalk; driveway; curb; gutter; water line; sanitary sewer line storm drain line; telephone line; electrical line, conduit, or facilities; cable TV line, conduit, or facilities; gas line or facilities; or any other similar structure or appurtenant facilities within any street, alley, easement or other public right-of-way of the City.

**PUBLIC RIGHT-OF-WAY CONTRACTOR:** Any person, partnership, corporation, association, agency or other organization who engages in the business of public right-

of-way construction or who contracts for and engages in removal of snow, debris, or other materials from public rights of-way.

5-7-2: LICENSE REQUIRED:

(A) No person shall engage in, control or otherwise direct public right-of-way construction or otherwise engage in the business of a public right-of-way contractor within the City unless such person shall have first obtained a license under the provisions of this Chapter.

(B) Exceptions: No license shall be required for the following persons:

- (1) a person working under the direct supervision and bond of a licensed public right-of way contractor;
- (2) a person who solely installs, lays, forms or places concrete for any sidewalk, curb, gutter or driveway within a public right-of-way and adjacent or appurtenant to property owned by such a person;
- (3) a City employee engaged in performing work for the City or an employee of the State of Idaho while engaged in performing work for the State;
- (4) a utility holding a franchise granted by the City, but not including a contractor or subcontractor of such utility;
- (5) a person who tills soil to a depth of less than fifteen inches (15") for agricultural purposes; and
- (6) a person who replaces highway guard rails, posts, sign posts, delineative posts, culverts, electric poles, telephone poles, traffic control signs or device supports, or other similar publicly-owned fixtures, in the same approximate location and depth within a public right of-way.

5-7-3: APPLICATION FOR LICENSE: All applications for a Public Right-of-Way Contractor's License shall be on such forms and shall provide such information as the City Council deems necessary to determine the applicant's capability and responsibility to perform work within any public right-of-way. The license application shall be submitted to the City Clerk and shall be accompanied by payment of the license fee in an amount set from time to time by Resolution of the Council. All applications shall be granted or denied by the Council within sixty (60) days following the receipt of the fully completed application form by the City Clerk.

5-7-4: TERM OF LICENSE: Each license issued under this Chapter shall expire on December 31 of the year for which it is issued.

5-7-5: LICENSE FEES: The fee for a Public Right-of-Way Contractor's License shall be in an amount set from time to time by Resolution of the Council. Neither the license fee nor any portion thereof shall be refunded once a license has been issued. No portion of the license

fee shall be prorated.

5-7-6: LICENSE NOT TRANSFERABLE: Licenses issued under this Chapter shall not be transferable.

5-7-7: INSURANCE AND BONDING:

(A) Liability and Hazard Insurance: Every contractor granted a license under this Chapter shall maintain comprehensive general liability coverage including completed operations in an amount not less than five hundred thousand dollars (\$500,000) single limit liability for personal injury, death and property damage, provided however if the work to be done is limited to excavation in an easement situated entirely on private property or is for construction of a concrete sidewalk, curb or gutter located within a street right-of-way and parallel with adjoining private property, the amount of such insurance shall be not less than one hundred thousand dollars (\$100,000), single limit. Coverage for underground hazard shall also be included. Contractors engaged in work requiring the use of explosives or work that may endanger or cause the collapse of adjacent buildings or facilities shall also carry explosion and collapse hazard coverage with a minimum limit of one-million dollars (\$1,000,000) single limit liability for personal injury, death and property damage. This coverage may be carried on an individual "project" or "permit" basis where the need for such coverage is applicable. Each policy as required above shall carry an endorsement naming the City as an additional insured under said policy. Each policy shall also contain a clause requiring that the City Council be given at least thirty (30) days advance written notice in the event of anticipated cancellation of the policy or any coverage under the policy. Certificates of insurance evidencing the required coverage shall be filed with the City Council along with the contractor's license application.

(B) Worker's Compensation Insurance: Contractors with employees shall carry statutory worker's compensation insurance with at least five hundred thousand dollars (\$500,000) employer's liability per occurrence. A certificate of insurance evidencing such worker's compensation coverage as set forth above shall be filed with the City Council prior to the issuance of a license under this Chapter.

(C) Bond: Prior to performing work within any public street, alley, easement or other public right-of-way of the City, all licensees shall execute and deposit with the City Council either a bond in favor of the City or an equal amount in cash to ensure proper and adequate performance of all work within a public right-of-way in accordance with this Chapter and of the "Public Right of-Way Construction" Chapter this Code. The amount of such bond shall be in an amount set from time to time by Resolution of the Council. A surety may cancel its future liability under any bond furnished hereunder by giving the City Council thirty (30) days advance written notice of the intention to cancel. Cancellation shall not affect any liability which may have accrued under the terms of the bond prior to cancellation. A license shall be subject to revocation whenever a bond is canceled unless a comparable bond is furnished at the time of cancellation of the original bond.

5-7-8: DUTIES AND RESPONSIBILITIES OF PUBLIC RIGHT-OF-WAY CONTRACTOR: All licensees under this Chapter shall have the following duties and responsibilities:

(A) Any contractor licensed hereunder shall be responsible for the proper performance of all work required by the contract, whether or not such work is done by him directly or by a subcontractor.

(B) Any licensee shall provide such safety measures and equipment as are required to safely protect workers and the public as prescribed by this Chapter, all other ordinances adopted by the City and all laws of the State of Idaho and the United States.

(C) The licensee shall ensure that all other applicable permits and insurance are obtained by the licensee and any subcontractors working under the contract, prior to undertaking any public right-of-way construction.

(D) The licensee shall present the license when requested to do so by the City Council or the City Council's authorized representative(s).

(E) The licensee shall faithfully construct all facilities in accordance with any drawings or specifications approved by the City.

(F) The licensee shall obtain all inspections required by this Code.

(G) The licensee shall construct or reconstruct all underground facilities in strict compliance with all applicable codes, specifications, and standards adopted by ordinance of the City.

(H) The licensee shall warrant the adequacy and continued satisfactory condition and function of any street repairs or underground facilities constructed or reconstructed within any public right-of-way, for a period of one year after final approval and acceptance thereof by the City. Licensee's bond required by this Chapter shall remain in full effect for the duration of the warranty period.

#### 5-7-9: SUSPENSION AND REVOCATION OF LICENSES:

(A) The City Council may suspend or revoke a license when the licensee commits one or more of the following acts or omissions:

(1) Fails to comply with any provisions set forth in this Chapter or the "Public Right of-Way Construction" Chapter of this Code.

(2) Knowingly combines or conspires with any person to permit the license to be used by such person, except as allowed in this Chapter.

(3) Knowingly conspires with any other person to violate the provisions of this Code.

(4) Knowingly violates any ordinance adopted by the City or any

standard drawings or standard specifications governing the construction, replacement or repair of any utility, street or associated facilities within the City.

(B) The procedure governing the suspension or revocation of licenses shall be as follows:

(1) The licensee shall be notified in writing, by certified mail, that good cause appears to suspend or revoke the licensee's license. The reason or reasons for each action shall be enumerated in such notice.

(2) Upon receipt of the notice, the licensee may request a hearing before the City Council. Such request shall be in writing and shall be delivered to the City Council within seven (7) days of the receipt of said notice. Such notice shall be deemed received upon its deposit in the U.S. mail, postage prepaid.

(3) If a hearing is requested by the licensee, the City Council shall set a time, date and place of said hearing and shall notify the licensee in writing at least ten (10) days prior to the date of the hearing.

(4) When a hearing is conducted, the licensee and other interested parties may present written or oral testimony and evidence. Upon completion of the hearing, the City Council shall promptly notify the licensee in writing, by certified mail, of the findings and decision regarding the suspension or revocation of the license.

(C) If the decision rendered by the City Council is adverse to the licensee, the licensee may appeal to the Council. Such appeal must be filed within thirty (30) days after delivery of the ruling to the licensee. Such delivery shall be presumed complete upon its deposit in the U.S. mail, postage prepaid, addressed to the last known address of the licensee. The decision rendered by the Council shall be final.

[Added by Ordinance 2024-2; enacted June 13, 2024]

## **CHAPTER 8            PUBLIC RIGHT-OF-WAY LICENSING**

### **SECTION:**

- 5-8-1:            DEFINITIONS
- 5-8-2:            PERMIT REQUIRED
- 5-8-3:            EXCEPTIONS
- 5-8-4:            INSURANCE
- 5-8-5:            APPLICATION FOR PERMIT
- 5-8-6:            PERMIT FEES
- 5-8-7:            LOCATION PROCEDURE
- 5-8-8:            COMPLETION OF WORK AND BACKFILLING
- 5-8-9:            TIME TO COMPLETE REPAIRS
- 5-8-10:           MAINTENANCE AND SAFEGUARDS
- 5-8-11:           WARRANTY OF REPAIRS
- 5-8-12:           REPAIRS BY CITY
- 5-8-13:           REMEDY FOR NONCOMPLIANCE
- 5-8-14:           NO DUTY

5-8-1: DEFINITIONS: For the purposes of this Chapter, certain terms shall have the meanings ascribed below:

ACT: The Underground Facilities Damage Prevention Act as set forth in Idaho Code Section 55-2201, et seq.

CONSTRUCTION: The construction, placement or laying of any asphalt or concrete pavement; sidewalk; driveway; curb; gutter; water line; sanitary sewer line; storm drain line; telephone line, conduit or facilities; electrical line, conduit or facilities; cable TV line, conduit or facilities; gas line or facilities; or any other similar structure or appurtenant facilities within any street, alley, easement or other public right-of-way of the City.

EXCAVATION: Any operation in which earth, rock or other material in the ground is moved or otherwise displaced by any means, including, but not limited to explosives.

EXCAVATOR: Any person who engages directly in excavation within City limits.

REPAIR: The improvement, alteration, modification or replacement of any asphalt or concrete pavement; sidewalk; driveway; curb; gutter; water line; sanitary sewer line; storm drain line; telephone line, conduit or facilities; electrical line, conduit or facilities; cable TV line, conduit or facilities; gas line or facilities; or any other structure or appurtenant facilities in any street, alley, easement or other public right-of-way of the City.

UNDERGROUND FACILITY: Any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for landscape sprinkler systems), sewage, electronic signal, telephonic or telegraphic communications, cable television, fiber optic, electrical energy, petroleum products, gas, gaseous vapors, hazardous liquids or other substances, including, but not limited to pipes, sewers, conduits, cables, valves, lines, wires manholes, attachments and those parts of poles or anchors located below ground.

WORKING DAYS: All days except Saturdays, Sundays and legal holidays.

WORKING HOURS: The hours from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m. local time of any working day.

5-8-2: PERMIT REQUIRED: No person shall engage in any construction, repair or excavation in any street, alley, easement or other public right-of-way within the City without first obtaining a permit to do so approved by the City Council. Engaging in any such construction, repair, or excavation without a permit shall constitute an infraction. No permit under this Chapter shall be valid until or unless the notice provisions of Idaho's Underground Facilities Damages Prevention Act have been complied with. The permit shall clearly define the area within which the permittee may do such construction, repair or excavation. A copy of the permit shall be kept on file with the City Council for a period of not less than ten (10) years after acceptance of the completed work that was permitted. The permittee shall keep a copy of the permit onsite at all times that work under this permit is being performed.

5-8-3: EXCEPTIONS: Unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation, a permit shall not be required for the following excavations; provided that notice of excavation has been given to the City Clerk prior to any excavation:

(A) The tilling of soil to a depth of less than fifteen inches (15") for agricultural purposes;

(B) For replacement of highway guardrail posts, sign posts, delineator posts, culverts, electric poles, telephone poles and traffic control device supports in the same approximate location and depth of the replaced item within a public highway right-of-way.



(C) For emergency repairs to underground facilities when any delay in performing the work could reasonably result in a hazard to life or property. In such case, the person performing the work shall notify the City Council as soon as practicable and shall complete, backfill, maintain, safeguard, and warranty the work in accordance with the provision of this Chapter.

(D) For work performed by a utility holding a franchise granted by the City, but not including a contractor or subcontractor of such utility;

5-8-4: INSURANCE: No permit shall be issued pursuant to this Chapter unless the applicant presents with the application, or has on file with the City Council, a certificate of insurance from an insurance company qualified to write insurance contracts within the State of Idaho, certifying that the applicant has a policy of public liability insurance in an amount of not less than five hundred thousand dollars (\$500,000) single limit liability for personal injury, death and property damage; provided, however, if the work to be done under the permit is limited to excavation in an easement situated entirely on private property or is for construction of a concrete sidewalk, driveway or curb and gutter within a street right-of-way, but parallel with and adjacent to private property, the amount of such insurance shall be not less than one hundred thousand dollars (\$100,000) single limit for personal injury, death and property damage. Coverage for underground hazard shall also be included. Permits involving work requiring the use of explosives or work that may endanger or cause the collapse of adjacent buildings or facilities shall also require the permittee to carry explosion and collapse hazard coverage with a minimum limit of one-million dollars (\$1,000,000) single limit liability for personal injury, death, and property damage. Each policy, as required above, shall carry endorsement naming the City as an additional insured under said policy. Said insurance policy or policies shall contain a clause requiring that the City Council be given at least thirty (30) days advance written notice in the event of expiration or anticipated cancellation. The permit shall be revoked at the time such insurance expires or is cancelled unless a certificate of comparable insurance is filed with the City Council prior to the time of cancellation or expiration of the original policy of insurance.

5-8-5: APPLICATION FOR PERMIT: Applications for construction, repair and excavation permits shall be made at the office of the City Council and shall be accompanied by payment of the permit fee. The application shall state the applicant's name, business or home address, the applicant's City Right-of-Way Contractor's license number (if any), telephone number, the location of the construction, the name, address and telephone number of the owner of the property where such repair or excavation will occur, the date notification was given to all one number locater services or the owner of any underground public facility as defined under the Act, and a detailed description of the work to be performed at the location specified. If the applicant complies with the provisions of this Chapter and the proposed construction, repair or excavation work complies with this Code and will not endanger public health, safety or welfare, the City shall issue the permit, provided the City may issue the permit subject to such conditions

as are necessary to protect the public health, safety and welfare. No permit shall be issued to any person who does not possess all licenses required by state or local law.

5-8-6: PERMIT FEES: The fee for each permit issued pursuant to this Chapter shall be in an amount set from time to time by Resolution of the Council.

5-8-7: LOCATION PROCEDURE AND NOTIFICATION REQUIREMENTS: The permittee shall call for utility locates in accordance with the Idaho Code. The permittee shall also give written or oral notice to the City Council or a designated representative not more than seven (7) working days nor less than one (1) working day prior to commencing construction, repair or excavation. If the permittee, after commencing work, shall cease construction, repair or excavation for more than one working day, then notice shall again be given to the City Council or a designated representative not more than seven (7) working days nor less than one (1) working day prior to the time when construction, repair or excavation shall again commence.

5-8-8: COMPLETION OF WORK AND BACKFILLING: All work shall be expeditiously performed and completed as soon as reasonably possible. Upon completion of construction or repair, the permittee shall promptly backfill any street, alley, easement or other public right-of-way in which permittee has made any excavation and restore all surface improvements. All work, backfilling, and surface restoration shall be done in accordance with the drawings and specifications approved by the City. Any survey monuments disturbed shall be reestablished and remonumented as set forth in the Idaho Code.

5-8-9: TIME TO COMPLETE REPAIRS: Permanent surface repairs shall be completed by the permittee not later than three (3) days after the excavation has been backfilled, unless otherwise authorized by the City Council or his designated representative. If weather conditions prohibit permanent repairs, the City Council, or a designated representative, may authorize the use and installation of temporary cold patches. Such temporary cold patches shall be replaced by the permittee as soon as weather permits.

5-8-10: MAINTENANCE AND SAFEGUARDS: The permittee shall continuously maintain the construction, repair or excavation site in a safe condition and keep the site free from any condition that may cause risk of harm to any person or property at all times after the work has commenced and until all work, including permanent patching, has been completed and accepted by the City. During such time, permittee also shall provide, install and continuously maintain proper safeguards, signs and barricades at the construction, repair or excavation site. Such signs and barricades shall conform to the requirements and standards set forth in the most recent edition of the Manual on Uniform Traffic Control Devices (MUTCO) published by the U.S. Department of Transportation, Federal Highway Administration, or any other manual adopted by the State of Idaho, Department of Transportation, pursuant to the Idaho Code.

5-8-11: WARRANTY OF REPAIRS: The permittee shall warrant to the City the adequacy and continued satisfactory condition and function of all backfill and permanent patches installed by

permittee or by any agent or employee of permittee for a period of one year after the completed work has been accepted by the City Council. Such warranty shall extend only to any unsatisfactory condition or function caused by inferior design, workmanship and materials furnished by permittee or by any agent or employee of permittee.

5-8-12: REPAIRS BY CITY: If the permittee fails to install permanent surface repairs within three (3) days after completion of backfill, or if the permittee fails to honor the warranty set forth in the preceding section after demand by the City, the City may complete the work and make such repairs. If such repairs are completed by the City, the City may charge the cost of the repairs to the permittee. The cost of repairs shall reflect current market rate for all expenses required to accomplish such repairs, including the hiring of a company to complete repairs. The permittee shall pay such cost within thirty (30) days after the City has given written notice to permittee of the cost.

5-8-13: REMEDY FOR NONCOMPLIANCE: If any permittee fails to perform any duty imposed by this Chapter or if any permittee fails to pay the costs assessed pursuant the preceding section within the time provided therein, the City, at its option and upon prior written notice to permittee, may suspend or revoke any contractor's license issued by the City to the permittee, cancel or revoke all permits held by the permitted and refuse to issue to the permittee further permits for construction, repair or excavation in public rights of way or easements of the City. The City may also make a claim against the permittee's bond.

5-8-14: NO DUTY: Nothing in this Chapter shall be deemed or construed to impose any private duty or obligation upon the City to properly or accurately locate any utility line or facility or to ensure that a permittee fully complies with the provisions hereof.

[Added by Ordinance 2024-3; enacted June 13, 2024]



**TITLE 6   MOTOR VEHICLE AND BICYCLE REGULATIONS**

**CHAPTER 1 .....TRAFFIC REGULATIONS**

## CHAPTER 1      TRAFFIC REGULATIONS

### SECTION:

6-1-1	DEFINITIONS
6-1-2	RESTRICTIONS AS TO SPEED
6-1-3	LAWS OF STATE APPLICABLE IN PART
6-1-4	EMERGENCY EQUIPMENT TO HAVE RIGHT OF WAY
6-1-5	PENALTIES FOR VIOLATION
6-1-6	SAVING CLAUSE

6-1-1            DEFINITIONS: All other words and phrases used in this chapter, the definition of which is not herein given, shall be given the ordinary and commonly understood and accepted meaning. The following words and phrases used in this chapter shall be given the following interpretation:

(A)            VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a public street, excepting devices moved by human power or used exclusively upon stationary rails or tracks. Provided that for the purposes of this chapter, a bicycle or a ridden animal shall be deemed a vehicle.

(B)            MOTOR VEHICLE: Every vehicle, as herein defined, which is self-propelled.

(C)            PERSON: Every natural person, firm, copartnership, association or corporation.

(D)            STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

6-1-2                RESTRICTIONS AS TO SPEED: Any person driving a vehicle on a street or highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive any vehicle upon a street or highway as to endanger the life, limb, or property of any person, and subject to these provisions it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful, to-wit:

(A)            Fifteen (15) miles per hour when approaching within fifty feet (50') of a grade crossing, of any steam, electric, or street railway when the driver's view is obstructed. A Driver's view shall be deemed to be obstructed when at any time during the last two hundred feet (200') of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet (400'); in each direction from such crossing.

(B)            Fifteen (15) miles per hour when passing a school during school recess or while children are going to or leaving school during opening or closing house.

(C)            Fifteen (15) miles per hour when passing a church during the time when persons are going to or leaving said church.

(D)            Twenty (20) miles per hour on all other streets and highways within the City limits, except as hereinafter provided.

(E)            Thirty-five (35) miles per hour on the State Secondary Highway designated as the Lorezo-Menán Highway, except as is otherwise provided herein when any said vehicle is approaching any steam, electric, or street railway, passing a school or church.

6-1-3                LAWS OF STATE APPLICABLE IN PART: In matters regarding speed of vehicles not covered by this chapter, the rules of the road contained in the laws of the State of Idaho governing operation of vehicles on the public highways shall apply to and govern the operation of vehicles and traffic upon the streets and highways of the City of Menán.

6-1-4                    EMERGENCY EQUIPMENT TO HAVE RIGHT OF WAY: The fire department, ambulances, and police cars when on emergency runs and funeral processions shall have the right of way on any street in the City of Menan. Provided that upon the approach of any police or fire department vehicle giving audible signal by bell, siren, or whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or highway, clear of any intersection of a street or highway, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the police, ambulance, or fire department shall have passed.

6-1-5                    PENALTIES FOR VIOLATION. It shall be unlawful and constitute a public offense for any person to violate the provisions of this chapter. Every person convicted of the violation of this chapter shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars (\$100.00), or by imprisonment in the City jail for not more than thirty (30) days, or by both such fine and imprisonment, plus the costs of prosecution.

6-1-6                    SAVING CLAUSE. If any clause, sentence, paragraph, section, or any part of this chapter, shall be declared or adjudged to be invalid and/or unconstitutional, such invalidity or unconstitutionality shall not affect, invalidate or nullify the remainder of this chapter.



**TITLE 7    LAND DEVELOPMENT AND USE**

CHAPTER 1 .....TITLE, AUTHORITY, PURPOSE, AND INTENT  
CHAPTER 2 .....DISTRICTS  
CHAPTER 3 .....DISTRICT REGULATIONS

## CHAPTER 1 TITLE, AUTHORITY, PURPOSE, AND INTENT

### Section:

7-1-1	TITLE
7-1-2	AUTHORITY
7-1-3	PURPOSE
7-1-4	INTENT

7-1-1 TITLE: This title, together with Title 8, shall be known and entitled as “The Menan Land Development Ordinance” and may be so cited and pleaded and shall be effective upon passage and publication according to law.

7-1-2 AUTHORITY: The following land use regulations have been prepared, adopted, and enacted pursuant to the authority granted the City of Menan under Title 50, Chapter 13 of the Idaho Code; Title 67, Chapter 65 of the Idaho Code; and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently recodified.

7-1-3 PURPOSE: The purpose of this Ordinance shall be to promote the health, safety, and welfare of the residents of the City of Menan as follows:

(A) To protect property rights and enhance property values while making accommodations for other necessary development.

(B) To provide for the protection and enhancement of the local economy.

(C) To ensure that important environmental features are protected and enhanced, including groundwater, flood plains, and wetlands.

(D) To encourage future development in Menan to follow traditional land use patterns and thereby avoid undue concentration of population and overcrowding of land.

(E) To assure land development is commensurate with the physical characteristics of the land and groundwater.

- (F) To protect life and property in areas subject to flooding.
- (G) To protect recreation resources.
- (H) To avoid undue water and air pollution.
- (I) To secure safety from fire and provide adequate open spaces and public facility and services for light and air at reasonable cost.
- (J) To implement the comprehensive plan.
- (K) To coordinate streets and road within proposed subdivisions with existing streets and roads.
- (L) To harmonize the development of the area.
- (M) To insure proposed developments have adequate transportation, water drainage, and sanitary facilities.
- (N) To allow local school districts to participate in planning.
- (O) To ensure state and local economy is protected and enhanced.
- (P) To encourage protection of prime agricultural land.

7-1-4 INTENT: It is the intent of the Menan City Council that this Ordinance be interpreted and construed to further the purposes of this Ordinance and the objectives and characteristics of the zoning districts.

## CHAPTER 2 DISTRICTS

### SECTION:

7-2-1	ESTABLISHMENT OF DISTRICTS
7-2-2	VILLAGE DISTRICT
7-2-3	TRADITIONAL RESIDENTIAL DISTRICT
7-2-4	TRADITIONAL RESIDENTIAL DISTRICT - 2
7-2-5	AGRICULTURAL RESIDENTIAL DISTRICT
7-2-6	LIGHT INDUSTRIAL DISTRICT
7-2-7	FLOODPLAIN OVERLAY DISTRICT
7-2-8	OFFICIAL DISTRICT MAP

7-2-1 ESTABLISHMENT OF DISTRICTS: The following districts are hereby established to regulate the use of land, buildings, and structures within the incorporated area of Menan and its area of impact boundaries.

7-2-2 VILLAGE DISTRICT: The Village District is intended to protect the rural atmosphere of Menan while recognizing the present pattern of mixed land uses. There is no separation of residential, commercial, and industrial land uses. Buffering with fences and landscaping is required to assure that new land uses do not create nuisances for their neighbors. Commercial and industrial land uses will be encouraged to locate at locations adjacent to county and state highways and the railroad.

7-2-3 TRADITIONAL RESIDENTIAL DISTRICT: The Traditional Residential District is intended to protect and encourage single family homes on larger lots. The District will encourage new development in Menan to follow the existing patterns of development in Menan.

7-2-4 TRADITIONAL RESIDENTIAL DISTRICT-2: The Traditional Residential-2 District is intended to protect and encourage single family homes on larger lots. The District will encourage new development in Menan to follow the existing patterns of development in Menan.

[Amended by Ordinance 2021-2; enacted December 9, 2021 – deleting duplexes]

7-2-5                    AGRICULTURAL RESIDENTIAL DISTRICT: The Agricultural Residential District is intended to accommodate the initial stages of the transition from rural farm uses to low-density residential uses in the area of impact of Menan. This District is based on the Jefferson County Zoning Ordinance.

7-2-6                    LIGHT INDUSTRIAL DISTRICT: The purpose of Light Industrial District is to protect the rural small town atmosphere of Menan while allowing manufacturing of compatible goods and services. The Light Industrial District recognizes the need to separate light industrial uses from the downtown Village District. Buffering with landscaping is required to protect adjacent residential properties from traffic, noise, and glare produced by more intensive uses.

7-2-7                    FLOODPLAIN OVERLAY DISTRICT: The Floodplain Overlay District provides special regulations designed to reduce flood losses in those areas of the floodplain, outside of the floodway, which are subject to periodic flooding and require special consideration before development is permitted to occur. The requirements of this district are in addition to the requirements contained in the underlying zoning district.

7-2-8                    OFFICIAL DISTRICT MAP: This ordinance shall consist of the text herein and an official district map identified as the "Land Development Map of the City of Menan." The Official District Map shall bear the signatures of the Mayor and Clerk of the City of Menan and the Chairman of the Planning Commission. The Official District Map shall be displayed for public viewing in the City Hall of Menan.

## **CHAPTER 3        DISTRICT REGULATIONS**

### **SECTION:**

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(A) Purpose: The purpose of Village District is to protect the rural small town atmosphere of Menan. The Village District recognizes the pattern of mixed uses which characterizes Menan. Buffering with landscaping is required to protect adjacent residential properties from traffic, noise, and glare produced by more intensive uses.

(B) Permitted Uses: The following uses are permitted in the Village District:

- (1) Single family dwellings.
- (2) Private garages, carports, and storage sheds for storage of vehicles and personal items owned by residents of household.
- (3) A multi-sectional manufactured home on an excavated and backfilled foundation which enclosed at the perimeter.
- (4) Two-family dwellings.
- (5) Agriculture for personal use including gardens, greenhouses, and orchards.
- (6) Home occupations in accordance with subsection 7-3-7(F).
- (7) Family home day care for twelve or less children.
- (8) Accessory satellite receiver dishes, solar collectors, and antennas for personal use.
- (9) Community and public buildings excluding utility yards and storage or maintenance yards or buildings.
- (10) Schools, churches, and public parks.



(C) Conditional Uses: After review and approval under the procedures and standards of this Ordinance, the following uses may be permitted as conditional uses in the City District:

- (1) Mobile homes and manufactured homes as a temporary use on existing lots.
- (2) Mobile home and manufactured home parks
- (3) State Licensed Day care centers for thirteen or more children.
- (4) Indoor entertainment and recreational facilities.
- (5) Retail sales.
- (6) Restaurants, drive-in restaurants, and taverns.
- (7) Personal services including barber and beauty shops.
- (8) Business, financial, and professional offices.
- (9) Veterinary clinics.
- (10) Grocery stores.
- (11) Convenience stores, including accessory gasoline pumps.
- (12) Bed and breakfast inns.
- (13) Automotive service stations and repair garages.
- (14) Craft shops including cabinet and carpenter shops, furniture manufacture, repair shops, and plumbing and electrical shops

[Amended by Ordinance 2021-2; enacted December 9, 2021 — deleted “apartments and multifamily dwellings”]

(D) Prohibited Uses: Uses not specified above are prohibited unless the City Council, after recommendation of the Planning Commission, determines that a use is similar to a use listed above.

(E) Lot Area: The minimum lot area requirements are as follows:

(1) The minimum lot area for a single-family dwelling is 17,000 square feet. Maximum density is two (2) dwellings per acre. Lot size can be an average of ½ acre.

(2) The minimum lot area for non-residential uses will be determined by land required to accommodate the proposed buildings, required setbacks, off-street parking, landscaping, and screening.

[Amended by Ordinance 2021-2; enacted December 9, 2021]

(F) Building Height: The height of any building shall not exceed thirty-five feet (35').

(G) Setbacks: The following are minimum setbacks in the City District:

(1) Front: The front building line shall not be closer than twenty feet (20') to the front property line on a platted right-of-way or closer than sixty feet (60') feet to centerline of an unplatted public road.

(2) Rear: The rear building line of the main building shall not be closer than twenty-five feet (25') from the rear property line.

(3) Side: The side building line shall not be closer than fifteen feet (15') to the side property line.

(H) Lot Coverage: For residential uses, main and accessory buildings shall not cover more than forty percent (40%) of the lot area. For non-residential uses, buildings, parking areas, and sidewalks shall not cover more than eighty percent (80%) of the lot area.

(I) Screening: Where a non-residential use adjoins a residential use, there shall be provided along the abutting property line a landscaped buffer which is at least ten feet (10') in width. The landscaped buffer shall include a berm and trees planted at forty foot (40') intervals with an understory of shrubs unless the trees are evergreen. The developer of the non-residential use shall provide and maintain the buffer.

When a public street is located between the front lot line of a non-residential use and residential lands, a landscaped buffer at least seven feet (7') wide shall be constructed and maintained by the owner of the non-residential use on the front lot line. Within the buffer shall be a two foot high berm, evergreen shrubs, and trees. No more than thirty percent (30%) of the frontage shall be

dedicated to driveways. The berming and landscaping shall be planned and maintained so as to be less than three feet (3') in height within fifteen feet (15') of the driveway.

A fence may be required as part of the buffer in addition to or in lieu of landscaping.

(J) Livestock: Cows, horses, goats, pigs, sheep, mules, burros, or llamas shall be allowed, provided the lot is at least one-half acre in size and corrals, stables, and manure piles are at least two hundred feet (200') from any neighboring home. Livestock must be kept within the limitations of the State Nuisance statutes.

#### 7-3-2 TRADITIONAL RESIDENTIAL DISTRICT:

(A) Purpose: The purpose of the Traditional Residential District is to retain the existing patterns of residential development in Menan. The District will encourage single-family homes on larger lots. This District is characterized by predominantly residential uses and pastures. This District is recommended for areas where the water table is especially high.

(B) Permitted Uses. The following uses are permitted in the Traditional Residential District:

- (1) Single family dwellings.
- (2) Private garages, carports, and storage sheds for storage of vehicles and personal items owned by residents of household.
- (3) A multi-sectional manufactured home on an excavated and backfilled foundation which is enclosed at perimeter.
- (4) Agriculture for personal use including gardens, greenhouses, and orchards.
- (5) Livestock for personal use and stables, corrals and other accessory structures in accordance with Section 3.2.10.
- (6) Home occupations in accordance with this Ordinance.
- (7) Family home day care and group home day care for twelve or less children.
- (8) Schools, churches, and public parks.
- (9) Accessory satellite receiver dishes, solar collectors, and antennas for personal use.

(C) Conditional Uses: After review and approval under the procedures and standards in this Ordinance, the following uses may be permitted as conditional use in the Traditional Residential District:

- (1) Day care centers for thirteen (13) or more children.
- (2) Community and public buildings.
- (3) Maintenance yards, substations, and storage yards owned by public agencies or utilities.
- (4) Bed and breakfast inns.

(D) Prohibited Uses: Uses not specified above are prohibited unless the City Council, after recommendation of the Planning Commission, determines that a use is similar to a use listed above.

(E) Lot Area: The minimum lot area requirements are as follows:

(1) The minimum lot area for a single family dwelling is 22,000 square feet. Maximum density is two (2) units per acre.

(2) The minimum lot area for non-residential uses will be determined by land required to accommodate the proposed buildings, required setbacks, off-street parking, landscaping, and screening.

(F) Building Height: The height of any building shall not exceed thirty-five feet (35').

(G) Setbacks: The following are minimum setbacks in the Traditional Residential District:

(1) Front: The front building line shall not be closer than twenty-five feet (25') to the front property line on a platted right-of-way or closer than sixty feet (60') feet to centerline of an unplatted public road.

(2) Rear: The rear building line of the main building shall not be closer than twenty-five feet (25') from the rear property line.

(3) Side: The side building line shall not be closer than fifteen feet (15') to the side property line.

(H) Lot Coverage: For residential uses, main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. For non-residential uses, buildings, parking areas, and sidewalks shall not cover more than eighty percent (80%) of the lot area.

(I) Screening. Where a non-residential use adjoins a residential use, there shall be provided along the abutting property line a landscaped buffer which is at least ten feet (10') in width. The landscaped buffer shall include a berm and trees planted at forty foot (40') intervals with an understory of shrubs unless the trees are evergreen. The developer of the non-residential use shall provide and maintain the buffer.

When a public street is located between the front lot line of a non-residential use and residential lands, a landscaped buffer at least seven feet (7') wide shall be constructed and maintained by the owner of the non-residential use on the front lot line. Within the buffer shall be a two foot high berm, evergreen shrubs, and trees. No more than thirty percent (30%) of the frontage shall be dedicated to driveways.

The berming and landscaping shall be planned and maintained so as to be less than three feet (3') in height within fifteen feet (15') of a driveway.

A fence may be required as part of the buffer in addition to or in lieu of landscaping.

(J) Livestock: Cows, horses, goats, pigs, sheep, mules, burros, or llamas shall be allowed, provided the lot is at least one-half acre in size and corrals, stables, and manure piles are at least two hundred feet (200') from any neighboring home.

### 7-3-3 TRADITIONAL RESIDENTIAL DISTRICT-2

(A) Purpose. The purpose of the Traditional Residential-2 District is to retain the existing patterns of residential development in Menan. The District will encourage single family homes on larger lots. This District is characterized by predominantly residential uses and pastures. This District is recommended for areas where the water table is high and is to be used as a transition zone between commercial and industrial uses and lower density residential uses.

[Amended by Ordinance 2021-2; enacted December 9, 2021 — deleted “and duplexes”]

(B) Permitted Uses. The following uses are permitted in the Traditional Residential-2 District:

(1) Single family dwellings.

[Amended by Ordinance 2021-2; enacted December 9, 2021]

(2) Private garages, carports, and storage sheds for storage of vehicles and personal items owned by residents of household.

(3) A multi-sectional manufactured home on an excavated and backfilled foundation which is enclosed at perimeter.

(4) Agriculture for personal use including gardens, greenhouses, and orchards.

(5) Livestock for personal use and stables, corrals and other accessory structures in accordance with Section 3.2.10.

(6) Home occupations in accordance with subsection 7-3-7(F).

(7) Family home day care and group home day care for twelve (12) or less children.

(8) Schools, churches, and public parks.

(9) Accessory satellite receiver dishes, solar collectors, and antennas for personal use.

(C) Conditional Uses. After review and approval under the procedures and standards in this Ordinance, the following uses may be permitted as conditional use in the Traditional Residential-2 District:

(1) Day care centers for thirteen (13) or more children.

(2) Community and public buildings.

(3) Bed and breakfast inns.

(D) Prohibited Uses. Uses not specified above are prohibited unless the City Council, after recommendation of the Planning Commission, determines that a use is similar to a use listed above.

(E) Lot Area. The minimum lot area requirements are as follows:

(1) The minimum lot area for a single family dwelling is 22,000 square feet. Maximum density is two (2) units per acre.

(2) The minimum lot area for non-residential uses will be determined by land required to accommodate the proposed buildings, required setbacks, off-street parking, landscaping, and screening.

(F) Building Height. The height of any building shall not exceed thirty-five feet (35').

(G) Setbacks. The following are minimum setbacks in the Traditional Residential-2 District:

(1) Front: The front building line shall not be closer than twenty-five feet (25') to the front property line on a platted right-of-way or closer than sixty feet (60') feet to centerline of an unplatted public road.

(2) Rear: The rear building line of the main building shall not be closer than twenty-five feet (25') from the rear property line.

(3) Side: The side building line shall not be closer than fifteen feet (15') to the side property line.

(H) Lot Coverage. For residential uses, main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. For non-residential uses, buildings, parking areas, and sidewalks shall not cover more than eighty percent (80%) of the lot area.

(I) Screening. Where a non-residential use adjoins a residential use, there shall be provided along the abutting property line a landscaped buffer which is at least ten feet (10') in width. The landscaped buffer shall include a berm and trees planted at forty foot (40') intervals with an understory of shrubs unless the trees are evergreen. The developer of the non-residential use shall provide and maintain the buffer.

When a public street is located between the front lot line of a non-residential use and residential lands, a landscaped buffer at least seven feet (7') wide shall be constructed and maintained by the owner of the non-residential use on the front lot line. Within the buffer shall be a two foot high berm, evergreen shrubs, and trees. No more than thirty percent (30%) of the frontage shall be dedicated to driveways.



The berming and landscaping shall be planned and maintained so as to be less than three feet in height within fifteen feet (15') of a driveway.

A fence may be required as part of the buffer in addition to or in lieu of landscaping.

(J) Livestock. Cows, horses, goats, pigs, sheep, mules, burros, or llamas shall be allowed, provided the lot is at least one-half acre in size and corrals, stables, and manure piles are at least two hundred feet (200') from any neighboring home.

#### 7-3-4 AGRICULTURAL RESIDENTIAL DISTRICT:

(A) Purpose: The Agricultural Residential District is to accommodate the transition from rural to low-density residential uses in Menan's impact area.

(B) Permitted Uses. The following uses are permitted in the Agricultural Residential District:

(1) General farming, forestry, ranching and other agricultural activities and structures, but not including the operation of commercial feed lots.

(2) Single family home.

(3) Multi-sectional manufactured home on an excavated and backfilled foundation which is enclosed at perimeter.

(4) Schools, churches, and public parks.

(5) Golf courses.

(6) Community and public buildings.

(7) Accessory farm buildings directly related to agricultural uses.

(8) Private garages, carports, and storage sheds for storage of vehicles and personal items owned by residents of household.

(9) Seasonal commercial stands for sale of agricultural products.

(10) Accessory satellite receiver dishes, solar collectors, and antennas for personal use.

(11) Family home day care and day care centers.

(12) Home occupations in accordance with subsection 7-3-7(F).

(C) Conditional Uses: After review and approval under the procedures and standards in this Ordinance, the following uses may be permitted as conditional use in the Traditional Residential District:

- (1) Public utility and maintenance yards, substations, and storage yards.
- (2) Communication stations and towers.
- (3) Grain elevators, storage bins, and feed mills.
- (4) Extraction of sand, gravel, and other minerals.
- (5) Animal hospitals, dog kennels, or veterinary clinics.

(D) Prohibited Uses: Uses not specified above are prohibited unless the City Council, after recommendation of the Planning Commission, determines that a use is similar to a use listed above.

(E) Lot Area: The minimum lot area requirement for single family residences is five (5) acres. There shall be no minimum lot areas for other uses permitted.

(F) Building Height: The height of any building shall not exceed thirty-five feet (35').

(G) Setbacks: The following are minimum setbacks in the Agricultural Residential District:

(1) Front: The front building line shall not be closer than eighty feet (80') to centerline of street.

(2) Rear: The rear building line of the main building shall not be closer than fifty feet (50') from the rear property line.

(3) Side: For dwellings the side building line shall not be closer than twenty-five feet (25') to the interior side property line. For other structures, the side building line shall not be closer than thirty-five feet (35') to interior side property lines.

(H) Lot Coverage: Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area.

(I) Screening: Where a non-residential use adjoins a residential use, there shall be provided along the abutting property line a landscaped buffer which is at least fifteen feet (15') in width. The landscaped buffer shall include a berm and trees planted at forty foot (40') intervals with an understory of shrubs unless the trees are evergreen. The developer of the non-residential use shall provide and maintain the buffer.

When a public street is located between the front lot line of a non-residential use and residential lands, a landscaped buffer at least seven feet (7') wide shall be constructed and maintained by the owner of the non-residential use on the front lot line. Within the buffer shall be a two foot high berm, evergreen shrubs, and trees. No more than thirty percent (30%) of the frontage shall be dedicated to driveways. The berming and landscaping shall be planned and maintained to be less than three feet in height within fifteen feet (15') of a driveway.

#### 7-3-5 LIGHT INDUSTRIAL DISTRICT:

(A) Purpose. The purpose of Light Industrial District is to protect the rural small town atmosphere of Menan while allowing manufacturing of compatible goods and services. The Light Industrial District recognizes the need to separate light industrial uses from the downtown Village District. Buffering with landscaping is required to protect adjacent residential properties from traffic, noise, and glare produced by more intensive uses.

(B) Permitted Uses. The following uses are permitted in the Light Industrial District:

(1) Light Industrial Uses

(2) Private garages, carports, and storage sheds for storage of vehicles and personal items owned by residents of household.

(3) A single home serving as a watchman's dwelling unit.

(4) Agriculture for personal use including gardens, greenhouses, and orchards.

(5) Livestock for personal use and stables, corrals, and accessory structures in accordance with Section 3.1.10.

(6) Accessory satellite receiver dishes, solar collectors, and antennas for personal use.

(7) Community and public buildings including utility yards and storage or maintenance yards or buildings.

(C) Conditional Uses. After review and approval under the procedures and standards of this Ordinance, the following uses may be permitted as conditional uses in the Village District:

(1) Accessory satellite receiver dishes, solar collectors, and antennas for commercial use.

(2) Maintenance yards, substations, and storage yards owned by public agencies and utilities.

(3) Agricultural processing, packing, storage and distribution.

(4) Craft shops including cabinet and carpenter shops, furniture manufacture, repair shops, and plumbing and electrical shops.

(5) Warehouses.

(D) Prohibited Uses. Uses not specified above are prohibited unless the City Council, after recommendation of the Planning Commission, determines that a use is similar to a use listed above.

(E) Lot Area. The minimum lot area requirements are as follows:

(1) The minimum lot area for a structure is 10,000 square feet.

(2) The minimum lot area for light industrial uses will be determined by land required to accommodate the proposed buildings, required setbacks, off-street parking, landscaping, and screening.

(F) Building Height. The height of any building shall not exceed thirty- five feet (35').

(G) Setbacks. The following are minimum setbacks in the Light Industrial District:

(1) Front: The front building line shall not be closer than twenty feet (20') to the front property line on a platted right-of-way or closer than sixty feet (60') feet to centerline of an unplatted public road.

(2) Rear: The rear building line of the main building shall not be closer than twenty-five feet (25') from the rear property line.

(3) Side: The side building line shall not be closer than fifteen feet (15') to the side property line.

(H) Lot Coverage. For residential uses, main and accessory buildings shall not cover more than forty percent (40%) of the lot area. For non-residential uses, buildings, parking areas, and sidewalks shall not cover more than eighty percent (80%) of the lot area.

(I) Screening. Where a light industrial use adjoins a residential use, there shall be provided along the abutting property line a landscaped buffer which is at least ten feet (10') in width. The landscaped buffer shall include a wall and trees planted at forty foot (40') intervals with an understory of shrubs unless the trees are evergreen. The developer of the Light Industrial use shall provide and maintain the buffer.

When a public street is located between the front lot line of a non-residential use and residential lands, a landscaped buffer at least seven feet (7') wide shall be constructed and maintained by the owner of the non-residential use on the front lot line. Within the buffer shall be a two foot high berm, evergreen shrubs, and trees. No more than thirty percent (30%) of the frontage shall be dedicated to driveways. The berming and landscaping shall be planned and maintained so as to be less than three feet in height within fifteen feet of the driveway.

A fence may be required as part of the buffer in addition to or in lieu of landscaping.

(J) Livestock. Cows, horses, goats, pigs, sheep, mules, burros, or llamas shall be allowed, provided the lot is at least one-half acre in size and corrals, stables, and manure piles are at least two hundred feet (200') from any neighboring home.

#### 7-3-6 FLOODPLAIN DISTRICT:

(A) Floodplain Regulations: To minimize public and private losses due to flooding, a building permit and elevation certificate shall be required before any construction or development begins within any area of special flood hazard. Application and approval of the building permit shall be in accordance with the standards of Section 3-1-12 of the Zoning Ordinance of Jefferson County as amended.

#### 7-3-7 SUPPLEMENTARY REGULATIONS

(A) Applicability: The regulations in this Chapter qualify or supplement the regulations appearing elsewhere in this Ordinance.

(B) Yard Space for One Main Building: No two main buildings may claim the same, or portions of the same, lot area or required yard for the purposes of compliance with this Ordinance.

(C) Sale of Lots Below Minimum Requirements: A parcel of land which has less than the minimum lot area requirements for the zone in which it is located shall not be sold, leased, or developed as a building site unless in accordance with subsections 7-3-9(H) and 8-2-6(F).

(D) Accessory Buildings:

(1) Any accessory building located in front of or directly to the side of the main building shall not be placed in the required front or side setback.

(2) Any accessory building located behind or directly to the side of the main building shall be placed at least fifteen feet (15') away from the main building.

(3) If an accessory building is located behind the main building, in the side or rear setbacks, they shall be placed in such a manner so that their drip-lines will be kept on their own property.

(4) Shipping Containers as Accessory Buildings:

(a) Shipping Container shall be defined as ISO containers are international intermodal containers that meet the standards specified by the International Organization for Standardization (ISO). An intermodal container, often called a shipping container, or cargo container, is a large metal crate designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport—such as from ships to trains to trucks—without unloading and reloading their cargo.

(b) Shipping containers (ISO Containers) with a total floor area of up to 200 square feet may be used as accessory buildings on any property within the City of Menan without the need for a permit, provided they adhere to standard setbacks as specified in the zoning code.

(c) All accessory buildings constructed using shipping containers shall comply with applicable building codes, including but not limited to requirements for structural integrity, electrical wiring, and insulation.

[Section 7-3-7(D)(4) added by Ordinance 2024-4; enacted July 11, 2024]

(E) Access to Public Street Required: All main buildings shall be served by a public street. Any lot or parcel of land upon which a main building is erected shall abut upon a public street. The street line of each lot or parcel to the public street shall have a minimum width of twenty-five feet (25').



(F) Home Occupations: Home occupations are secondary to the use of the lot as a residence. Home occupations shall be conducted entirely within a dwelling or accessory building and shall not occupy more than the equivalent of twenty-five percent (25%) of the floor area of the residence. There shall be no exterior storage of equipment, vehicles, or supplies associated with the home occupation. On-site advertising for the home occupation shall be limited to one (1) nonilluminated sign four (4) square feet or less in area.

(G) Home Based Businesses (Conditional Use Permit Required): Home Based Businesses are secondary to the use of the lot as a residence and are allowed only upon the issuance of a Conditional Use Permit. Home Based Businesses shall be conducted entirely within a dwelling or accessory building and shall not occupy more than the equivalent of twenty-five percent (25%) of the floor area of the residence. There shall be no exterior storage of equipment in front yard setbacks. Vehicles or supplies associated with the Home Based Business shall be located only in rear yard. On-site advertising for the home occupation shall be limited to one (1) non-illuminated sign four (4) square feet or less in area. Conditions for approval may include mitigation of potential impacts such as buffering above that required for the Zone, additional parking, access, noise mitigation, hours of operation, and traffic mitigation.

(H) Parking Regulations:

(1) Off-Street Parking and Loading Space Required: Off-street and loading spaces conforming to the provisions of this Ordinance shall be provided when a building is constructed, erected or enlarged or when the use of the building or structure is changed and such change creates a twenty percent (20%) increase in parking required under this Ordinance.

(2) Joint Use of Parking Facilities: The joint use of off-street parking facilities is permitted if the applicant demonstrates that there is no substantial conflict in the operating hours of the uses which will share parking facilities. The parties concerned must submit a written agreement for joint use which is approved by the City Attorney and recorded in the County Recorder's Office.

(3) Loading Areas: Each commercial and industrial use requiring service vehicles for deliveries or shipments shall have an off-street loading space with access to a public street. The size of the space shall be large enough to accommodate all service vehicles. No service vehicle shall extend into the public street when using the loading space.

(4) Parking Lot Design: Parking provided shall conform to the following standards:

- a. Each parking space shall be at least nine feet (9') in width and eighteen feet (18') in length.
- b. All aisle design for two-way circulation and for ninety degree parking shall be at least twenty-two feet (22') in width. Aisle for one-way circulation shall be the following widths:

DEGREE OF PARKING	MINIMUM AISLE WIDTH
30	13'
45	15'
60	18'

- c. No parking area shall be designed to require the use of the public street to travel from one portion of the lot to another. Except for single family uses, parking shall not be designed to create a situation in which vehicles back onto Menan-Lorenzo Highway, State Route 48, Butte Road, or Idaho Street.
- d. All parking areas shall be surfaced with gravel at a minimum.
- e. For residential uses, required parking shall not be permitted in the required front-yard setback excepting for two allowed spaces in the driveway. Such setbacks shall be dedicated to landscaping and driveways.

- f. All lighting for parking areas shall use full cut off lighting and be shielded and directed from adjacent properties.

(5) Required Parking for Land Uses: The minimum number of parking spaces to be provided under this Ordinance shall be as follows:

LAND USE	NUMBER OF REQUIRED PARKING SPACES
Single Family dwelling, including mobile and manufactured homes	2 spaces per dwelling
Grocery Stores	4 spaces per 1,000 square feet of building
Convenience stores, retail sales, automotive service and repair	3 spaces per 1,000 square feet of building
Restaurants and taverns	15 spaces per 1,000 square feet of building
Personal services, business, financial, and professional offices, veterinary clinics	3 spaces per 1,000 square feet of building
Craft, manufacturing, processing and warehouse uses	1 space for each employee on largest shift
Churches and community buildings	1 space for each four seats in chapel or sanctuary
Day care centers	1 space for each twelve children
Schools	1.3 per classroom
Uses not included above	To be determined by Planning Commission

[Amended by Ordinance 2021-2; enacted December 9, 2021 – removing two-family dwellings and apartments, and row houses]

(I) Wells for Domestic Use: To reduce potential for contamination of drinking supplies, it is recommended the following minimum distances be maintained between water contamination sources:

CONTAMINATION SOURCE	MINIMUM DISTANCE
Sewer Line	50 Feet (50')
Livestock	50 Feet (50')
Barnyards and related operations	100 Feet (100')
Field drain, seepage bed, etc.	100 feet (100')
Canals, streams, ditches, lakes, and ponds	50 feet (50')

SOURCE: Idaho Department of Health, Idaho Guidelines for Non-Public Water Systems and District Seven Manual for Transient Non-Community Public Water Systems, 1987.

(J) Regulations for Conditional Uses:

(1) Supplementary Regulations for Conditional Uses: The following are the regulations for conditional uses under the districts of this Ordinance. These regulations are in addition to the general standards found in this chapter.

(2) Mobile Home and Manufactured Home Parks: All parks shall conform to the following standards:

[Amended by Ordinance 2021-2; enacted December 9, 2021 — Deleted section 2- apartment and rowhouses]

- a. Each home space shall contain a minimum of 17,000 square feet. The maximum density shall be two (2) dwellings per acre.

[Amended by Ordinance 2021-2 enacted December 9, 2021 — Changed 7,000 to 17, 000 and six to two]

- b. The minimum space width shall be sixty feet (60').
- c. The front wall of the home shall be no closer than twenty-five feet (25') to internal streets.
- d. The rear yard of the home shall be twenty-five feet (25').
- e. The side yard shall be a minimum of fifteen feet (15'). No home shall be closer than thirty feet (30') to any other home.
- f. No home shall be closer than forty feet (40') to a rear or side exterior property line of the park.
- g. Two parking spaces shall be provided per home space. Parking and driveway access shall be designed and maintained so as not to interfere with drainage swales.
- h. The park shall have an entrance drive from a public street. Each mobile home space shall be directly accessible from an internal private street with no direct access to public streets. The internal streets shall be paved and shall be at least eighteen feet (18') in width and designed to accommodate fire protection vehicles and equipment. Two entrances may be required to assure access for emergency vehicles.

- i. A landscaped buffer shall be developed and maintained along each exterior property line of the park. The buffer shall be at least ten feet (10') in width and shall include trees planted at forty foot intervals and an understory of shrubs unless the trees are evergreens.
- j. The water system provided to serve the park shall be meet the standards of the Idaho Division of Environmental Quality (DEQ) and the Eastern Idaho Public Health District for a community water system.
- k. The sewage collection system provided to serve the park shall meet the standards of the City of Menan.

(3) Commercial Uses: The following standards apply to commercial uses:

- a. All commercial uses except Home Occupations and Home Based Businesses shall be located in a Commercial Zone and are subject to the Commercial Design Standards found in TITLE 8CHAPTER 6 of this code.
- b. Hours of operation may be limited under the conditional use permit to reduce disturbance to residential neighbors. If the hours of operation are limited, the business shall not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
- c. All businesses with drive-in facilities shall have ingress and egress to State Route 48 or the Menan-Lorenzo Highway (Main Street). The drive-in facilities shall be designed to insure that all automobiles waiting to be served shall be in queue on the premises.
- d. The location of the buildings on the lot should buffer adjacent residential uses. If residential properties are located to the rear of the commercial property, the buildings should be located to the rear to buffer the neighbors from parking and traffic. If the residential

properties are located across a local street, the buildings should be located in the front of the property and parking and loading to the rear

(4) Industrial Uses: The following standards apply to industrial uses: Agricultural processing and storage and warehouses shall be adjacent to the railroad or another industrial use and located in the Light Industrial Zone.

- e. The location of the buildings on the lot should buffer adjacent residential uses. If residential properties are located to the rear of the industrial property, the buildings should be located to the rear to buffer the neighbors from parking and traffic. If the residential properties are located across a local street, the buildings should be located in the front of the property and parking and loading to the rear.

(5) Mobile Home or Manufactured Home as Temporary Use: A mobile or manufactured home may be placed temporarily upon a lot for a period of up to one (1) year while a permanent structure is being built. The occupant of the home shall make reasonable and continual progress on the permanent structure within that year. When the permanent structure is completed and the Certificate of Occupancy has been issued under this Ordinance, the mobile or manufactured home shall be removed within thirty (30) days.

#### (K) Wind Turbine Regulations

(1) Purpose: This chapter establishes the definitions and standards which allow wind turbines. The intent of this chapter is to regulate wind driven energy producing devices only. A wind turbine constitutes an auxiliary use in any zoning district (see land use schedule).

(2) Definitions: As used in this chapter, the following terms shall have the meanings set forth below:

BLADES: The member of the rotor that converts wind energy into rotational energy.

WIND TURBINE: Any wind energy conversion system, sometimes known as a windmill. This includes horizontal and vertical axis windmills.

#### (3) Standards for Wind Turbines:

- a. Towers: Towers shall be non-guyed monopoles.

- b. Setback: The minimum setback from property lines, inhabited structures, utility lines, and road rights of way shall not be less than the maximum height of any point of the wind turbine. Abutting property owners may grant easements reducing this setback distance from their property lines.
- c. Sound Level: Sound at the property lines must not exceed forty five (45) decibels (dB) under normal operating conditions.
- d. Blade-Ground Clearance: At least twenty feet (20') must exist between the ground and any blade.
- e. Insurance: All applicants for wind turbines must show proof of applicable liability insurance before a permit is issued. No additional insurance shall be required.
- f. Safety: All wind turbines must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation during high winds.
- g. Power Lines: All power transmission lines from the wind turbine shall be underground.
- h. Emergency Shutoff: Shutoff procedures shall be posted conspicuously and permanently within three feet (3') of the electrical panels.
- i. Minimum Parcel Size: No minimum parcel size is designated. Sound level and setback requirements govern the lot size for wind turbines.
- j. Engineered Drawings: Applications shall be accompanied by standard installation engineering drawings of the wind turbine, as supplied by the manufacturer and/or installer. All wind turbines must meet the local and the national electrical code and relevant building codes.

- k. Site Plan: Applications shall be accompanied by a site plan including boundaries, setbacks and other relevant information.
- l. Homemade Systems: Engineering analysis (see subsection J of this section) must be stamped by a registered professional engineer. This engineering analysis must demonstrate that the wind turbine has an adequate margin of safety and meets the relevant building codes.
- m. Utility Notification: No wind turbine shall be installed until evidence is presented that the utility company has been informed of the customer's intent to install an interconnected customer owned generator. Off grid wind turbines shall be exempt from this requirement.
- n. Abandonment: If any wind turbine is out of operation for six (6) consecutive months, the city shall notify the owner by certified mail, to restore their system to operation or dismantle it within six (6) months of receiving the notice after which the city may have the wind turbine removed. The landowner is financially responsible if the owner/operator fails to reclaim the site as required, and any removal and reclamation costs incurred by the city will become a lien on the property.
- o. Access Safety: Any climbing apparatus within twelve feet (12') of the ground shall be removed to prevent unauthorized climbing.
- p. Electromagnetic Interference: No wind turbine shall be installed that will cause interference of an electromagnetic signal.
- q. Advertising: No advertisement shall be allowed on or near any turbine equipment except the name of the manufacturer on a nonelectric sign not exceeding six (6) square feet.



- r. Color: Wind turbines shall be a nonreflective, nonobtrusive color, such as gray or off white.
- s. Lighting: Except as required by the FAA, wind turbines shall not be artificially lighted.

(4) **Application:** A conditional use permit is required. The application for a wind turbine will include all the requirements of this chapter. An application is considered complete when all required information is submitted and fees are received.

(L) Use of Shipping Containers as Buildings or Building Components

- (1) Shipping Container shall be defined as ISO containers are international intermodal containers that meet the standards specified by the International Organization for Standardization (ISO). An intermodal container, often called a shipping container, or cargo container, is a large metal crate designed and built for intermodal freight transport, meaning these containers can be used across different modes of transport—such as from ships to trains to trucks—without unloading and reloading their cargo.
- (2) Shipping containers larger than 200 square feet, or a combination of shipping containers that together exceed 200 square feet of floor area, may be used as accessory (non-residential use) buildings or building components within the City of Menan, subject to compliance with adopted applicable building codes and permitting procedures.
- (3) Any building or structure utilizing shipping containers larger than 200 square feet shall be subject to review and approval through the regular building permit process, including site plan review and inspection by the appropriate authorities.
- (4) All buildings or structures utilizing shipping containers shall comply with applicable building codes, including but not limited to requirements for structural integrity, fire safety, and accessibility.

(5) Shipping containers for residential use is prohibited.

[Section 7-3-7(L) added by Ordinance 2024-4; enacted July 11, 2024]

7-3-8 SIGN REGULATIONS: All “on” and “off” premise signs are regulated in the City of Menan as per TITLE 8CHAPTER 7 of this code.

7-3-9 NONCONFORMING USES AND BUILDINGS

(A) Purpose: This section describes the status of structures, parcels or uses of land that were lawful prior to the effective date of this Ordinance but which are now prohibited or restricted under this Ordinance.

(B) Continuance: The occupancy of a building or parcel of land by a nonconforming use existing at the effective date of this Ordinance may be continued.

(C) Change of Use: The nonconforming use of a building or land may not be changed except to a conforming use, and where such change is made, the use shall not be changed back to a nonconforming use.

(D) Maintenance and Repairs: Maintenance and repairs necessary to keep nonconforming uses in sound condition shall be permitted.

(E) Expansion or Enlargement: Land area of a nonconforming use shall not be increased by an amount greater than twenty percent (20%) of the acreage occupied by the use on the effective date of this Ordinance. The floor area of a building or structure occupied by a nonconforming use shall not be increased or expanded by an amount greater than twenty percent (20%) of the occupied floor area on the effective date of this Ordinance.

(F) Restoration: A nonconforming structure or a structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored, provided such restoration begins within one (1) year from the date of destruction and is pursued diligently. Such restoration shall not increase the floor area or land area beyond the limits established in section 7-3-9(E).

(G) Discontinuance: Whenever a nonconforming use of land or building has been discontinued for a period of one (1) year, such use shall not be reestablished and the uses of the premises shall be in conformity with the regulations of the district.

(H) Nonconforming Lots of Record: Except as stated below, any single parcel of land which was on record in the Office of the Recorder of Jefferson County on the effective date of this Ordinance which does not meet the minimum lot area requirements of the district in which it is located may be sold, developed, or leased if all setback and other requirements of this Ordinance are met.

#### 7-3-10 APPLICATION OF ADMINISTRATIVE PROCEDURES

All of the Administrative Procedures set forth in the Subdivision Regulations, Title 8, Chapter 3 of the City Code of the City of Menan shall also apply to the various districts established in Title 7 Chapter 3 of the City Code of the City of Menan, including but not limited to: permits, certificate of occupancy, variances, conditional use permits, amendments to the planning and zoning code, and hearing procedures. Those laws and regulations as set forth in Title 8, Chapter 3 of the City Code of the City of Menan shall apply as if they had been set forth fully in this Chapter.

[Added by Ordinance 424; enacted June 14, 2018]

## **TITLE 8   SUBDIVISION REGULATIONS**

CHAPTER 1 .....	DEFINITIONS
CHAPTER 2 .....	SUBDIVISION REGULATIONS
CHAPTER 3 .....	ADMINISTRATIVE PROCEDURES
CHAPTER 4 .....	GENERAL PROVISIONS
CHAPTER 5 .....	ROADWAY STANDARDS
CHAPTER 6 .....	ARCHITECTURAL DESIGN STANDARDS
CHAPTER 7 .....	CITY OF MENAN SIGN REGULATIONS
CHAPTER 8 .....	LAND USE TABLE
CHAPTER 9 .....	OUTDOOR LIGHTING ORDINANCE

## CHAPTER 1      DEFINITIONS

**ACCESSORY STRUCTURE:** A subordinate structure detached from the main building but located on the same lot. The use of the accessory structure is incidental to that of the main building.

**ACCESSORY USE:** A use incidental to and on the same parcel as a main use.

**BED AND BREAKFAST IN:** An owner-occupied dwelling that contains no more than five (5) guest rooms where lodging, with or without meals, is provided on a daily rate basis.

**BUFFER AREA:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**CONDITIONAL USE PERMIT:** A special use permit as provided by Section 67.6512, Idaho Code, in which a use that, owing to some special characteristics such as traffic or noise generation, parking needs, access, building size, lighting, or other characteristics of operation, is permitted in a district subject to approval by the Planning Commission or the Council, depending upon the particular use.

**CONVENIENCE STORE:** Any retail establishment offering for sale prepackaged food products, household items, fuel, and other goods commonly associated with the same and usually having a gross square floor area of less than 5,000 square feet.

**DAY CARE CENTER:** A building or structure where care, protection, and supervision are provided on a regular schedule to more than twelve (12) children.

**FAMILY CHILD CARE HOME:** A private residence where care, protection, and supervision are provided, for a fee, to no more than twelve (12) children at one time.

**GROUP CHILD CARE CENTER:** A facility where care, protection, and supervision are provided for a fee to no more than twelve (12) children.

**DENSITY:** The number of dwellings per net acre, i.e. excluding the land dedicated to streets and the public.

**DWELLING:** One or more rooms physically arranged as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and eating.

**DWELLING, TWO FAMILY:** A detached residential building containing two dwellings.

**DWELLING, MULTIFAMILY:** A detached residential building containing three or more dwellings, including what is commonly known as apartments. A rowhouse is also a multifamily dwelling.

**FLOOD PLAIN:** Any land area susceptible to being inundated by water from any source as defined by the Flood Insurance Rate Map (FIRM) established for Jefferson County and Menan by the Federal Emergency Management Agency.

**FRONTAGE:** The length of any one property line which abuts a legally accessible street right-of-way.

**GRADE:** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line.

**HEIGHT:** The average vertical distance from the grade to the top of the building wall.

**HOME OCCUPATION:** An accessory use of a dwelling unit or the accessory building for gainful employment which is clearly incidental and subordinate to the use of the dwelling unit as a residence.

**LOT AREA:** The total horizontal area within the lot lines of a lot or parcel.

**LOT, CORNER:** A lot abutting on and at the intersection of two (2) or more streets.

**LOT, FLAG:** A lot with a panhandle which serves as an access corridor to the street.

**LOT, INTERIOR:** An interior lot is a lot other than a corner lot.

**LOT OF RECORD:** A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Jefferson County, Idaho, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the Recorder, provided such lot was of a size that met the minimum requirements for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

**LOT, SUBSTANDARD:** A lot or parcel of land that has less than the minimum area as established by the district in which it is located. Such lot shall have been of record as legally created lot on the effective date of this Ordinance.

**LOT, THROUGH:** A lot that has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**MAIN BUILDING:** A structure in which the primary or principal use of the lot is conducted, e.g., a home on a residential lot.

**MAIN USE:** The primary or predominant use to which the property is devoted and to which all other uses are accessory.

**MANUFACTURED HOME:** A single family unit fabricated in one or more sections at a location other than the home site by assembly line or similar production techniques or by other construction methods typical of off-site manufacturing process. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, June 15, 1976 (42 U.S.C. Sec. 5401). A manufactured home may be designed to be towed on its own chassis or be delivered to the site by other means.

**MOBILE HOME PARK:** A parcel of land under single ownership that has been planned and improved for the rental placement of two (2) or more manufactured or mobile homes for dwelling purposes.

**MOBILE HOME:** A transportable, factory-built home designed to be used as a year-round residential dwelling unit and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

**NONCONFORMING BUILDING:** Any building which does not meet the limitations on location on a lot for the district in which the building is located and was built prior to the effective date of this Ordinance.

**NONCONFORMING LOT:** An existing lot which fails to meet the area requirements of the district in which it is located and which was conforming prior to the effective date of this Ordinance.

**NONCONFORMING USE:** A use not conforming to the provisions of this Ordinance but which was lawfully existing at the time of the adoption of this Ordinance.

**OVERLAY ZONE:** A set of zoning requirements that is imposed in addition to those of the underlying district. Developments within the overlay zone, e.g., floodplain district, must conform to the requirements of both zones or the more restrictive of the two.

**PARCEL:** A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

**PARKING SPACE:** An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle.

**PLAT:** A map or representation of a subdivision, including a re-plat, showing the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions or dedications.

**SETBACK:** The minimum horizontal distance between a property line of a lot and the foundation or wall of the building excluding uncovered steps. Uncovered steps or a deck may not extend into the front setback more than one-third of the required setback.

**STREET:** A public thoroughfare used for the passage of motor vehicles. The street is the area dedicated to the public between two (2) property lines.

LOCAL STREET: A street which has the primary purpose of providing access to abutting properties.

COLLECTOR STREET: A street which has the primary function of carrying traffic from local streets to other collector streets and/or arterial streets.

ARTERIAL STREET: A street which carries traffic through the city or from collectors to other regions of the County.

SUBDIVISION: The division of an original lot, tract, or parcel of land into four (4) or more parts for the purpose of sale or transfer of ownership. The provisions of this Ordinance shall not apply to:

- A. The division of land for cemetery plots,
- B. An adjustment of lot lines as shown on a recorded plat which does not reduce the area or building setback lines of each site below the minimum zoning requirements and does not change the original number of lots in any block of the recorded plat,
- C. An allocation on land in the settlement of an estate of a decedent or a court decree for the distribution of property,
- D. The unwilling sale of land as a result of legal condemnation as defined by Idaho Code,
- E. Widening of existing streets,
- F. The acquisition of a street right-of-way by a public agency, and
- G. The exchange of land for the purpose of straightening property boundaries which does not result in change of the present land use.

[Amended by Ordinance 2024-1; enacted May 9, 2024]

VARIANCE: A modification of the requirements of this Ordinance for lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking spaces, building height, or other provisions affecting the size or shape of a structure, the placement of the structure upon lots, or the size of the lot. A variance under Idaho Code Section 67-6516 does not include a change of use.

YARD: Any space unobstructed and unoccupied from the ground to the sky on a lot. The minimum depth or width of a yard shall consist of the horizontal distance between the property line and the wall or foundation of the building.



## CHAPTER 2 SUBDIVISION REGULATIONS:

### SECTION:

- 8-2-1 PREPARING AN APPLICATION
- 8-2-2 ADMINISTRATIVE ACTIONS ON APPLICATIONS
  - 8-2-2(A) REVIEW BY DEPARTMENTS AND AGENCIES
  - 8-2-2(B) PUBLIC HEARING
  - 8-2-2(C) SCHEDULES FOR ACTION
  - 8-2-2(D) FINAL ACTION
- 8-2-3 INFORMAL ADVICE
- Error! Reference source not found.** PLAT WITH SHORT APPLICATION
- Error! Reference source not found.** SHORT APPLICATION DESCRIBED
- Error! Reference source not found.** APPLICATION CONTENTS
- Error! Reference source not found.** PROCESSING SHORT APPLICATION
- 8-2-4 PRELIMINARY PLAT APPLICATION
  - 8-2-5(A) CONTENTS OF PRELIMINARY PLAT APPLICATION
  - 8-2-5(B) CRITERIA FOR CONSIDERING AN APPLICATION
  - 8-2-5(C) ACTION BY THE PLANNING AND ZONING COMMISSION
  - 8-2-5(D) ACTION BY THE CITY COUNCIL
  - 8-2-5(E) APPROVAL PERIOD FOR PRELIMINARY PLAT
  - 8-2-5(F) TIME LIMITS
- 8-2-6 FINAL PLAT APPLICATION
  - 8-2-6(A) INTENT
  - 8-2-6(B) METHOD AND MEDIUM OF PRESENTATION
  - 8-2-6(C) CONTENTS OF FINAL PLAT APPLICATION
  - 8-2-6(D) ACTION BY THE PLANNING AND ZONING COMMISSION
  - 8-2-6(E) ACTION BY THE CITY COUNCIL
  - 8-2-6(F) TIME LIMITS
  - 8-2-6(G) RECORDING
- 8-2-7 REQUIREMENTS AND STANDARDS
  - 8-2-7(A) COMPLIANCE AND SPECIAL CONDITIONS
  - 8-2-7(B) GENERAL REQUIREMENTS
  - 8-2-7(C) LOTS AND BLOCKS
  - 8-2-7(D) STREETS
  - 8-2-7(E) OTHER IMPROVEMENTS
  - 8-2-7(F) PUBLIC SITES AND VALUABLE FEATURES
  - 8-2-7(G) OPEN SPACE
- 8-2-1 PREPARING AN APPLICATION

(A) Application forms for subdivision require:

- (1) Name and contact information of the landowner and/or his representative.
- (2) Name and contact information of the developer (if not the owner or his representative).
- (3) Name and contact information of the person preparing the plat.
- (4) Name of the subdivision and its location by section, township, and range, with reference by dimension and bearing to a section corner or quarter-section corner.
- (5) Single Packet: An application is to be submitted as a sequenced collection of labeled items in a single packet.
- (6) Official Application: An application becomes official when the administrator receipts payment of fees. However, receipt for fees does not certify that an application is complete; completeness is determined by those who consider the application.
- (7) Fees for Application and Appeal: The City Council shall establish a schedule of fees for permit applications and appeals and shall post it in the office of the City Clerk .
- (8) Fees for Impact and Use: The City Council shall establish a schedule of fees to mitigate impact and use. Stages of consideration and development are conditional upon payment of fees in the manner prescribed by City Council.

8-2-2

ADMINISTRATIVE ACTIONS ON APPLICATIONS

(A) Review by Departments and Agencies: Within ten days of receipt, the City Clerk shall transmit copies of an application to concerned departments and agencies for their review. The City Clerk shall notify the Planning and Zoning Commission which departments and agencies are queried, and shall place replies in the applicant's file. Failure to reply in writing within 15 days implies acceptance by a given department or agency. Concerned departments and agencies may include such as city departments (e.g., streets, water, sewer, engineer), Eastern Idaho Public Health District, school district, State Highway Department and/or Jefferson County Roads, utility companies, Soil Conservation Service, emergency services, and irrigation districts.

(B) Public Hearing: As part of the preliminary plat process, the Planning and Zoning Commission shall hold at least one public hearing in compliance with the notice and hearing requirements of Idaho Code 67-6509 and 67-6511. These statutes require notification by mail of owners of land within 300 feet of the land being considered, or by publication in the newspaper in case of 200 or more such owners. In addition to notice required in IC 67-6509 and 67-6511, owners of lands that abut the proposed subdivision or are separated from it only by a public right of way shall be notified by mail regardless of the number of landowners.

(C) Schedules for Action: Governmental instrumentalities shall act on applications according to schedules located in relevant sections of this code. Where a fee is required, the schedule for administrative action begins only after the fee and the complete application is receipted. If the instrumentality considering an application determines that the application is not complete, the schedule for administrative action begins only after required items are received.

(D) Final Action: Approval, conditional approval, or denial of an application shall be in writing and based on criteria set forth in the Menan Code and/or comprehensive plan, and/or in other pertinent documents or statutes. The writing shall specify:

- (1) The ordinance(s) and standards used in evaluating the application;
- (2) The reasons for approval or denial; and
- (3) The actions, if any, that the applicant could take to obtain approval.

8-2-3                    INFORMAL ADVICE: An applicant may receive informal advice by written request and by submitting relevant plans but not completing the application by paying fees.

(A)            Provision is made for informal advice because the best interests of all persons and governmental instrumentalities include cooperation between developers and the public weal.

(B)            Informal advice does not constitute a governmental action. Rather, it is a consultation between a potential applicant and a governmental instrumentality.

(C)            Informal advice may include discussion of regulations and procedures, application contents and criteria for consideration, particulars of the plan the applicant has in mind, and other relevant matters.

#### 8-2-4                    ADMINISTRATIVE LAND SPLIT

(A)            Purpose. The purpose of this section is to provide a streamlined administrative process for small scale land divisions consistent with Jefferson County Code, which is called, for purposes of this Section, an “Administrative Land Split.” The Administrative Land Split process is intended for simple divisions that do not require a full platting process.

(B)            Description. The Administrative Land Split is a procedure for managing and approving division of land into 2 or 3 parcels according to the criteria outlined below. (Compared to a division into 4 or more lots, which shall be considered a subdivision, as defined in Menan City Code § 8-1, and processed as outlined in Menan City Code, Title 8, Chapter 2). The intent is to simplify land division for parcels that already are or can be easily connected with existing roads and utilities. The process for the administrative land split is outlined below.

(C)            Criteria. The application must demonstrate compliance with ALL of the following criteria in order to be considered for an Administrative Land Split:

1.            The proposed division does not create more than 3 parcels. One parcel may be divided into 2 or 3 parcels;
2.            All new parcels shall have access to utility services and city sewer systems;
3.            The parcel to be divided is within the Menan City limit;
4.            All parcels resulting from the division are at least a half (½) acre;
5.            The parcel being split is NOT in a platted subdivision. Lots in subdivisions may only be split or changed through a subdivision plat amendment; and
6.            Parcels divided using an Administrative Land Split may not be divided using an Administrative Land Split until at least

7 years after the previous Administrative Land Split, as dated on the signature line of the record of survey approving the initial division.

If the noted criteria cannot be met, the parcel may be considered for division as a subdivision as outlined in Menan City Code, Title 8, Chapter 2.

(D) Process. The following process shall be followed for completing an Administrative Land Split:

1. The application must include:
  - a. Name, address and telephone number of the applicant and/or owner;
  - b. Legal description of the property considered for division;
  - c. Proof of ownership of the property, including the most recent recorded deed;
  - d. New legal descriptions for each parcel as reflected in the land division; and
  - e. A Record of Survey prepared by a licensed surveyor in the State of Idaho, showing the parcel to be split, and the proposed division. The survey shall contain a signature block for “Menan City Planning Administrator or Approving Official.”
  - f. Signature of Jefferson County Treasurer verifying property taxes are current.
2. The application shall be submitted to the City of Menan.
3. Application fee will be reflected in the adopted City Fee Schedule.
4. The application will be reviewed by an approving official appointed by the Mayor.
5. The approving official shall complete review of the application according to the criteria outlined in this section, within 15 working days of the application being submitted.
6. The approving official will prepare a letter indicating if the application is approved or denied.
7. If the application is found to be in compliance, the approving official shall sign, date and certify the application. The applicant will then pick up the approved application and is responsible for establishing deeds for each parcel, and recording the approved land division documents and deeds with the Jefferson County Recorder’s Office.
8. If the application is denied, the approving official will prepare a written explanation for the decision, and the applicant will be notified within 20 working days of the submission date.

(E) Appeals

1. The decision of the approving official may be appealed to the Menan City Planning and Zoning Commission. The appeal will be submitted to the City Clerk, and will be scheduled for consideration at the next available meeting of the Planning and Zoning Commission.
2. If the application is denied by the Planning and Zoning Commission, it may be appealed to the Menan City Council. The applicant shall submit a request for appeal to the City Council to the City Clerk. The appeal will be considered at the next available City Council meeting.
3. If the application is denied by the City Council, the application may be appealed to the District Court.

(A) Contents of Preliminary Plat Application: The word “preliminary” is used according to standard practice. Nevertheless, it should be understood that, except for final survey data and certifications, a preliminary plat application is essentially complete with regard to developing the subdivision. The following information shall be submitted with the preliminary plat:

(1) A completed application form for preliminary plat with the name of the proposed subdivision, which shall not duplicate any other subdivision name in Jefferson County.

(2) The names, addresses, and telephone numbers of the subdivider, the engineer or surveyor, and any others involved in the subdivision.

(3) The names and addresses of all surrounding property owners including property owners beyond street rights-of-way.

(4) The legal description of the subdivision by section, township, and range.

(5) A statement of the intended use of the proposed subdivision, such as single-family, two-family, commercial, industrial, mobile home park, and open space. Any sites for churches, schools, parks, or other public uses shall be shown.

(6) A map of the entire area scheduled for development and the proposed phasing of such development.

(7) A vicinity map showing the relationship of the proposed subdivision to the surrounding area (at least two square miles).

(8) The land use and existing zoning of the proposed subdivision.

(9) Existing streets, street names, and right-of-way widths, including adjoining streets, along with the type of surface.

(10) Approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers. Approximate acreage enclosed by subdivision.

(11) Contour lines at two foot intervals when the slope exceeds fi A site report addressing the water system proposed, the depth of the water table, and review of the Department of Health.

(12) Location, size and direction of flow of all existing utilities, including but not limited to, sanitary sewers, irrigation laterals, storm drainage, ditches, drainage, bridges, culverts, water wells, gas lines, power, telephone, and street lights. If utilities are not adjacent to site, indicate direction and distance to nearest utilities.

(13) A copy of any proposed restrictive covenants and/or deed restrictions.

(14) Any dedications to the public and/or easements, both public and private, together with location, dimensions, and purpose of such.

(15) A statement as to what improvements will be made to existing utilities and what on-site improvements will be made. Approximate location, size, and direction of flow of all drainage, irrigation, sewer, and water improvements which will be made a part of the subdivision improvements.

(16) A statement as to whether or not any variance will be required.

(17) Mailing labels with names and addresses of owners of land within 300 feet of the land being considered. In case of 200 or more such owners, only mailing labels for those whose lands abut the land being considered or are separated from it only by a public right of way need be provided.

(18) Utility Services Plan:

- a. Summary of utility services to be provided by public utility companies or by the city.
- b. Design and operation of sanitary sewage facilities. The developer shall be responsible for extending the sewer to and into the subdivision. The City of Menan reserves the right to oversize a line to serve future development beyond the subdivision and may share in the costs of such over sizing. The construction of the sewer shall comply with the specifications approved by the Council.
- c. Design, operation, volume, and quality of water facilities and supply (see Idaho Code § 50-1334). Any public water supply system shall be approved by the Eastern Idaho Public Health District and by the Idaho Department of Environmental Quality (DEQ).



Individual wells shall meet the requirements of the Eastern Idaho Public Health District.

- d. Design and operation of system for storm water and other drainage.
- e. Design and operation of common pressurized irrigation system.
- f. Summary of data relevant to Eastern Idaho Public Health District and the Soil Conservation Service.

(19) An impact study including, but not limited to: transportation and traffic; water, drainage, and sanitary sewer; city services; natural, environmental, and historical features; and demographic and commercial factors. Requirements for the impact study are related to the size of the subdivision and land uses in it.

(20) A draft development agreement, submitted in both electronic and hard copy formats. The draft shall address the master plan and/or development phase or phases, as applicable.

Irrelevant items may be waived by the City as non-applicable.

(B) Criteria for Considering an Application: Governmental instrumentalities shall use the following criteria in considering an application:

- (1) Completeness and applicability of information in the application.
- (2) Phased development in relation to the master plan.
- (3) Requirements and standards in the Idaho code.
- (4) Requirements and standards in chapter 10-4, 10-5, and other applicable parts of the city code.
- (5) Intent and issues in the Comprehensive Plan.

- (6) Recommendation of the Design Review Board.
- (7) Reports from experts, departments, and agencies.
- (8) Testimony from public hearing.
- (9) Streets requiring special approval (paragraph 10-4- 4-H).
- (10) Conditions relevant to special subdivisions (chapter 10-5).
- (11) Considerations inherent to the locale, including but not limited to, the transportation plan, water and utilities, and adjacent land uses.

(C) Action by the Planning and Zoning Commission:

- (1) After review by departments and agencies, the administrator shall place the application on the agenda of the next regular meeting of the Planning and Zoning Commission.
- (2) The Planning and Zoning Commission may request more information from the applicant before moving to action. In case of such a request, the time period for action shall start upon submission of the additional information. If the applicant does not submit the requested information within 180 days of the request, the application shall become null and void.
- (3) The Planning and Zoning Commission shall hold a public hearing within 60 days of determining that the application is complete. Within 35 days after the public hearing or 21 days after receiving the Design Review Board's recommendation, whichever is later, the Planning and Zoning Commission shall act to recommend approval, conditional approval, or denial.

(D) Action by the City Council: The Council shall hold a hearing on the preliminary plat. The Council shall review the recommendation of the Commission, the preliminary plat, all comments from concerned persons and agencies, and the engineering report, if any. In determining the acceptance of the preliminary plat, the Council shall consider:

- (1) Conformance to the comprehensive plan,
- (2) The availability of public services to accommodate the proposed Subdivision,
- (3) The continuity of the proposed development with existing facilities including but not limited to streets, sewer, drainage, irrigation systems, utilities and public services,
- (4) The public financial capability of municipal and supporting services for the proposed development,
- (5) Other health, safety, or health problems that may be brought to the Council's attention.

Within ninety (90) days of the public hearing, the Council shall approve, conditionally approve, disapprove, or table for additional information. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat was tabled. If the preliminary plat is denied, the Council shall specify the regulations or standards used in evaluating the application, the reasons for approval or denial, and the actions to be taken by applicant to obtain plat approval.

(E) Approval Period for Preliminary Plat. Failure to obtain approval of a portion of the preliminary plat as a final plat within one year of the acceptance of the preliminary plat shall cause all approvals of the preliminary plat to be null and void, unless the sub divider applies for an extension of time and approved by the Council.

(F) Time Limits. Time limits for administrative action may be extended by mutual consent between the applicant and the City Council.

8-2-6 FINAL PLAT APPLICATION: After approval or conditional approval of the preliminary plat by City Council, the applicant may submit an application for final plat.

(A) Intent: The intent of this section is that final plats be applied for in timely fashion following action on preliminary plat applications and consistent with the situation under which preliminary plats are approved.

(1) When the subdivision has only one development phase, approval of the preliminary plat shall become null and void if application for final plat is not submitted within one year after the City Council approves the preliminary plat.

(2) When the preliminary plat application includes multiple development phases, approval of the preliminary plat shall become null and void if application for final plat of a succeeding phase is not submitted within two years of completed construction of infrastructure of the preceding phase.

(3) In any case, approval of a preliminary plat shall be subject to revision at five-year intervals if the City Council decides to do so.

(B) Method and Medium of Presentation (per Idaho Code § 50-13-4): Transparent tracings offered for recording shall show all information on the original Mylar or other reproducible plat drawing. Copies of the plat drawing for recording shall be reproduced in the form of blackline prints on a white background.

(C) Contents of Final Plat Application

(1) A completed application form for final plat.

(2) Documents containing all of the approved data from the preliminary plat.

(3) A final survey including (per Idaho Code §§ 50-1303, 50-1304, 50-1331, 50-1332, 50-1333):

- a. Boundaries of the tract fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field, with dimensions expressed in feet and decimals.
- b. Excepted parcels within the tract boundaries showing all bearings and distances, determined by an accurate survey in the field, with dimensions expressed in feet and decimals.

- c. Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat are referenced.
- d. Lot boundaries.
- e. As applicable: names, rights of way, courses, lengths, and widths of all public streets, alleys, pedestrian ways, and easements; radii, points of tangency, and central angles of all curvilinear streets and alleys; and radii of all rounded street line intersections.
- f. Sanitary restriction as required in Idaho Code § 50-1326.

(4) Descriptive information including:

- a. Drainage ways and other areas to be dedicated.
- b. Easements and any limitations to easements. When necessary, unobstructed utility easements of at least eight (8) feet shall be provided along lot lines. Unobstructed drainage easements shall be provided as required by the Council.
- c. Lots and blocks numbered in accordance with this code and the Idaho Code. Notable areas such as private parks and ponds shall be so designated, lettered or named, and their dimensions indicated.
- d. Other information pertinent to recording.

(5) Dedication: A notarized statement of dedication of streets, alleys, drainage ways, pedestrian ways, and other rights of way for public use. This statement shall be signed by the person holding title of record and by any persons holding title as vendees under contract. If dedicated lands are mortgaged, the mortgage holder shall also sign the statement.

(6) Certifications:

- a. Certification by the preparer stating on the plat map that the plat map is correct and accurate, and that the monuments included on it have been located and described.
- b. Certification of plat by the City Engineer.
- c. Certification of plat by the County Engineer (per Idaho Code § 50-1305).

(D) Action by the Planning and Zoning Commission:

- (1) The administrator shall place the final plat application on the Planning and Zoning Commission agenda within 30 days after receipt.
- (2) The Planning and Zoning Commission shall consult with the city engineer, the city attorney, and any other agency or department in order to finalize the development agreement.
- (3) A copy of the final development agreement shall be provided to the developer at least ten days prior to the date when the final plat is referred by the Planning and Zoning Commission to City Council.
- (4) Within 30 days after its initial discussion, the Planning and Zoning Commission shall recommend approval, conditional approval, or denial of the application.

(E) Action by the City Council:

- (1) The City Council shall include discussion of the recommendation by the Planning and Zoning Commission on its agenda not later than its next regular meeting after the meeting at which it receives the recommendation. Within 30 days after its initial discussion, City Council shall approve, conditionally approve, or deny the application.
- (2) As a condition precedent to approval, the City Council shall require the developer to sign the development agreement.

(F) Time limits: Time limits for administrative action may be extended by mutual consent between the applicant and the relevant governmental instrumentality.

(G) Recording: The final plat shall be submitted to the county recorder for recording within one year after approval by the City Council. Otherwise approval of the final plat and the development agreement shall become null and void. A plat submitted for recording by any person other than a representative of the city shall not be recognized as binding on the city.

## 8-2-7 REQUIREMENTS AND STANDARDS

### (A) Compliance and Special Conditions

(1) Compliance: Subdivisions shall comply with the zoning and subdivision ordinances of the City of Menan as well as with other applicable regulations, and intents of the comprehensive plan. All submitted plats and subdivisions, including completed facilities and improvements, shall comply with the minimum design standards set forth in this Chapter and in Idaho Code Title 50, Chapter 13.

(2) Jurisdiction: This Chapter shall apply to the subdividing of land within the corporate limits of the City of Menan. It may apply, as determined by the City Council and Jefferson County Commissioners, to the Impact Area as agreed to and adopted by the Jefferson County Commissioners.

(3) Special Conditions: Land where conditions are potentially harmful to safety or general health and welfare shall not be subdivided unless measures are taken to overcome the conditions (see chapter 10-5). Such conditions may include, but are not limited to, periodic flooding, poor drainage, or steep grades.

(B) General Requirements: The applicant shall be responsible for the following:

(1) Improvements such as streets, alleys, parks, easements, and other facilities requisite to plat approval.

(2) Providing plans prepared by an engineer.

(3) Including in the development agreement provision to preserve topsoil for reuse, as after infrastructure installation.

(4) Providing to the city, prior to recording, construction drawings of improvements in the phase of the subdivision intended for recording.

(5) Providing to the city a guarantee of improvements:

(6) Improvements to be constructed and/or installed within two years of final plat approval, unless extended for one year by mutual consent.

(7) Guarantee of 110% of estimated cost as determined by the project engineer and including one or more of the following security arrangements, as approved by City Council:

a. Deposit with an escrow agent or trust company: a cash deposit, certified check, or irrevocable bank letter of credit.

b. Escrow time for periods specified for various improvements.

c. By mutual consent, an agreement for progressive reductions of the security amount upon completion of construction or installation stages.

(8) Maintenance agreement, for not less than one year and not more than five years, covering construction, installation, and operation of required improvements.

a. The maintenance agreement is subject to approval by City Council.

b. The agreement includes time periods, responsibilities, and financial security.



c. The financial security may be in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit, or surety bond.

1. An escrow agreement shall be drawn and furnished to the city.
2. A bond shall be with a surety company authorized to do business in Idaho
3. A bond shall accrue to the city and shall cover construction or installation, operation, and maintenance of specified improvements.

(C) Lots and Blocks: Lots shall conform to the following:

(1) Except as provided below, the lot area provided shall conform to the district in which the subdivision is located.

(2) The lot depth and width shall be sufficient to meet the required setbacks of the district in which the subdivision is located.

(3) Corner lots shall have sufficient extra width to permit the required setback from both streets.

(4) Land with flood plains or other physical characteristics that severely hamper development may be subdivided if sufficient land remains in each lot outside the uninhabitable area to accommodate the required setbacks and a building envelope. As an alternative such land may be set aside as a park, trail, or open space.

(5) Where parcels of land are subdivided into large lots, the parcels shall be divided and developed to permit future subdivision into smaller parcels.

(6) In residential subdivisions with more than five lots, the sizes of the lots shall be averaged, and the average lot size shall be at least the minimum lot size required in the district in which the proposed subdivision is located. To illustrate, in a five-lot subdivision in the Traditional Residential District, three lots may be 0.3 acres, one lot may be 0.6 acres and the last lot shall be one acre. The purpose of this regulation is to avoid subdivisions in which all the lots are the minimum lot size permitted in the zone. In exchange for permitting some lots to be smaller than the minimum lot size, others must be considerably larger.

(7) Side lot lines shall be substantially at right angles with or radial to street lines except where other treatment is justifiable.

(8) Double frontage lots shall be avoided.

(9) Block length should not exceed 880 feet, measured from intersection center to intersection center.

[Amended by Ordinance 2023-2; enacted February 9, 2023]

(10) Block design shall provide for two tiers of lots except where not feasible or practical.

(D) Streets:

(1) Design: Streets shall be designed so their arrangement, character, length, width, grade, and location conform to the intents of this code and the comprehensive plan. The streets shall connect with the existing street network and, when possible, replicate the short grid pattern found in the original townsite of Menan. Streets shall be constructed in accordance with the specifications outlined in TITLE 8CHAPTER 5 of this title and shall be in conformance with the Transportation Map found in the Comprehensive Plan. All local subdivision streets shall be paved to a width of not less than twenty-six (26) feet. The paving shall be completed to each lot before a Certificate of Occupancy is issued for the lot. The paving shall meet the minimum standards established in TITLE 8CHAPTER 5 of this title.

(2) Layout: Streets shall be laid out consistent with this code and the comprehensive plan with regard to existing streets, topographical features, public safety and convenience, and proposed land uses.

(3) Access to Arterials and Collectors: Individual lots in platted developments shall not have direct access onto an arterial or major collector, but onto a residential or local street or minor collector. Access pre-existing enactment of this chapter may remain in use. When necessary, unobstructed utility easements of at least eight (8) feet shall be provided along lot lines. Unobstructed drainage easements shall be provided as required by the Council.

(4) Frontage Streets: Where a subdivision abuts or contains an existing or proposed arterial-street, railroad, or controlled access highway, the city may require frontage streets or other treatment appropriate to the situation.

(5) Half Streets: Half streets are prohibited.

(6) Right of Way Width: Minimum widths for streets shall be, in feet:

Street Classification	Right of Way Width	Finished Width
Major Arterial	132	100 - 180
Minor Arterial	95	70
Major Collector	99	42 - 55
Minor Collector	60	42
Local	60	42
Residential	50	32
Alley	30	20

(7) Intersections and Alignments:

- a. Streets shall be laid out to intersect as nearly as possible at right angles, but in no event at angles more acute than 80. Intersection with an arterial shall be no more acute an angle than 85.
- b. Where a street deflects at more than 10 from the right angle, a connecting curve is required, with a minimum centerline radius of 300' for arterial and collector streets and 125' for local and residential streets.
- c. Streets with centerline offsets of less than 125' shall be prohibited.
- d. On arterial and collector streets, a tangent at least 150' to 200' long shall be provided between reverse curves.
- e. Street intersections with more than four legs and Y-type intersections where legs meet at acute angles shall be prohibited.

(8) Streets Requiring Special Approval:

- a. Cul-de-Sac: A cul-de-sac shall terminate in a circular turnaround with a minimum right of way width of 60' and a cul-de-sac radius of 50'. The city may approve an equally convenient form of turnaround where extreme conditions justify. The maximum length should be 600' from the intersection of street centerlines to the center of the turnaround.
- b. Cul-de-sac Streets. Cul-de-sac streets shall not be more than six hundred (600') feet in length and shall terminate with an adequate turnaround with a minimum right-of-way width of eighty feet (80').
- c. Dead-End: A dead-end street shall not be permitted except in locations designated by the city as necessary to future development of adjacent land. In any case, a dead-end street serving more than four lots shall provide by easement a temporary turning circle with a 50' radius or other acceptable design. Where adjoining areas are not subdivided, streets in proposed

subdivisions shall extend to the boundary line of the tract to permit future extension of said streets into adjacent areas. Spite strips are prohibited.

- d. Loop Street: Loop streets shall have a maximum length of 1,200', measured along their centerline from center of intersection to center of intersection.

(9) Grades: Grades on collector, local, and residential streets shall not exceed 6% nor be less than 0.25%. Grade requirements for other streets shall be based on individual conditions and safe engineering practices.

(10) Pavement: Asphalt plant mix pavement is required.

(11) Names: Street names shall not duplicate existing street names except where a new street is a continuation of an existing street. Street names spelled differently but that sound like existing street names shall not be used. New streets shall be named as follows:

- a. Streets having a predominantly north/south direction shall be named "avenue" or "road."
- b. Streets having a predominantly east/west direction shall be named "street" or "highway."
- c. Meandering streets shall be named "drive," "lane," "path," or "trail."
- d. Cul-de-sacs shall be named "circle," "court," "way," or "place."

(E) Other Improvements: The City requires the developer to construct curbs and gutters, sidewalks and/or asphalt trails when the densities exceed three units per acre in a manner and kind approved by the City Council and/or City Engineer. These must connect at approved locations to the Menan Master Plan for trails, sidewalks, and pathways (Please refer to the Trails, sidewalk and Pathways Map in the Menan Comprehensive Plan)

(1) Curbing is required as lining to streets. In residential zones, on local and minor collector streets, rolled curbs and gutters are required. In other zoning districts, different types of curbing may be preferable, and may be permitted if included and approved by the council in the development agreement.

(2) Sidewalks are required as follows, with minimum widths in feet:

Street Classification	Width
Minor Arterial	8
Collector	4
Local	4
Residential	4

(3) Buffer: The purpose of a buffer is to separate and visually screen land uses that are not fully compatible with each other. Where a commercial, business, or industrial use abuts a residential zone, the commercial, business, or industrial entity shall provide a shrubbery buffer not less than four feet high and four feet wide or a slightly, solid fence between five and eight feet high. A shrubbery buffer shall be effective within three years and prevent vision through at least 60% of its vertical plane.

(4) Monuments: Monuments shall be installed in accordance with current standards at street intersections and at corners, angle points, and points of curve, and shall be in accordance with Section 50-1303, Idaho Code.

(5) Fire Hydrants: Locations and types of fire hydrants are subject to approval by the city.

(6) Street Signs: Street signs and traffic control devices shall be installed by the city in accordance with local standards. The developer shall reimburse the city for its costs.

(7) Streetlights: Locations and types of streetlights are subject to approval by the city. Streetlights are required at intersections except as approved by City Council upon recommendation of the Planning and Zoning Commission.

(8) Postal Service: A centralized delivery facility, or facilities, for mail may be required.

a. Location(s) and types of facility are subject to approval by the city.

b. At least one mailbox per lot shall be provided.

c. Facilities shall be placed at least six feet from the curb.

d. Facilities shall be on a stand or in a customized structure.

e. Facilities shall comply with requirements of the United States Postal Service.

(9) Lighting: All subdivision street lighting must be full cut-off lighting to protect the nighttime sky and eliminate light trespass onto other properties.

(10) Trees: All subdivisions must install street trees in conformance with CHAPTER 3 of Title 5.

(11) Underground Utilities: The council requires underground utilities within the subdivision boundaries.

(12) Storm Drainage: An adequate storm drainage system shall be required in all subdivisions. Swales may be used. The Council shall approve the engineered design of the proposed system for each particular subdivision.

(F) Public Sites and Valuable Features:

(1) Public Sites: Where it is determined that an existing or proposed public or quasi-public facility, shown on a planning map, is located in whole or in part within a proposed subdivision, the Planning and Zoning Commission shall notify the concerned agency or agencies. Within 30 days of notice, agencies may request City Council to suspend consideration of the proposed subdivision for 60 days. If agreement is not reached within 60 days, City Council shall direct that consideration of the subdivision resume. Schedules for action by the city shall be adjusted accordingly.

(2) Valuable Features: Features that add value and enhance the attractiveness of the vicinity shall be preserved insofar as possible. Such features include, but are not limited to, streets, watercourses, and historic sites.

(G) Open Space: A subdivision shall include open space. Open space is common area platted as a separate lot, provided within a recorded usable easement, or dedicated to and accepted by the city, which is substantially open to the sky. Within the boundaries of the original plat of the City of Menan, on record with the Jefferson County Clerk, pre-existing parks and open space have been dedicated. Due to the existence of open space within the existing plat, additional open space is not required for subdivisions of land within the boundaries of the original plat of the City of Menan.

[Modified by Ordinance 421; enacted January 2018]

(1) Computation of open space minimum does not include public streets, wetland areas, drainage ditches, irrigation ditches, sewer or water facilities, or similar features. Minimum open space shall be:

Type of Development	Minimum Percentage of Total
Single Family or Twin Homes	10%



Condominiums or Townhouses	5%
Other Multifamily Dwellings	7%
Planned Unit Development	20%
Commercial	3%
Business Park	3%
Industrial	3%

(2) Types of Open Space: Open space may include such facilities as parks, greenbelts, pathways, golf courses, or equestrian areas.

(3) Parks by Category:

Type of Park	General Description
Playground	Swings and/or other playground equipment. Typically two acres or smaller.
Neighborhood	Central location in neighborhood, active and passive recreation for varied age groups, such as picnic facilities, shade trees, walking paths. Typically two to five acres.
Community	Located for access and parking; playing fields; may include such as picnic facilities, playground, shade trees, walking paths. Typically five to ten acres
Specialty	Specific to intended use: such as golf course, historic site, swimming pool.
Linear	Such as walking, cycling, or equestrian paths; greenbelts.

(4) Deeding or Dedication: Open space is provided by one or more instruments:

- a. The owner may retain the deed and record a covenant and/or easement to preserve the open space.
- b. The owner may record a dedication of conservation easement or a fee interest to an appropriate governmental entity, charitable organization, or owners' association.

- c. Open space may be platted within one or more large, privately held lots that have building envelopes specified so as to make available the open space, which shall be preserved by easements and/or covenants recorded.

(5) Management Plan: A management plan shall be included as part of the development agreement. The plan shall contain funding guarantees to maintain the open space so it does not become a burden to the city or negatively impact the public health, safety, or general welfare. If the open space includes a recreation facility, assurances of financial and functional viability shall be described and provided for in the management plan.

## CHAPTER 3 ADMINISTRATIVE PROCEDURES

### SECTION:

8-3-1	ZONING ADMINISTRATION
8-3-1(A)	PERMITS REQUIRED
8-3-1(B)	CERTIFICATE OF OCCUPANCY
8-3-1(C)	VARIANCES
8-3-1(D)	CONDITIONAL USE PERMITS
8-3-1(E)	AMENDMENTS TO THIS ORDINANCE
8-3-1(F)	HEARING PROCEDURES

### 8-3-1 ZONING ADMINISTRATION

#### (A) Permits Required.

(1) No person shall construct, enlarge, or move any building, fence or structure, or change the use of any land without obtaining a building permit from the City. To apply for a permit, the applicant shall file an application with the City Clerk which contains the following information:

- a. Name, address, and phone number of applicant.
- b. Name, address, and phone number of owner of property, if owner is not the applicant. If applicant is not the owner, provide an affidavit of legal interest.
- c. Address or legal description of the property.
- d. Existing use.
- e. Proposed use.
- f. Zoning district.
- g. A site plan showing the actual dimensions and the shape of the lot to be built upon; the size and location of existing buildings on the lot, if any; the location and

dimensions of the proposed buildings; the location, layout, and access of proposed on-site parking; and the location and type of screening proposed on the lot.

- h. Building heights.
- i. Number and dimensions of off-street parking spaces and loading spaces.
- j. Proposed water and sewer facilities.
- k. Existing and proposed easements.
- l. Proposed storm drainage for multi-family and commercial and industrial developments.
- m. Property Lines Certification. Property lines shall be certified as accurate by using the following procedure:
  - 1. Property lines must be clearly marked on the property to show the legal boundary of the parcel that is subject to the building permit application. The legal boundary shall be established by a record of survey performed and recorded by a surveyor licensed in the State of Idaho. The party seeking the building permit must clearly mark the property by creating visible lines between survey pins.
  - 2. The certified property lines must be clearly indicated on the building permit application.
  - 3. This provision does not apply to building permits for remodel of existing structures that do not expand the footprint of the existing structure.
- n. Building Location Identification.
  - 1. The location of the proposed building shall be clearly identified on the property subject to the building permit application with flagging or other clearly visible markers.

2. The approved site plan must be present on the site during the entire construction process.
- o. Certification of Site Plan Compliance.
    1. The site development plan must be certified by a designated city official to confirm compliance with the Menan City Development Code.
    2. The certification shall be granted after a thorough review of the site plan and verification of its alignment with applicable regulations.
  - p. Other information as the Council or Commission may determine is needed to determine compliance with this Ordinance.

[Subsections 8-3-1(A)(1)(m)-(p) amended and added by Ordinance 2024-5; enacted July 11, 2024]

(2) Approval of Building Permit. Within thirty (30) days after receipt of an application, the City Clerk shall either approve or disapprove the application in conformance with the provisions of this Ordinance. One (1) copy of the plans shall be returned to the applicant by the City Clerk after the City Clerk shall have marked such copy either as approved or disapproved and attested to same by this signature on such copy. One (1) copy of the plans, similarly marked, shall be retained by the City Clerk.

(3) Expiration of Building Permit. Every permit issued by the building official under the provision of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an expired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

(4) The fees for land use and building permits shall be adopted by resolution of the City Council and may be modified from time to time by resolution.

(5) Valuation of improvements shall be based upon the actual costs to landowner as demonstrated by architect, contractor, or engineer estimates. Improvements where no professional is involved shall be based upon copy of receipts.

(6) A violation of this ordinance shall be a misdemeanor and is punishable by a fine not to exceed \$500.00 and/or 30 days in jail. There shall be a new violation for every day that this section is violated.

(B) Certificate of Occupancy: It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof, which have been constructed, enlarged, or changed in use until a Certificate of Occupancy has been issued by the City or its representative stating that the proposed use of the building or land conforms to the requirements of this Ordinance and all conditions that may have been imposed.

(C) Variances: The Planning Commission may authorize variances to this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking spaces, height of buildings, or other regulations affecting the size and shape or placement of a structure upon the lot, pursuant to Idaho Code Section 67-6516 as amended.

(1) To approve a variance, the Commission must find, in writing, that the application for a variance fulfills all of the following conditions:

- a. The need for a variance results from physical limitations of the lot which are not generally applicable to other properties in the same zone,
- b. Failure to approve a variance will result in undue hardship,
- c. The alleged hardship has not been created by the action of the applicant or the property owner, and
- d. Approval of the variance is not in conflict with public interest.

(2) Prior to granting a variance, the Commission shall hold at least one public hearing to give interested persons an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the request shall be published in the official newspaper within the jurisdiction. Written notice shall also be given to the property owners adjoining the parcel under consideration.

(3) In granting a variance, the Commission may prescribe appropriate conditions. The Commission may not grant a variance to permit a use not authorized under the provisions of this Ordinance.

(4) Within sixty (60) days after the public hearing, the Commission shall either approve, conditionally approve, or disapprove the application for a variance. Upon granting or denying the permit, the Commission shall specify:

- a. The provisions of this Ordinance and standards used in evaluating the application.
- b. The reasons for approval or denial.
- c. The actions, if any, the applicant should take to obtain a variance.

(5) The applicant or any affected person may appeal the decision of the Commission to the Council by submitting a written appeal to the City Clerk within fifteen (15) days of the decision of the Commission.

(6) In addition to the information required under subsection 8-3-1(A), the Commission may also require a narrative statement documenting that the request for a variance conforms to the standards in subsection 8-3-1(C)(1). above.

(D) Conditional Use Permits. Pursuant to Idaho Code Section 67- 6512 as amended, the Council and Commission may issue conditional use permits. Prior to issuing a conditional use permit at least (1) public hearing shall be held by each body. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the application shall be published in the official newspaper of the City of Menan. Notice shall be posted on the premises not less than one (1) week prior to the hearing. Notice shall also be provided to the property owners within three hundred feet (300') of the boundaries of the property.

(1) In addition to the information required under Section 7.1.1, the applicant shall submit a narrative statement discussing the general compatibility of the proposed development with adjacent properties, the relationship of the proposed use to the comprehensive plan, and the effects of the following on the adjoining property: noise, glare, traffic generated, vibration, odor, fumes, drainage, building height and massing, and solid waste.

The Planning and Zoning Commission or City Council may require that the applicant conduct studies of the social, economic, fiscal, or environmental effects of the proposed use (i.e. transportation, traffic, etc.).

(2) The approving body shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence to show that the proposed use will:

- a. Constitute a conditional use as established in the list of conditional uses in the applicable district.
- b. Be in accordance with a specific or general objective of the City's comprehensive plan and the regulations of this Ordinance.
- c. Be designed and constructed in a manner to be harmonious with the existing character of the neighborhood and the zone in which the property is located.
- d. Not create a nuisance or safety hazard for neighboring properties in terms of excessive noise or vibrations, improperly directed glare or heat, electrical interference, odors, dust or air pollutants, solid waste generation and storage, hazardous materials or waste, excessive traffic generation, or interference with pedestrian traffic.



- e. Be adequately served by essential public facilities and services such as access streets, police and fire protection, storm drainage facilities, refuse disposal, water and sewer service, and schools. If existing facilities are not adequate, the developer shall show that such facilities shall be upgraded sufficiently to serve the proposed use.
- f. Not generate traffic in excess of the capacity of public streets or access points serving the proposed use and will assure adequate visibility at traffic access points.
- g. Be effectively buffered to screen adjoining properties from adverse effects of noise, building size and resulting shadow, traffic, and parking.
- h. Be compatible with the slope of the site and the capacity of the soils and will not be in an area of natural hazards unless suitably designed to protect lives and property.
- i. Not result in the destruction, loss or damage of an historic feature of significance to the community of Menan.

(3) In granting a conditional use permit, the approving body may prescribe appropriate conditions and safeguards. Such conditions to be attached to the permit may include but not be limited to:

- a. Minimizing adverse impact on other developments.
- b. Controlling the sequence and timing of development.
- c. Controlling the duration of development.
- d. Designating the exact location and nature of development.
- e. Requiring the provision for on-site or off-site public facilities and services.
- f. Requiring more restrictive standards than those generally required in this Ordinance.

- g. Assuring development is maintained properly.
- h. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts within the planning jurisdiction.

(4) Within sixty (60) days after the public hearing, the approving body shall either approve, conditionally approve, disapprove the application, or require further study of the social, economic, fiscal, and environmental effect. Upon granting or denying the permit, the approving body shall specify:

- a. The provisions of this Ordinance and standards used in evaluating the application.
- b. The reasons for approval or denial.
- c. The actions, if any, the applicant should take to obtain a conditional use permit.

(5) The applicant or any affected person may appeal a final decision of the Commission on a conditional use permit to the Council by submitting a written appeal to the City Clerk with fifteen (15) days of the decision of the Commission. Decisions of the Council may be appealed as provided in Idaho Code Section 67-6521 as subsequently amended.

(6) The Planning Commission may, without approval of the Council, grant a conditional use permit to day care centers. All other conditional use permits may only be granted after review and recommendation by the Commission and approval by the City Council. The Commission and the Council shall each hold a public hearing.

(E) Amendments to this Ordinance. The Council may, by ordinance, after receipt of recommendation from the Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. Such amendments may include text amendments or map revisions.

(1) Amendments to this Ordinance may be initiated in one of the following ways:

- a. By adoption of a motion by the Commission;

- b. By adoption of a motion by the Council; or
- c. By the filing of an application by resident, property owner, or authorized agent.

(2) In addition to the information required under 8-3-1(A) above, the applicant shall provide the following information in an application for a rezoning:

- a. Proposed zoning district;
- b. For map revisions, a vicinity map showing the property lines, streets, existing and proposed zoning, and existing land uses; and
- c. A statement on how the proposed amendment relates to the comprehensive plan, availability of public facilities, and compatibility with the surrounding area and zoning.

For a text amendment, the applicant shall provide the wording for the text amendment and an explanation as to why the amendment is needed and is in the public interest.

(3) If the request for zoning amendment is not in accordance with the comprehensive plan, the Commission shall consider and recommend and the Council may adopt or reject an amendment to the comprehensive plan after notice and hearings as provided in Section 67-6509, Idaho Code.

(4) The Commission, prior to acting on a request for an amendment, shall hold at least one public hearing. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendment shall be published in the official newspaper of the City of Menan. If the amendment is a map revision, notices shall be provided by mail to owners or purchasers of record of land within three hundred feet (300') of the external boundaries of the land being considered. Notice shall also be posted on the property to be rezoned not less than one (1) week prior to the hearing.

When notice is required to two hundred (200) or more property owners, notice of the proposed change and hearing shall be published in the official newspaper once a week for two (2) consecutive weeks, with at least one of the publications being fifteen days prior to the date set for hearing on the proposed change.

(5) Within sixty (60) days of the public hearing, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the amendment be granted as requested, be modified, or be denied. In evaluating requests for amendments, the Commission shall consider, in addition to conformance with the comprehensive plans required by Section 67-6511, Idaho Code, the following:

- a. The capacity of existing public streets, water and sewer facilities, storm drainage facilities, solid waste collection and disposal, and other utilities.
- b. The capacity of existing public services, including but not limited to, public safety services, public emergency services, schools, parks and recreational services.
- c. The potential for nuisances or health and safety hazards that may adversely affect adjoining properties.

- d. Recent changes in land use on adjoining properties or in the neighborhood of the map revision.

(6) The Council, prior to action on the amendment, shall hold one public hearing using the same notice and hearing procedures as the Commission. Within sixty (60) days after the hearing, the Council shall decide on the request. Upon granting, modifying, or denying a request for amendment, the Council shall specify:

- a. The provisions of this Ordinance and the comprehensive plan and other standards used in evaluating the application.
- b. The reasons for approval or denial.
- c. The actions, if any, the applicant should take to obtain an amendment of the Ordinance.

(F) Hearing Procedures. The following shall be observed in the conduct of public hearings before the Planning and Zoning Commission and the Council:

(1) Each person testifying shall be asked to state his/her name and address in such a manner as to assure that it will be recorded by electronic means. Those who wish to testify may be asked to sign a sheet with their name and address prior to giving testimony.

(2) No person shall be permitted to speak until such person has been officially recognized by the presiding officer.

(3) All public hearings shall be recorded electronically or stenographically and all persons testifying shall speak in such manner to assure that the recorded testimony or remarks will be accurate and trustworthy.

(4) The hearing body may establish a time limit to be observed by all speakers, depending upon the number of those who wish to testify. Such a time limitation shall apply to the speaker's comments.

(5) At the conclusion of a speaker's comments, each member of the hearing body may address questions to the speaker. If a time limit has been set, such questions and answers shall not be included in the time limit.

(6) The chair may ask if any members of the hearing body have a conflict of interest prior to the conduct of the hearing and excuse those who have such a conflict.

(7) The chair may note, prior to opening the hearing, that testimony should relate to whether the proposal before the hearing body is in accordance with the comprehensive plan, the zoning ordinance, and other standards of Menan.

(8) The following are the steps in the hearing procedure:

- a. The chair shall announce the purpose and subject of the hearing.
- b. The chair may ask if any members have a conflict of interest and wish to be excused from this portion of this meeting.
- c. The chair shall ask the applicant to explain the proposal being presented.
- d. Following the applicant's presentation, the chair shall entertain questions from the hearing body regarding the proposal.
- e. The chair shall ask for statements from others in the audience.
- f. After each statement, the chair shall ask for any questions from hearing body members.
- g. When all statements have been given, the chair shall afford anyone who has previously given a statement to speak in rebuttal or clarify his/her earlier statement.

- h. After such rebuttal and clarification, the chair shall close the public hearing and ask for comments from the hearing body. Such discussion shall lead to action by the body.

## **CHAPTER 4            GENERAL PROVISIONS**

### **SECTION:**

8-4-1	FEES
8-4-2	APPLICABILITY
8-4-3	SEVERABILITY
8-4-4	RELATIONSHIP TO OTHER LAWS
8-4-5	VIOLATION AND PENALTIES

8-4-1                    **FEES:** At the time of submittal of zoning applications, plats, or plans as applicable, a fee to defray costs and expenses of public notices, mailings, plan/plat review and checking as provided by resolution of Council, shall be paid by the applicant.

8-4-2                    **APPLICABILITY:** The provisions of this Ordinance are applicable not only to private persons, agencies and organizations but also to public agencies and organizations to the full extent they may be enforceable.

8-4-3                    **SEVERABILITY:** If any portion of this Ordinance or its application to its specific circumstances shall be held invalid, the remainder of this Ordinance and its application to other circumstances shall be unaffected. It is further allowed that this Ordinance may be published in summary form as provided in Idaho Code §50-901 A.

8-4-4                    **RELATIONSHIP TO OTHER LAWS:** If state or federal law or regulations or other City ordinances impose additional standards on developments or buildings regulated by this Ordinance, the more restrictive standard shall apply.

8-4-5                    **VIOLATION AND PENALTIES:** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint with the City Clerk. The Clerk or city representative shall record such complaint, investigate the same, and take such action or cause such action to be taken as provided by this Ordinance. The City Attorney may, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Ordinance.



Any violation of the provisions of this Ordinance or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate violation.

Any person convicted of violating any of the provisions of this Ordinance shall be punishable by imprisonment for a term not to exceed thirty (30) days, a fine not to exceed three hundred dollars (\$300.00), or by both such fine and imprisonment.

## **CHAPTER 5            ROADWAY STANDARDS**

### **SECTION**

8-5-1	INTENT OF CHAPTER
8-5-2	PURPOSE OF ROADWAY STANDARDS
8-5-3	OVERVIEW OF THE CITY OF MENAN ROAD SYSTEM
8-5-4	NEED FOR CONTROL AND UNIFORMITY
8-5-5	DISCLAIMER
8-5-6	DEFINITION OF TERMS
8-5-7	DESIGN CRITERIA
8-5-7(A)	GENERAL DESIGN CRITERIA
8-5-7(B)	ROADWAY CLASSIFICATION
8-5-7(C)	PUBLIC ROADWAY RIGHT-OF-WAY
8-5-7(D)	ALIGNMENT
8-5-7(E)	STOPPING AND PASSING SIGHT DISTANCE
8-5-7(F)	ROADWAY CROSS SECTION
8-5-7(G)	DRAINAGE
8-5-7(H)	STRUCTURES
8-5-7(I)	SIGNAGE
8-5-7(J)	GUARDRAIL
8-5-7(K)	STRIPING OR PAVEMENT MARKINGS
8-5-7(L)	CATTLE GUARDS
8-5-7(M)	DRAWING SUBMITTAL/APPROVALS
8-5-8	CONSTRUCTION SPECIFICATIONS
8-5-8(A)	CLEARING AND GRUBBING
8-5-8(B)	SUBGRADE
8-5-8(C)	SUB-BASE OR BALLAST
8-5-8(D)	BASE MATERIAL
8-5-8(E)	SURFACING
8-5-8(F)	OBSERVATION AND TESTING

8-5-1            INTENT OF CHAPTER: The City of Menan Roadway Standards are required for all new development in the City and are provided here to assist a developer and his engineer during roadway design, construction and reconstruction.

8-5-2            PURPOSE OF ROADWAY STANDARDS: The purpose of this chapter is to provide uniform standards for the construction or reconstruction of roads in the City of Menan.

(A) The general location of each roadway and public right of way under the City of Menan's jurisdiction is shown on the most current version of the City Map of Menan, which is published for the City by the Jefferson County Planning and Zoning/GIS Department.

(B) In order to protect the public, roadways within the City, subdivisions must also follow the City of Menan Roadway Standards. Subdivision roads may be public right-of-ways or private easements, as determined by the City Council through the subdivision application process.

(A) The intent of these Roadway Standards is to provide a uniform roadway network throughout the City of Menan.

(B) It is further the intent of these Roadway Standards to upgrade and maintain the safest highway system available to the public within the City of Menan. It is not the intent to put forward conflicting requirements that will detract from the safety of the traveling public.

(C) It is also the intent of these Roadway Standards to promote the construction of good streets and highways while reducing maintenance and repair costs.

(D) If any section, subsection, sentence, clause, phrase, or portion of these guidelines is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.



(A) Nothing herein shall be construed to impose a mandatory requirement or a duty upon the City of Menan to construct, reconstruct, or improve existing public streets or highways to comply with these guidelines. The adoption or application of these standards does not create a need or obligation for the City of Menan to upgrade any existing roadways to the same level.

## 8-5-6 DEFINITION OF TERMS

**APPLICANT:** Any person or persons making application to the City Public Works Department or Planning and Building Department or other division of the City of Menan.

**BASE:** Crushed aggregate material placed above the sub-base material to provide structural support for pavement or an all- weather unpaved surface.

**BRIDGE:** Structures twenty (20) feet or larger in span, measured along the centerline of the roadway from the inside face of wall or abutment.

**CULVERT:** Any structure with a span of twenty (20) feet or less measured along the centerline of the roadway.

**DEDICATION:** The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted by the City or a city within the City as a public dedication, either by ordinance, resolution, or entry in the official minutes or by the recording of a plat showing such dedication.

**DEVELOPMENT AGREEMENT:** A contract entered into between the City and a holder of property with development rights, the principal purpose of which is to negotiate and to establish the development regulations that will apply to the subject property during the term of the agreement and to establish the conditions to which the development will be subject.

EASEMENT: A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes.

HIGHWAY: The entire width between the boundary lines of a publicly maintained roadway when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and public rights-of-way not intended for motorized traffic. The terms "street", "road" or "roadway" are interchangeable with highway.

IRRIGATION FACILITIES: Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water.

OWNER: A "person", as herein defined, having sufficient proprietary interest in the land to maintain proceedings under this title.

PLANS: The official improvement/development drawings, profiles, typical sections, standard drawings, or reproductions thereof, designed by a licensed Engineer and approved by the City of Menan, that show location, character, dimension, and details of the work to be performed. Also referred to as "design drawings".

PLAT: A map of a subdivision, further described as:

PRELIMINARY PLAT: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with the City of Menan Development Code and the Idaho Code.

FINAL PLAT: A map of all or part of a Sub-division providing substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with the City of Menan Development Code and the Idaho Code.

RECORDED PLAT: A final plat bearing all of the certificates of approval required by the City of Menan Development Code and the Idaho Code and duly recorded in the City of Menan Clerk's Office.

**PUBLIC RIGHT-OF-WAY:** A right-of-way open to the public and under the jurisdiction of the City of Menan, where The City of Menan has no obligation to construct or maintain, but may expend funds for the maintenance of, said public right-of-way or post traffic signs for vehicular traffic on said public right-of-way (see Idaho Code § 40-117). A term used to define a specific space.

**PUBLIC WORKS DIRECTOR:** The director of the City of Menan Public Works Department or an authorized representative.

**RESERVE STRIP:** A strip of land between a dedicated street or partial street and adjacent property, in either case, reserved or held in public ownership for future street extension or widening.

**ROADWAY:** That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the public right-of-way. Roadways are classified as follows:

**ARTERIAL ROUTE:** A general term including expressways, major and minor arterial streets' and interstate, state or City highways providing regional connectivity.

**COLLECTOR STREET OR HIGHWAY:** A street or highway that provides for traffic movement within neighborhoods and between major streets and local streets and for direct access to abutting property.

**LOCAL STREET:** A street that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial streets.

**MARGINAL ACCESS STREET (FRONTAGE ROAD):** A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route, sometimes referred to as a frontage road.

**CUL-DE-SAC STREET:** A local road or street having one end permanently terminated in a vehicular turnaround.

**LOOP STREET:** A minor street with both terminal points on the same street of origin, but not at the same location.

ALLEY: A public way of limited use intended only to provide access to the rear or side of lots or buildings in urban districts.

SUB-BASE: Material placed above the subgrade to provide structural support to the surfacing. Also known as granular base material or "pit-run" gravel.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner, who submits the required subdivision application and initiates proceedings for the subdivision of land in accordance with appropriate procedures. The terms "developer" or "applicant" are interchangeable with sub-divider.

SUBDIVISION: See CHAPTER 1 of this title.

SUBGRADE: The constructed ground surface within the right-of-way upon which any structure, base aggregate or granular base material is placed.

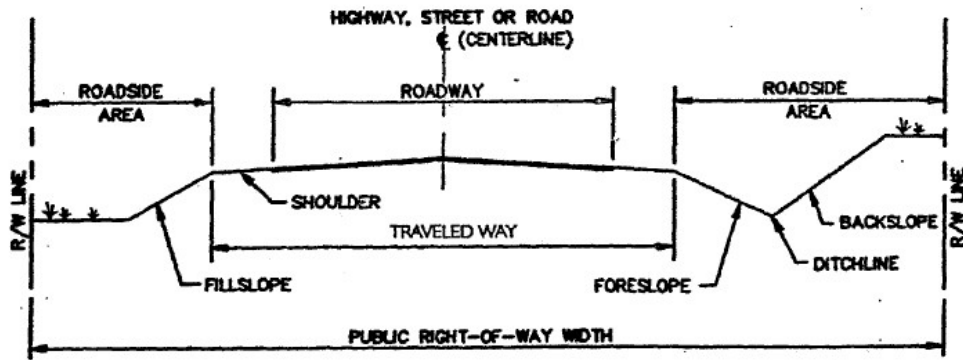
SURFACING: The uppermost layer of material placed on the traveled way.

TOP SOIL: Surface soil, suitable for the germination of seeds and the support of vegetative growth.

TRAFFIC CONTROL DEVICES: All signs, signals, barricades, guardrails, pavement markings, channelization, or other equipment used for the purpose of regulating, warning, and guiding traffic.

TRAVELED WAY: The portion of the roadway for the movement of vehicles, exclusive of ditches and roadside areas.





UTILITY FACILITIES: Installations or facilities, underground or overhead, furnished for use by the public, including but not limited to: electricity, gas, steam, television, communications, water, drainage, irrigation, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, forms, corporations, departments, or boards, as applicable herein.

## 8-5-7 DESIGN CRITERIA

### (A) General Design Criteria:

(1) These design criteria are based upon the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, current edition; including guidance provided in the AASHTO publication Geometric Design Guidelines for Very Low-Volume Local Roads (ADT < 400). Where possible, all design shall be based on these guidelines and applicable design criteria set forth by AASHTO. In cases where the City of Menan road design standards are more restrictive, the City of Menan standards shall prevail. Any variation from these design guidelines shall be performed by an Idaho registered professional engineer and approved by the City of Menan.

(2) Prior to any construction of a roadway, design drawings shall be submitted to the City of Menan for review and approval. The design drawings shall address the design criteria set forth in this roadway standards document and shall include plan and profile views of the proposed roadway(s). The plans will be shown at a 1"=20 feet or 1"= 40 feet horizontal scale and will include minimum 2-foot contours. A typical section of the roadway showing, at a minimum, the roadway width, the depths of materials, the roadside drainage, and the location of the right-of- way will be required. Cross-sections of the roadway at 50-foot, or shorter, intervals may be required, at the discretion of the City. The City will have 30 days to review the design drawings and provide comment to the applicant.

(B) (1) Roadway Classification: All roadways within the City of Menan are functionally classified as arterials, collectors, or local roads. A description of the recommended width for these classifications is included in Section (C)(1) below. These classifications shall apply whether or not a roadway in the City of Menan is in a subdivision or in any other location within the City of Menan.

(2) The City Council of Menan is authorized to classify various types of roads within the city through the enactment of resolutions. These modifications shall be carried out with consideration of the city's infrastructure, development, and transportation requirements. All resolutions shall include a color-coded map for ease of public understanding of the classification of each roadway identified above and in Section (C)(1) below.

(3) Implementation and Enforcement: Upon the passage of resolutions amending the definition of roads and specifying road classifications, the City of Menan shall ensure proper communication of the changes to relevant departments, agencies, and stakeholders responsible for road maintenance, development, and planning. The City Council shall collaborate with the appropriate authorities to enforce the modified definitions and classifications effectively.

[Amended by Ordinance 2023-3; signed October 12, 2023]

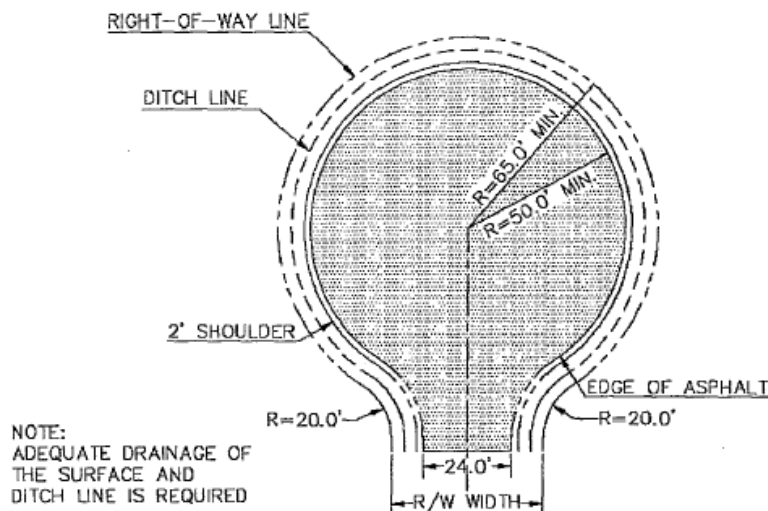
(C) Public Roadway Right-of-Way:

(1) The recommended width of the public roadway right-of-way for each classification is as shown in Table 1.

TABLE 1

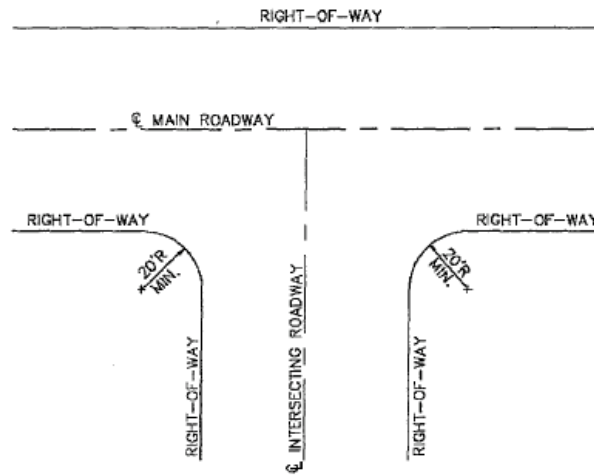
Street Classification	Right of Way Width	Finished Width
Major Arterial	120 - 210	100 - 180
Minor Arterial	95	70
Major Collector	80	42 - 55
Minor Collector	60	42
Local	60	42
Residential	50	32
Alley	30	20

(2) Cul-de-sacs shall have a minimum right-of-way of a 65-foot radius with additional highway right-of-way as needed to accommodate unusual cut and fill sections. The road surface (asphalt or gravel) within the cul-de-sac shall have a minimum 50-foot radius, with at least 15' of right-of-way beyond the edge of the road surface for drainage, signs, snow removal, maintenance activities and placement of utilities. A standard cul-de-sac layout is shown in Figure 1 below.



**FIGURE 1 - STANDARD CUL-DE-SAC LAYOUT**

(3) All intersections of highway right-of-way lines at street and highway intersections and at cul-de-sac bulbs shall be connected by a curve having a minimum radius of twenty feet (20'). See Figure 2 below.



**FIGURE 2 - RIGHT-OF-WAY AT INTERSECTIONS**

(4) Required Construction Permit: A right-of-way permit issued by the City of Menan is required for any construction activity within the public right-of-way of any roadway maintained by the City. This pertains to activities such as placement of utilities, service lines, private approaches or irrigation facilities. The City of Menan reserves the right to require boring of the roadway, rather than trenching through the existing pavement, when trenching may compromise the integrity of the road surface.

(5) When the right-of-way is at least 70 feet in width, utilities may be granted the following easements within the public right-of-way: Dry utilities may be granted a 5-foot easement adjacent to and within the right-of-way lines. The following will be considered a "dry" utility - electricity, gas, communications and other utilities that do not transport water. Power and gas utilities are not to be placed within the same 5-foot utility easement. Wet utilities will be granted a 3-foot easement adjacent to the outside edge of the shoulder. The following will be considered a "wet" utility - water, sanitary sewer, storm sewer and steam. Water and sewer utilities are not to be placed within the same 3-foot utility easement. Potable water and sewer lines must maintain a minimum separation of 10 feet.

(6) When the right-of-way is less than 80 feet in width, all new above ground utilities must be constructed at least 15 feet from the shoulder of the road or 24 feet from the centerline, whichever is greater and still within the right-of-way. Underground "dry" utilities should be placed near (within 4 feet of) the right-of-way line rather than along the shoulder, so the lines aren't disturbed or paved over if the road is widened. The minimum width of right-of-way of existing City roads is prescribed to be 60 feet, but some existing City road right-of-ways are 50 feet wide.

(7) The entire required right-of-way might not need to be cleared. Grading should be confined to the area necessary for construction of a properly drained road surface and to provide a clear zone for safety as outlined in the AASHTO Roadside Design Guide. Where a road passes through timber or brushy vegetation that creates a wildfire hazard, the entire right-of-way shall be treated as a fuel reduction area where trees or brush are thinned to a density where crowns do not overlap or touch and ladder fuels are removed. Construction slash shall be removed from the right-of- way along with other fuels.

#### (D) ALIGNMENT

(1) Table 2 shows the minimum and maximum values for various parameters used in alignment design criteria for the three functional classes of roadways.

DESIGN PARAMETER	ARTERIALS	COLLECTORS	LOCAL ROADS
Vertical Grades*	Minimum 0.5% Maximum 6%	Minimum 0.5% Maximum 6%	Minimum 0.5% Maximum 8%***
Horizontal Curvature	Maximum 7°	Maximum 11.5°	Maximum 25°
Minimum Radius ** (With Superelevation)	340 feet @ 35 mph 1330 feet @ 60 mph	340 feet @ 35 mph 833 feet @ 50 mph	154 @ 25 mph** 643 feet @ 45 mph
Design Speed	35 - 60 mph	35 - 50 mph	25 - 45 mph
Superelevation	Max 0.06 ft. per foot	Max 0.06 ft. per foot	Max. 0.06 ft. per foot
Angles of Intersection	85 - 95°	85 - 95°	85 - 95°

**Table 2. Geometric Design Criteria**

\*Roadways constructed using curb and gutter sections may have a minimum grade of 0.35%.

\*\*Radius measured to centerline of roadway. 25 mph should be limited to 4% super-elevation.

\*\*\*May be increased to 10% with special attention to maintenance consequences.

(2) All approaches shall be, for local roads, a minimum of 125 feet from any intersection, measured from the intersection right-of-way to the edge of the approach; 155 feet for collector roads; and 200 feet for arterial roads. These distances may be increased based on factors such as type of facility and amount of traffic expected to be generated. Private approaches may be a minimum of 50 feet apart. See the City of Menan Transportation Access Plan, as may be amended, for access spacing guidelines.

(3) The maximum length of a road ending in a cul-de-sac shall be 880 feet or as directed by the City Council. Dead-end streets shall be prohibited except where temporarily permitted by a subdivision-phasing plan or to provide for future connections between developments. A temporary cul-de-sac shall be provided when a temporary dead-end street serves four or more lots. The temporary cul-de-sac shall be constructed in accordance with the standards detailed in this document.

(4) One-way streets are not allowed by these roadway standards.

(5) Clear site triangles on approaches and intersections from a stop condition shall be unobstructed along both directions of the road in accordance with AASHTO Policy on Geometric Design of Highways and Streets.

(6) No solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three feet in height above the grade of the adjoining roads shall be permitted within a clear sight triangle.

(7) No on- or off-street parking shall be permitted within a clear sight triangle.

(8) No trees will be permitted within a clear sight triangle. Tree branches that overhang into the clear sight triangle must be removed to a height of at least twelve (12) feet above the centerline grade of the adjoining roads.

(9) Clear zone distances shall be in accordance with the most recent edition of the AASHTO Roadside Design Guide.

(10) Mailbox turnouts shall be constructed in accordance with guidelines adopted by the City of Menan.

(E) STOPPING AND PASSING SIGHT DISTANCE

(1) The stopping and passing sight distances shall comply with the guidance provided in the current edition of the AASHTO Policy on Geometric Design of Highways and Streets. Any variation from the AASHTO design standards must consider the safety of the traveling public and be approved by the City of Menan.

(2) The eye and object heights used to determine stopping sight distance are shown in Figure 3.



**Figure 3 - Sight Distance Measurement**

**Height of Eye = 3.50' above road surface**  
**Object Height = 2.0' (tail light of a passenger car)**

(F) ROADWAY CROSS-SECTION

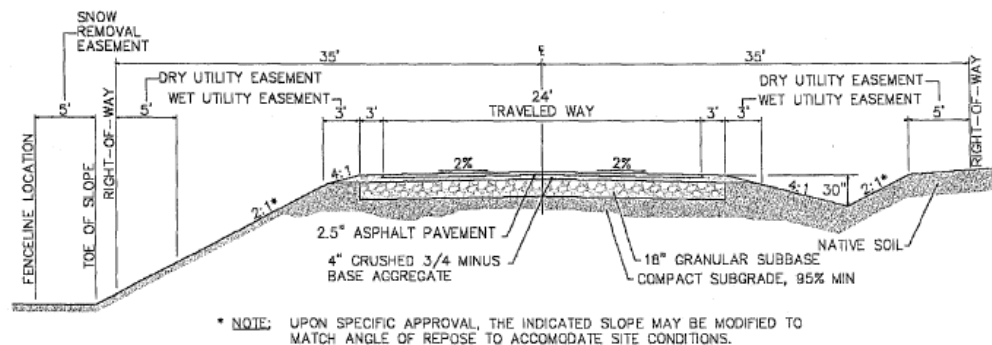
(1) The typical roadway details are shown in Figure 4, below, including the cross-section characteristics required for roadways within the city. The minimum width of the roadway surface for a two-lane road in a platted subdivision shall be 30 feet (a 24-foot wide traveled way with a 3-foot shoulder on each side). Additional lanes shall be a minimum of 12 feet wide, unless specifically approved by the City of Menan. Roadways that are or will be maintained by the City of Menan may be wider than 30 feet. The width of City maintained roadways will be determined by the City of Menan Public Works Director on a case-by-case basis.



(2) A minimum sub-base depth of 18 inches of pit run gravel at a width of 30 feet, compacted to 95% of standard density is required on all roads. The pit run gravel should be placed in layers not exceeding 9 inches and compacted between layers. A sub-base depth of less than 18 inches may be accepted if designed by an Idaho registered professional engineer and the design is accompanied by a geotechnical engineering report certifying the reduced depth. The City reserves the right to require more than 18 inches of sub-base depth based on knowledge of the soils at the location of the proposed project.

(3) A 4-inch depth of compacted 1/2 inch crushed gravel is required over the sub-base.

(4) If asphalt is required, the pavement shall be a minimum 24 feet wide with a minimum depth of 2.5 inches. New roads that intersect with an existing paved road will be required to be paved to the right'-of-way line of the existing road, with a minimum 30' radius at the intersection. An asphalt shall meet or exceed The City of Menan pavement mix requirements. A copy of the mix design can be obtained from the Menan Road and Bridge Department. A certified materials testing company shall conduct asphalt mix design, temperature, and compaction tests. Copies of the test results shall be sent to the City.



**FIGURE 4 - TYPICAL ROAD SECTION**

NOT TO SCALE

\*If curb and gutter is installed, it shall be constructed according to the requirements of the current edition of the Idaho Standards of Public Works.

(5) Construction (ISPWC). The City of Menan shall review and approve of the type of curb to be used prior to construction. (See also sub-section 8-5-7(G)(7)).

(6) Grade at Intersections: The first 10 feet on all access approaches shall have a decline of 3% in slope (measured from the edge of pavement or the shoulder of a gravel road); the next 50 feet can be either an incline or a decline of no more than 3%.

(7) The roadway cross-section outside the traveled way and inside the public right-of-way shall follow the general guidelines of the Roadside Design Guide, published by AASHTO, current edition. This Guide shall be used to determine safety characteristics for any appurtenance such as signing, rock outcrops, or general hazards to the traveling public.

#### (G) DRAINAGE

(1) All drainage facilities for new roadway construction shall be designed by an Idaho registered professional engineer and approved by the City of Menan in conjunction with the roadway plans, prior to commencing construction. The design storm return period shall be a ten (10) year, 6- hour storm and meet the winter and spring runoff needs. Any disruption of the normal drainage pattern of the area to be developed must have special consideration to accommodate future drainage.

(2) All roadside drainage ditches shall be a minimum depth of 30 inches, measured from the edge of the road surface shoulder. Drainage ditches shall be reseeded after construction with a seed mixture which is appropriate for the area, as recommended by the local Natural Resource Conservation Service (NRCS) office.

(3) Culverts used for drainage purposes should be of corrugated steel, aluminum, or concrete with the thickness and cover over the top of the pipe being in conformance with the following Table 3 (other types of materials must be approved by the City):

DIAMETER INCHES	STEEL THICKNESS INCHES **	ALUMINUM THICKNESS INCHES	CONCRETE CLASS*	COVER REQUIRED**
12" through 36"	0.064	0.060	V	12" minimum

**Table 3. Culvert Requirements**

\* Other classes of concrete pipe may be used if proper cover is provided in accordance with manufacturer's recommendations.

\*\* Using corrugated metal pipe with 2 2/3" x 1/2" corrugations. Culverts or mutiplat installations larger than 36" in diameter, pipe-arch culverts, or any structure under extreme fills shall require special consideration to meet requirements for minimum cover and other parameters.

(4) Culverts across the roadways shall be a minimum of eighteen inches (18") diameter or the size necessary to convey the design volume of water, whichever is greater. Culverts under approach roads or driveways shall have a minimum diameter of 12" (or the size necessary), a minimum length of thirty feet (30'), and shall meet the requirements of sub-section 8-5-7(G)(3).

(5) All necessary drainage easements for accommodating drainage structures shall be shown and recorded on the plans or subdivision plat as a part of the approved plans or final plat. Drainage easements necessary for draining storm water across private property shall be shown on the plans or final plat and recorded with the City of Menan recorder, either on or with the final plat, or if there is no final plat then by a letter from the Applicant describing the areas containing the easements, such as lots or blocks, and recorded with the City of Menan.

(6) Disruption of natural drainage ditches and subsequent use of the roadway drainage ditch to convey the natural drainage is prohibited. Highway drainage ditches shall not be used for conveying irrigation water of any type. All new irrigation facilities shall be constructed and maintained outside the public road right-of-way, or outside of a private road easement.

(7) When a curb and gutter roadway section is proposed, a complete storm sewer system shall be designed and constructed under the review of an Idaho registered professional engineer. Storm water disposal and maintenance of the storm sewer system shall be the responsibility of the developer or a homeowner's association, not The City of Menan.

(8) Roadways having a centerline grade greater than 6%, and which are located in areas with erosive soils, (defined as moderate to very severe soil ratings in the Erosion Hazard (Road, Trail) portion of the National Cooperative Soil Survey published by the NRCS) shall require an hydraulic analysis be performed that addresses erosion potential within the drainage ditches or shall include additional culvert crossings (in the range of one every 300 ft. to 500 ft.) to reduce the distance of overland flow within the roadside ditches.

#### (H) STRUCTURES

(1) Bridge structures shall be designed by an Idaho registered professional engineer in accordance with AASHTO Standard Specifications for Highway Bridges, latest edition, or AASHTO Load and Resistance Factor (LRFO) Bridge Design Specifications, latest edition.

(2) The minimum design vehicle for bridge and culvert design shall be an AASHTO HS-20 truck for local roads and an HS-25 truck for collector and arterial roads. Bridges may also be designed using the AASHTO Load and Resistance Factor (LRFD) Bridge Design Manual HL-93 loading.

(3) The minimum width of a bridge structure from the face-to-face of curb or the face-to-face of the guardrail or bridge rail shall be the full width of the approach roadway including pavement width and shoulder width, plus one foot eight inches (1'-8") on each side, for a total additional width of 3 feet 4 inches (3'-4").

(4) There shall be a minimum 50-foot long, 90 degree approach to all bridges.

(5) The vertical clearance above waterways shall be two feet above the 50 year flood, and the 100 year flood must pass beneath the bridge. The City will require a hydraulic analysis and drawings including slope and cross- sections of the waterway prior to approval of the bridge. The vertical clearance over other roadway surfaces shall be a minimum of sixteen feet (16'). Ice flow conditions can affect clearance and shall be taken into consideration by the bridge designer.

(6) Any crossing over a canal must be approved by the canal company as to type of structure, clearance and/or other criteria determined to be pertinent by the canal company.

(7) Only structures of steel, steel and concrete, or treated wood shall be used. Approval of structures using other materials will be considered and approved or disapproved by the City of Menan on a case-by-case basis.

(8) Retaining walls should be reinforced concrete, bin walls, reinforced earth, or concrete crib walls. Approval of retaining walls using other materials will be considered and approved or disapproved by the City of Menan on a case-by-case basis. All retaining wall structures shall be designed by an Idaho registered professional engineer and shall be approved by the City of Menan prior to their construction.

(9) A developer may be required to install a bridge rather than a culvert on any natural watercourse on the recommendation of the Idaho Fish and Game Department and approved by the City of Menan, where such action is required to protect the fishery.

(I) SIGNAGE

(1) All traffic control devices (signing, pavement markings, and traffic signals) shall be shown on the design plans. The traffic control devices and their application shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) as adopted in Idaho. All signs shall be installed by the Applicant prior to the acceptance of the project by the City of Menan.

(2) All temporary traffic control shall conform to the MUTCD, latest edition.

(J) GUARDRAIL

(1) Guardrail may be necessary in certain areas depending upon the need for protection of the traveling public. The City of Menan reserves the right to determine the need for guardrail under each separate circumstance. The guidelines of the AASHTO Roadside Design Guide, latest edition shall be used on developing appropriate and cost effective roadside safety provisions.

(2) The type of guardrail to be installed shall be determined for each project based on need, location and maintenance considerations.

(K) STRIPING OR PAVEMENT MARKINGS

(1) The City of Menan shall approve pavement-marking requirements subject to MUTCD requirements. The color, pattern and dimensions of marking shall be in conformance with the MUTCD, latest edition. Paint quality shall be the same as that used by the Idaho Transportation Department for their pavement markings.

(L) CATTLE GUARDS

(1) Cattle guards shall be constructed in conformance with Figure 5. Other types of cattle guards may be approved by the City of Menan on a case-by-case basis.

(2) Section 40-2310, Idaho Code, regulates the installation of cattle guards on local highways and shall be referenced when the question arises. Cattle guards shall be placed on private property when necessary for private approaches. Section 40-203(5), Idaho Code, discusses obstruction of the public right-of-way and the misdemeanor offense involved.

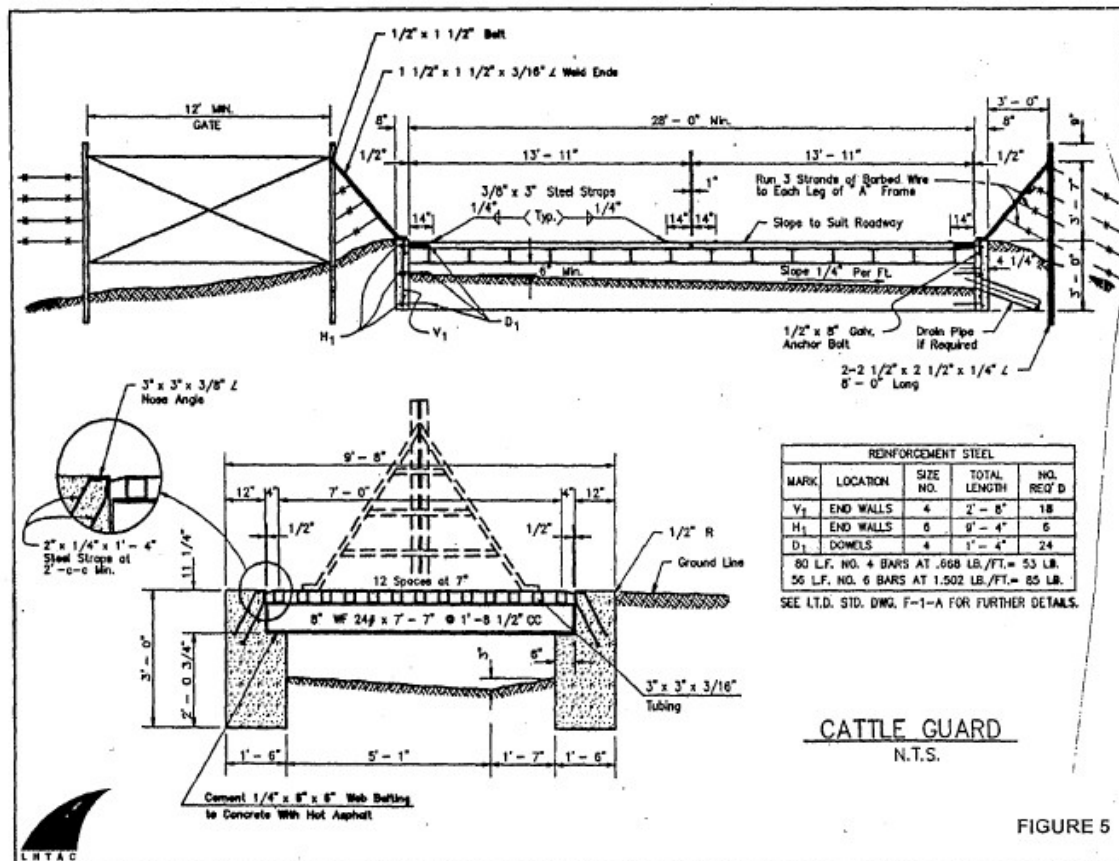


FIGURE 5

## (M) DRAWING SUBMITTAL/APPROVALS

(1) All improvement drawings submitted for Public Works checking/approval shall include a copy of the proposed Final Plat and Development Agreement.

(2) Plats shall not be permitted to be signed/recorded until the improvement drawings have been approved and signed by all parties involved.

(3) Prior to The City of Menan issuing a letter of conditional acceptance for subdivisions, the Developer's Representative/Engineering Firm shall inspect in detail and amend the improvement drawings to "Drawings of Record". The Firm shall then submit said Drawings of Record with a letter stating the subdivision was constructed to the City of Menan Standards. Inspection reports may be required including compaction testing.

(4) Final Subdivision Guarantee - All materials and workmanship shall be warranted by the Developer/Contractor for a minimum period of one (1) year after the date the Letter of Substantial Completion has been officially entered into the City Commissioners Minutes. If repairs are required, the Contractor shall promptly repair said work, upon written notice from the City and without expense to the City.

(5) Final Bid Documents Guarantee - All materials and workmanship shall be warranted by the Developer/Contractor for a minimum period of one (1) year after the date the Letter of Substantial Completion has been officially entered into the City Council Minutes. If repairs are required, the Contractor shall promptly repair said work, upon written notice from the City and without expense to the City. If the Contractor fails to proceed with said repair after notice within a period of ten (10) days, the City will require the Contractor and his Surety be liable for all costs incurred. If emergency repairs are needed, the City may have to make said repairs and the Contractor/Developer shall pay the cost thereof.

## 8-5-8 CONSTRUCTION SPECIFICATIONS

### (A) CLEARING AND GRUBBING

(1) Clearing and grubbing shall consist of the removal and disposal of all organic and other deleterious material from the public right-of-way or private roadway easement. All material removed under clearing shall be disposed of off of the public right-of-way or private roadway easement.

### (B) SUBGRADE

(1) The sub grade shall consist of the natural materials remaining after all topsoil and duff (organic material) have been removed and good construction material is remaining. The determination of the extent to which topsoil shall be removed shall be left to the discretion of the City of Menan, who may require soil and compaction test results to document the acceptability for construction.

(2) In solid rock excavation, the solid rock shall be excavated to six inches (6") below the finished sub grade elevation and back-filled with approved granular materials.

(3) Unstable sub grade conditions shall be remedied by sub-excavation and back-filling with approved granular material under the direction of the City of Menan. Geotextile material may be required by the City of Menan.

(4) Sub grade shall be compacted to a density no less than ninety-five percent, (95%) of the AASHTO T-99 Proctor Density.

(5) The sub grade shall be observed by the Menan Public Works Director (or a designated representative) prior to placing any ballast on the sub grade. The Public Works Director must be given at least twenty-four (24) hours notice prior to the need for observation. Such 24 hours notice shall be given so that the observation can be made during the City of Menan's normal working hours and work week.

(6) Prior to requesting observation of the finished sub grade, grade stakes set to finished sub grade elevation shall be in place on fifty foot (50') stationing at centerline and shoulders or ditch, unless a waiver is granted by the City of Menan.

(C) SUB-BASE OR BALLAST

(1) Approved pit run material may be used for the ballast course, which shall be placed to a minimum of eighteen inches (18") in thickness. The material shall be durable, have a sand equivalent not less than 30, and shall meet the following gradations in Table 4:

SIEVE SIZE	% PASSING
6"	100
3"	98-100
2"	75-100
1"	40-80
#4	25-60
#200	5-12

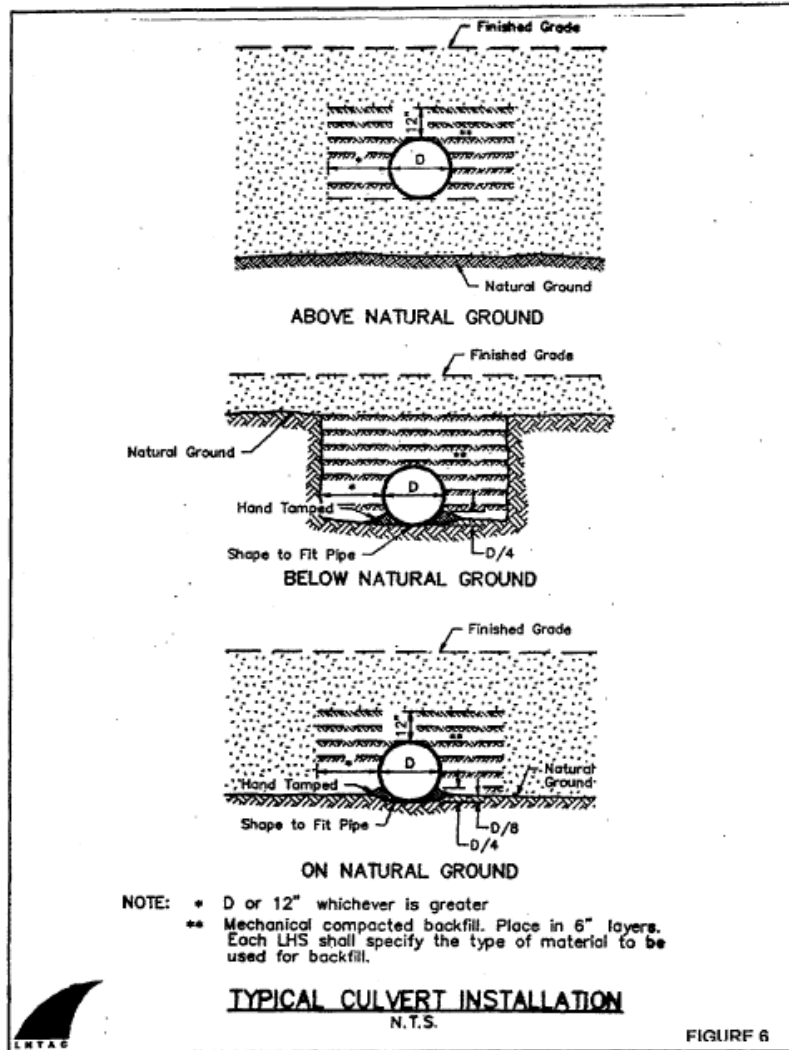
**Table 4. Sub-base or Ballast Gradations**



(2) The ballast material shall be constructed in layers not to exceed nine inches (9") in thickness and shall be compacted using mechanical methods to at least ninety-five percent, (95%) of the AASHTO T -99 Proctor Density.

(3) Observation of the ballast is necessary by the City of Menan Public Works Director (or a designated representative) prior to the placing of base material. The City of Menan Public Works Director must have at least twenty-four (24) hours notice prior to the need for the observation. Such 24 hours notice shall be given so that the observation can be made during the City of Menan Road and Bridge Department's normal working hours and work week. Prior to requesting observation of the finished ballast, red top stakes set to finished ballast elevation, shall be in place on fifty foot (50') stationing at centerline and shoulders.

(4) All culvert installations crossing the highway or street shall be installed before any base material is placed. Installation should conform to Figure 6, "Typical Culvert Installation."



(D) BASE MATERIAL

(1) The crushed aggregate for the base course shall be four inches (4") in depth after it has been compacted and shall comply with the gradations listed in Table 5:

**Table 5. Base Material Gradation**

SIEVE SIZE	% PASSING
1"	100
3/4"	90-100
#4	40-65
#8	30-50
#200	3-9

(2) The crushed aggregate base shall not show more than a loss of thirty-five percent (35%) under the Los Angeles Abrasion Test and the sand equivalent shall not be less than 30.

(3) The material shall be laid in one or more layers to develop the compacted depth of four inches (4") minimum. Material shall be mechanically compacted by rolling to ninety-five percent (95%) of the AASHTO T -99 Proctor Density. Care shall be taken to see that the aggregate is placed in such a manner that it will have uniform mixture throughout.

(4) The finished base material must be observed and approved by the City of Menan Public Works Director (or a designated representative) prior to placing the surface course. The City Public Works Director must be given notice twenty-four (24) hours prior to the observation. The observation must be completed during the City of Menan's normal working hours and work week.

(5) Prior to requesting observation of the finished base material, blue top stakes will be set to finished base elevations at fifty foot (50') stationing on curves and one hundred foot (100') stationing on tangents at centerline and shoulders.

(6) The surface of any base course, when finished, shall be such that when tested with a ten foot (10') straightedge placed on the surface with its centerline parallel to and perpendicular to the centerline of the street, the maximum deviation from the surface of the edge of the straight edge shall nowhere exceed 0.04 of a foot. In addition, the finished grade shall not deviate more than 0.05 of a foot at any point from the staked elevation. If asphalt concrete surfacing is to be placed on the base course, no portion of the complete surface of the base course shall be more than 0.04 of a foot below the edge of a straight ten feet (10') in length laid parallel to and perpendicular to the centerline of the roadway. In addition, the finished grade shall not deviate more than 0.03 of a foot at any point from the staked elevation. Should patching of the base course be necessary in order to meet the above tolerances, it shall be performed using methods and aggregates approved by the City of Menan Public Works Director.

(E) SURFACING

(1) The surface type shall be approved by the City of Menan, but can generally be considered one of two types: a hot mix asphalt concrete or a three shot asphalt chip surface.

(2) Equipment used for asphalt construction, regardless of the type of surface treatment, shall meet the following criteria for each type of equipment.

- a. The bituminous mixture hauling trucks shall be pneumatic tired and equipped with a smooth-lined tight dump body free from cracks, holes or deep dents capable of hauling material without loss during transit. Dump body and gate shall be capable of control discharge onto the roadbed or into approved spreaders or pavers when required. The dump body shall be constructed or equipped to retain the heat of the mixture above the minimum specified for lay- down.
- b. Motor graders shall be a pneumatic tired, self-propelled machine with sufficient power and traction and adequate wheelbase to efficiently perform the work.
- c. Bituminous pavers shall be self-contained, power propelled units provided with an activated screed or strike-off assembly, heated if necessary, and capable of spreading and finishing courses of bituminous plant mix material in lane widths applicable to the specified typical section in thickness as shown on the plans. The paver shall be equipped with a receiving hopper having sufficient capacity for a uniform spreading operation. The hopper shall be equipped with a distribution system to place the mixture uniformly in front of the screed. The screed or strike-off assembly shall effectively produce a finished surface of the required smoothness and texture without tearing, shoving or gouging the mixture. The paver shall be capable of being operated when laying mixtures at forward speeds consistent with satisfactory laying of the mixture. The paver shall be in good working order and subject to the review of the City of Menan.

d. Rollers shall be of the pneumatic-tired, steel-wheeled or vibratory steel-wheeled type and shall be in good working order.

1. The pneumatic tired roller shall be of between 30-40 ton capacity, have seven wheels as a minimum with pneumatic tires of equal size and ply. Tires shall be uniformly inflated so that the air pressure of the several tires will not vary by more than five pounds per square inch. The rollers may be operated with tire inflation pressures and wheel needs within the range of the manufacturer's recommendations on the size and ply of tire being used. The wheels shall be staggered on the front and rear axles to provide complete coverage of the area on which the rollers travel. Rollers shall be capable of starting, stopping and reversing directions smoothly without jerking or backlash, and shall be equipped with positive accurate steering control. Wobble wheel rollers are prohibited for the compaction of paver-laid base or the final rolling of the last bituminous mixed course. When used to compact paver-laid asphalt, the rollers shall be equipped with smooth tread tires close fitting scrapers for each wheel and a system for uniformly washing the wheels without excessive water. Power units shall have adequate power and traction to move the roller at variable speeds under normal rolling conditions. The roller shall have an effective rolling width of not less than sixty inches (60").
2. A smooth-faced steel wheel roller shall be of a two axle or three axle tandem design and when fully ballasted shall have a gross weight of eight tons or more, with no specified contact pressure. All smooth faced steel wheel rollers shall be self-propelled and capable of starting, stopping, and reversing directions smoothly without jerking or backlash. Rollers shall be equipped with positive accurate steering control. The face of all rollers shall be smooth and free from defects which will mar the surface of the material being compacted. Each wheel or roller shall be equipped with adjustable spring scrapers and a system shall be provided for

uniformly moistening the full width of each roller or wheel without an excess of water. No diesel fuel is allowed on roller surfaces.

3. Vibratory compactors of the roller type shall have a minimum width of sixty inches (60"), a minimum static load of sixty (60) pounds per inch of width and generate a minimum centrifugal force of 250 pounds per inch of width based on the manufacturer's rating. Compactors shall be operated in accordance with the manufacturer's recommendations at a speed of two to five miles per hour.
- e. The asphalt distributor must be in good working order and shall be designed and operated so a uniform application of asphalt can be applied. It must include a tachometer showing the feet per minute and the number of feet covered, a tank thermometer, and a gauge to measure the quantity of the asphalt in the distributor.
- f. The aggregate spreader shall be a self-propelled machine independent of the truck, supported by at least two axles and four wheels with pneumatic tires and equipped with a means of applying cover material with positive controls so material will be uniformly deposited over the full width of the asphalt application.

(3) Hot Mix Asphalt Concrete:

- a. The hot mix asphalt concrete surfacing may be used providing it meets the following requirements and is constructed under the direction of the project engineer.
- b. The mix used for the hot mix asphalt concrete must be an approved asphalt mix design. Mix design characteristics must be submitted and approved by the City of Menan prior to its use.
- c. The aggregate used in the asphalt concrete mix must meet the gradation in Table 6:

SIEVE SIZE	% PASSING
3/4"	100
1/2"	95-100
3/8"	75-90
#4	50-75
#8	35-60
#30	15-35
#50	10-25
#200	4-8

Table 6. Hot Mix Aggregate Gradation

It must have a Los Angeles Wear showing not greater than 30% loss, a Sand Equivalent greater than 40, and not have over 2% absorption. Not less than 60% by weight of the aggregate particles retained on the No. 4 sieve shall have at least two fractured faces.

- d. The asphalt shall be an 85/100 type penetration or the equivalent AC-10. Performance based asphalt grades may be used if approved by the City of Menan.
- e. The asphalt mix shall be laid only when the ambient air temperature is greater than 50 degrees Fahrenheit and rising and the mix is at a temperature not less than 235 degrees, nor more than 280 degrees Fahrenheit.
- f. After lay-down by a paving machine, the mixture shall be thoroughly and uniformly compacted with power rollers. Rolling of the mix shall begin as soon after spreading as it will bear the roller without undue displacement or hairline cracking. Initial rolling shall be done longitudinally. The rollers shall overlap on successive trips. Alternate trips of the roller shall be slightly different lengths. Unless otherwise directed, the initial or breakdown rolling shall consist of one complete coverage of the paving mixture performed with a two-axle tandem roller. Initial breakdown rolling

shall be followed by three complete coverages with a pneumatic-tired roller while the temperature of the mixture is at, or above 140 degrees Fahrenheit. The final rolling shall be performed by a three-axle steel-wheeled tandem roller. Rolling shall be performed in such a manner that cracking, shaving, or displacement shall be avoided. Final rolling shall be completed the same day the pavement is placed. Sufficient rollers shall be furnished to handle the output of the plant. Rolling shall continue until all rolling marks are eliminated, and the surface is of uniform texture and true to grade and cross section. To prevent adhesion of the mixture to the roller, the wheels shall be kept properly moistened. Excessive water will not be permitted on the roller surfaces. The use of diesel fuel on the roller surfaces is strictly prohibited. The final mat thickness after compaction shall be no less than the depth prescribed by the City of Menan Road Standards.

- g. The completed Hot Mix asphalt concrete surface course shall have a field density equal to or greater than the percentages shown below:
  - 1. Residential street section shall be a minimum of 95%.
  - 2. Industrial, arterial, or collector streets shall be 97%.
- h. In residential street sections when utilizing a correlated nuclear densitometer used in the backscatter mode, the allowable tolerance ranges shall be:
  - 1. A minimum of 92% at any test location.
  - 2. A minimum of 94% running average for any three consecutive tests.
  - 3. Three consecutive tests below the tolerance range will require corrective action.
  - 4. The average for all density tests for any residential street project will be 95%.
- i. In arterial, collectors, and industrial sections, when utilizing a correlated nuclear densitometer in the backscatter mode, the allowable tolerance ranges will be:



1. A minimum of 93% at any test location.
  2. A minimum of 96% running average for any three consecutive tests.
  3. Three consecutive tests below the tolerance range will require corrective action.
  4. The average for all tests on any arterial, collector or industrial section of street or project shall be 97%.
- j. The final surface shall be of a uniform texture and shall conform to line and grade shown on the plans. Before final acceptance of the project or during the progress of the work, the thickness of all courses will be determined by the City. Core samples of the completed asphalt will be provided by the applicant or contractor. All unsatisfactory work shall be repaired, replaced, or corrected.
- k. Both density and thickness shall be carefully controlled during construction and shall be in full compliance with plans and specifications.
- l. For the purpose of testing the surface on all courses, a ten foot (10') straightedge shall be used.
- m. The straightedge shall be held in successive positions parallel and perpendicular to the street centerline in contact with the surface, and the entire areas checked from one side to the other. Advances along the pavement shall be in successive stages of not more than half the length of the straightedge.
- n. Irregularities that may develop before the completion of rolling shall be remedied by loosening the surface mix and removing or adding materials as may be required. Any irregularities or defects which are found after the final rolling, which vary more than 0.02 of a foot in ten feet for surface courses, shall be corrected. All minor surface projections, joints, and minor honey-combed surfaces shall be repaired smooth to grade, as directed by the City of Menan Public Works Director.

(4) Triple Shot Asphalt Chip Surface

- a. The triple shot asphalt and chip course shall be constructed under the direction of the City of Menan Public Works Director and shall consist of two applications of chip seal coats the first year and a third chip seal application a year later.
- b. The previously placed base material shall be shaped and rolled using a tandem steel wheel roller prior to the application of the liquid asphalt coat. The ambient air temperature shall be at least 70 degrees Fahrenheit and rising at the time of the application of the asphalt.
- c. Prior to the first seal coat the roadway shall be power broomed and/or flushed to remove all loose materials and dust. The type of liquid asphalt shall be MC-800, unless otherwise specified by the City of Menan Public Works Director. For the first seal coat, the MC-800 application rate shall be *DAD* gallons per square yard. The chips shall be road base chips following the Table 7 gradation requirements, or as otherwise approved by the City of Menan Public Works Director. Approved chips shall be applied with a chip spreader and rolled with a steel drum roller immediately behind the chip spreader. Application rate for chips shall be 25 - 30 pounds per square yard.
- d. A second chip seal shall be placed on the roadway immediately but no later than 3 working days using the same specification listed on EA.c, except the MC-800 application rate may be reduced to 0.35 gallons per square yard.
- e. A third chip seal shall be placed on the roadway the following year. The type of liquid asphalt may be MC-800 at an application rate of 0.35 gallons per square yard or CRS11-R at an application rate of *0.45* gallons per square yard. The chips shall be "1" Class 11 chip material (See Table 8), rolled with a pneumatic roller immediately behind the chip spreader. Also, the use of this arrangement will require an extension of or a

second performance bond to be supplied to the City of Menan for covering the second year's work.

SIEVE SIZE	% PASSING
1/2"	100
3/8"	30-55
#4	0-6
#8	0-4
#200	0-2

Table 7. Class II Chip Material Gradation

(F) OBSERVATION AND TESTING

(1) All required observation shall be done by the City of Menan Public Works Director (or a designated representative). All testing required in these standards or required by the City of Menan Public Works Director will be done at the expense of the applicant or contractor.

## CHAPTER 6

## ARCHITECTURAL DESIGN STANDARDS

### SECTION:

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8-6-2(B)	DELETIONS, MODIFICATIONS OR AMENDMENTS
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8-6-3(D)(2)	ARCHITECTURE
8-6-4	ARCHITECTURAL DESIGN STANDARDS PART B: BIG BOX DESIGN STANDARDS (STRUCTURES 14,000 SQ. FT. AND GREATER)
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8-6-4(E)(4)	BACK AND SIDES
8-6-4(E)(5)	OUTDOOR STORAGE, TRASH COLLECTION, AND LOADING AREAS
8-6-4(E)(6)	PEDESTRIAN FLOWS
8-6-4(E)(7)	CENTRAL FEATURES AND COMMUNITY SPACES
8-6-4(F)	BUILDING REUSE AND MAINTENANCE PLAN, DEVELOPMENT REQUIRED

8-6-1                   PURPOSE: The City of Menan Commercial Property Architectural Design Standards are required for all new commercial development in the City and are provided here to assist a developer and his architect/designer during building design, construction and reconstruction.

8-6-2                   INTERNATIONAL BUILDING CODE:

(A)           Code Adoption: The approved editions of the following nationally recognized codes, as adopted by the State of Idaho or the Idaho Building Code Board, are adopted as the official building codes of the City of Menan.

2006 International Building Code (IBC), including all rules promulgated by International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by Reference, including but not limited to, the 2006 Edition of the International Residential Code (IRC), and the 2006 Edition of the International Energy Conservation Code (IEEC), as promulgated by the International Code Council. Save and except such portions of the above mentioned codes as are deleted, modified or amended by provisions of this section.

Shall be and the same are hereby adopted as the code of the City of Menan for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Menan, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2006 Edition published by the International Code Council, and the secondary publications referenced above, all of which are on file in the office of the City Clerk or Building Official are referred to, adopted and made part hereof as if fully set out in this Ordinance.

(B)           DELETIONS, MODIFICATIONS OR AMENDMENTS:

(1)       All 2006 international codes

- a. All fees shall be established by the City Council under separate ordinance or resolution, with no more than 80% of paid fees to be refunded, if authorized by the Building Official as allowed by code.

(2) 2006 International Building Code: Amending sections as follows:

- a. Amend IBC section 101.1 inserting City of Menan in place of [NAME OF JURISDICTION]
- b. Sections 101.4.1 Electrical, 101.4.4 Plumbing, 101.4.2 Gas, and 101.4.3 Mechanical shall be deleted, thus solely regulated under the State of Idaho.
- c. Amend section 903.2.7 by adding the following exception: Exception: Automatic sprinkler systems are not required in three (3) or four (4) Group R buildings.
- d. Amend Section 1612.3 inserting date in place of [DATE OF ISSUANCE] with 2/17/1988.
- e. Amend Section 3410.2 inserting date in place of [DATE TO BE INSERTED BY THE JURISDICTION]
- f. All appendixes of the International Building Code, 2006 Edition are hereby deleted.

(3) 2006 International Residential Code: Amending sections as follows:

- g. Amend IRC section 101.1 inserting City of Menan in place of [NAME OF JURISDICTION].
- h. Table 301.2(1) shall be amended as follows:

Ground Snow Load = 30+, Wind Speed = 90 mph, Seismic Design Category D-I.  
Weathering = Severe, Frost Depth = 30", Termite = Slight/moderate  
Decay = None/Slight, Winter Design Temperature = -4 degrees (7277 HDD)  
Ice Shield = YES.  
Underlayment Required = YES, Flood Hazard = Firm  
Map#16051C0000  
Date 2/17/1988  
Air Freeze Index ~ 2500, Mean Annual Temperature 43.1 degrees F.

- a. Amend Section R404 by deleting Tables R404.1 (1), R404.1 (2), R404.1 (3), along with any reference to said Tables in Section 404.1.
- b. The Exception to Section R405.1 is deleted and replaced with the following: Exceptions: A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the United Soil Classification System, Group I and Group II Soils, as Detailed in Table 405.1.
- c. Amend Section R408.2 by adding the following exceptions: Exception: Where warranted by climatic conditions, the total area of ventilation may be reduced to 1/1500 of the under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space.
- d. All electrical and plumbing requirements of chapter 25 through 42 shall be deleted, all Mechanical requirements of chapters 14 through 22 shall be deleted, all of Chapter 24 shall be deleted, thus solely regulated by the State of Idaho.
- e. All appendices of the International Residential Code, 2006 Edition, are hereby deleted.

(4) 2006 International Energy Conservation Code: Amending sections as follows:

- a. Amending section 101.1 inserting City of Menan in place of [NAME OF JURISDICTION].

(C) MANUFACTURED HOUSING: Manufactured Homes as defined by Idaho State Law and inspected by The Department of Housing and Urban Development (HUD), shall not be subject to the enforcement provisions of the aforesaid Building Codes, but shall be regulated and inspected as prescribed in title 44, chapter 22 of Idaho Code. The owner, or an agent of the owner, must apply and receive, an Installation Permit prior to placing any Manufactured Home on their property. No structural modifications may be made to any Manufactured Home or Manufacturers Installation instructions unless a written site-specific structural analysis from a State of Idaho Certified Engineer or Architect has been approved, verifying the modifications compatibility with the Manufactured Home. All additions or alterations to any Manufactured Home Must Comply with all Building Code Requirements. Multiple sections of Manufacture or Mobile Homes as well as Modular Buildings shall not be combined together or used for any other purpose except as approved by HUD at the time of manufacturing. The Building Official or appointed representative is hereby authorized to permit, inspect, and collect fees, as established by the governing body, for Manufactured Homes placed in the Menan City limits. Mobile or Manufactured homes that do not bear the HUD certification label shall not be allowed except as provided for by Title 44 Chapter 25 of The Idaho Code.

(D) PENALTIES: Violations of the provisions of this section shall constitute a misdemeanor, punishable by a fine not more than \$300.00, or by imprisonment not to exceed six months, or by both fine and imprisonment. Each day such violation continues it shall be considered a separate offense.

(E) SEVERABILITY: This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

(F) REFERENCE: All references in the City Code that refer to building requirements, shall hereinafter refer to the 2006 Edition of the International Building Codes.

(G) BUILDING OFFICIAL DEFINED: Whenever the term "authorized building official" or "building official" is referred to in the codes adopted by this ordinance, such reference and designation shall be deemed to refer to the "building official" of the City of Menan, a municipal corporation of the State of Idaho.



8-6-3 ARCHITECTURAL DESIGN STANDARDS, PART A: SMALLER  
COMMERCIAL BUILDINGS (STRUCTURES LESS THAN 13,999 SQ. FT.)

(A) Introduction: Small Scale Commercial Developments should implement projects with an overall community design in mind, thus the need exists for Commercial Design Standards to be in place to ensure developments are coordinated into the overall community presentation.

(B) Background and Justification: The basis for all development within the City of Menan is set forth in the *Development Code* and the *Comprehensive Plan*. The *Development Code* for the City of Menan states that the purpose of the Ordinance is to promote the general welfare by establishing and regulating zoning districts. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.

(C) Procedure: The following standards are intended to be used as a design aid by developers proposing small commercial developments and as an evaluation tool by the city staff and planning commission in their review processes. These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments of 13,999 square feet or less located in the City's commercial zones. These standards are to be used in conjunction with other City and County Development Regulations.

(D) DESIGN STANDARDS

(1) SITE PLANNING

**GUIDELINE #1**

Building should be sited in a manner that preserves existing land forms.

Natural landforms are important in creating the appeal and the special character of Menan. The objective is to fit buildings to their sites in a way that leaves natural massing and features of the landscape intact. The most prominent parts of the sites should be left in their natural condition. In general construction should be placed in one of three locations:

1. within tree masses,
2. at the edge of tree land masses or over looking open space or,
3. in such a way to preserve the predominate features of the site.

The object is to scale each building so that it does not dominate the site.

- ☐ **STANDARD #1** Building shall be located in such a way as to preserve predominate features of the site and not dominate the building site.

#### **GUIDELINE #2**

New construction should be compatible with existing adjacent buildings and uses. When planning new construction, analyze the setting for the new building. Look at the siting and mass of other good examples of buildings in the neighborhood. Notice the setbacks, heights, parking arrangements and building shapes. Observe the building forms and materials of surrounding buildings. Be aware of the elements that are repeated nearby, such as certain roof pitches, window shapes and porch and entrance orientations. Notice how building materials such as shingle siding and window trim have traditionally been used. New construction should blend with the neighborhood. Consider the relationship of color, texture, and materials between existing and proposed structures as well as height, bulk and configuration. Relate the location of site uses with adjoining properties to avoid possible conflicts and take advantage of mutual potentials. For example, do not create light, noise, traffic, or use nuisances for adjacent properties. In the downtown core (Village District), these standards will be a requirement.

- ☐ **STANDARD #2** New construction shall be compatible with existing adjacent buildings and uses.
  - ☐ Building Form
  - ☐ Site Layout and Coordination
  - ☐ Entrance Orientation
  - ☐ Building Materials Compatibility
  - ☐ Blend with Neighborhood
  - ☐ Building Color and Context
  - ☐ Traffic Impacts
  - ☐ Nuisance Generation Potential
  - ☐ Must Utilize Full Cut Off Lighting

#### **GUIDELINE #3**

Buildings should be sited in a manner that preserves significant vegetation. New construction and landscaping shall respect and be compatible with natural vegetative patterns. Consult the Landscape and Site Design Section on **page 18** for additional discussion.

- ☐ **STANDARD #3** New construction shall not negatively impact significant vegetation and be compatible with natural vegetative patterns.

#### **GUIDELINE #4** Buildings should be sited in a manner that preserves significant views.

Views from three vantage points are critical in the siting of buildings. Looking at the site from other areas, looking at other areas from the site and looking through the site from key places within the project. The City's primary concerns relate to maintaining views both to the site and features beyond. Projects should be designed so they complement rather than dominate the

natural landscape. Views should also be considered in the preparation of a **landscape plan**, particularly where plant material will be considerably larger at maturity. Onsite simulation of accurate photographic simulations may be required that adequately describe the proposals impact on views.

- ☐ **STANDARD #4** Buildings shall be sited with an orientation so as to preserve and protect the streetscape of the community. Buildings shall not destroy or negatively impact significant views or visual resources in the community.

**GUIDELINE #5** Buildings should be sited so that their form does not break prominent skylines.

Skylines are considered to be ridges or hilltops that do not have backdrops behind them. Buildings which are silhouetted against skylines as seen from prominent places give the town a sense of confinement which detracts from the natural mountain atmosphere.

- ☐ **STANDARD #5** Buildings shall not be constructed so as to negatively impact skylines ridges or hilltops.

#### **GUIDELINE #6**

Site design should not change natural drainage patterns.

Site grading should be sensitive to existing land forms and topography in the area so that the natural setting may be preserved to the greatest extent possible. Every effort shall be made to minimize the limits of construction on the site. Abrupt grade changes within tree drip lines shall be avoided. When modifications are necessary, surface drainage systems such as swales and retention basins are preferable to underground systems. Drainage designs should avoid the concentration or runoff and acceleration of the area or runoff. Site design shall be executed in a way that will avoid drainage impacts such as erosion and road damage both on-site as well as downstream. Slopes shall be no steeper than 3- to-1 unless qualified soils engineering information is presented. Cuts and fills should have good surface drainage and must be re-vegetated and terraced or controlled by retaining walls to protect against erosion and sedimentation.

- ☐ **STANDARD #6** Site design shall not negatively impact natural drainage patterns. A drainage plan must be submitted as part of site plan approval.

#### **GUIDELINE #7**

The clustering of buildings and parking is encouraged.

Cooperation among adjoining landowners to achieve coordinated development is encouraged. Efficiencies in design result from building clustering in larger projects. Service needs can be combined in a central location. Access roads and utility services to scattered areas within a site can be reduced and disruption of the natural landforms and vegetation can be minimized through clustering. Building clustering also generally results in a visually more cohesive design solution. Clustering can also provide more usable open space.

- ❑ **STANDARD #7** Where possible developments shall cluster buildings and parking lots. Parking lots shall include landscape islands and pedestrian separation so as to avoid a "sea of asphalt" that is not in scale to development. A basic landscape plan must be submitted as part of site plan approval.

#### **GUIDELINE #8**

The alignment of roads and driveways should follow the contours of the site.

By meandering roads to follow landforms it is possible to minimize cuts and fills, preserve natural drainage patterns, and produce roads that are easily negotiated. Consideration should be given to the winter weather that stays with Menan for several months a year. Planned roads need to provide connectivity to existing city streets. Slopes shall not be in excess of 7%.

- ❑ **STANDARD #8** Road development shall conform with the contours of the site and avoid unneeded fill and cut. Roads shall not create grades in excess of 7% and shall provide connectivity to existing city streets.

#### **GUIDELINE #9**

Retaining walls must be designed to minimize their impact on the site. Retaining walls, where visible to the public and/or to residents or employees of the project, should be no higher than four feet or terraced with a three foot horizontal separation of walls. They should be constructed of materials that are utilized elsewhere on the site, or of natural or decorative materials, rather than solid or flat surface. Landscaping should be provided within or in front of extensive retaining walls. Retaining walls should add rather than detract to the appearance of the site.

- ❑ **STANDARD #9** Retaining walls shall be designed to minimize negative impact on the site.

#### **GUIDELINE #10**

Snow storage areas should be incorporated into site design. Storage areas for snow removed from driveways and parking lots should be provided on-site. These sites may be landscaped areas with salt tolerant and resilient plant materials that can cope with the urban environment. It is not permissible to plow snow from private property onto public streets. Snow storage should be accommodated in a way that does not block visibility for motorists. If sites are intensely developed it may be necessary for tenants to remove snow from the site and find a disposal location.

- ❑ **STANDARD #10** At least 15% of the equivalent area of a parking lot shall be set aside for snow storage and shall be integrated into the open space areas on a site plan in accordance with the policy outlined above. This area must be calculated, located, and shown specifically on the site plan.

#### **GUIDELINE #11**

Roof design should anticipate snow shedding and drip line areas. Roof pitches should be designed so that falling or melting snow or ice, or rain will not threaten human safety or comfort,

or property. Do not place walkways, entries, decks, or landscaping where they will be damaged by falling/sliding snow. Consider whether the roofing material and pitch will hold or release snow. If buildings are spaced too closely together snow sliding off a roof may damage adjacent structures. Building designers should familiarize themselves with problems common to the upper valley environment, such as ice damming, roof loading, and snow accumulation against walls. All walkways and entries should be protected from rain drip by gabled coverings, appropriate roof pitch, or gutters.

☐ **STANDARD #11** Building design and layout shall consider the snow shed and drip lines in regards to the following:

- ☐ Human Safety
- ☐ Walkways
- ☐ Entries
- ☐ Decks
- ☐ Landscaping
- ☐ Snow accumulations against walls

#### **GUIDELINE #12**

Consider sun in exterior space to avoid creating cold unpleasant exterior areas. The objective is to create exterior spaces around buildings that will be used and also that will be easy to keep clear for access to buildings. In the winter, places that are mostly in shadow will be cold and unusable while places in sunlight will get used. Things to bear in mind: buildings, vegetation and land forms can cast shadows and block sunlight; the surface of a building can play a big role in reflecting sunlight into adjoining exterior spaces; color and choice of materials are important in this regard.

☐ **STANDARD #12** Building design shall consider the impact of creating cold exterior spaces.

#### **GUIDELINE #13**

Site design should consider the placement and screening of service areas and auxiliary structures. Utility meters and service functions shall not be visible on the primary facades of buildings or in front yard areas. Minimize the visual impact of trash storage and pickup areas. Screen trash and service areas with landscaping, berming or fencing. Provide three-sided enclosures for trash collection areas visible from any public street. Consider snow accumulation in planning access to trash receptacles and service areas.

☐ **STANDARD #13** Site design must consider the placement and screening of service areas and auxiliary structures. Outdoor vending machines shall not directly face any public street. Vending machines shall not be internally illuminated if clearly visible from any public street.

#### **GUIDELINE #14**

Minimize the visual impact of off-street parking and loading areas. This is sometimes referred to as “Eyes from the Street” or what does the proposal present to the viewer as seen from the frontage?

- ❑ **STANDARD #14** Primary parking areas shall be located to the rear or sides of buildings. In the design of large parking areas, arrange bays of stalls which are separated by landscaping. Design the landscaping to provide snow storage areas in the winter. When parking lots occur on sloping terrain, step the parking lots to follow the terrain rather than allowing the lot surface to extend above natural grade. Loading areas shall facilitate deliveries with little visual impact to other users of the area. When loading areas and docks cannot be located in a segregated area of the building it must be screened or buffered to de-emphasize the docks location and the trucks that perform the deliveries. Sufficient truck storage shall be maintained on-site to allow efficient delivery service without conflicts while that service is being performed.

#### **GUIDELINE #15**

On-site parking should be designed to allow vehicles forward entry and exit from the site. Parking design that proposes the use of the street frontage as the approach for each parking stall are discouraged. Developing a single approach helps confine vehicular/pedestrian conflict to limited locations, allows more buffering of the parking area and can preserve the street frontage for pedestrian traffic.

- ❑ **STANDARD #15** On-site parking shall be designed to allow vehicles forward entry and exit from the site.

#### **GUIDELINE #16**

Conflicts between different circulation needs and uses should be minimized. There are three major types of circulation used in most development settings. They are service/delivery, clientele or general automobile, and pedestrian. The designer should identify location where these activities take place and make clear separation between the uses. These circulation patterns should be connected to the general circulation patterns legibly and conflict free. Consideration should be given to off-site uses that will effect onsite circulation. Delivery trucks should be able to operate without blocking public rights-of way. Pedestrians should be able to access the development from existing pedestrian walkways with little or no traffic conflict. Drop off zones large enough for buses are encouraged in major developments.

- ❑ **STANDARD #16** Conflicts between different circulation needs and uses shall be minimized. Delivery trucks shall be able to operate without blocking public rights-of way. Pedestrians shall be able to access the development from existing pedestrian walkways with little or no traffic conflict. Drop off zones large enough for buses are required in major developments.

## (2) ARCHITECTURE

**GUIDELINE #17** Building designs should enhance and/or continue the classic styles found in old town Menan. New interpretations of historic details may be introduced.

**STANDARD #17** Building designs shall enhance and/or continue the classic styles found in old town Menan.

**GUIDELINE #18** Building designs should attempt to minimize the apparent scale of buildings. The use of the human scale can help to create the small town feeling and enhance the “sense of place”. Some of the ways this can be achieved is by utilizing voids and masses, as well as details, textures, and colors on building facades. Flat roofed buildings over two stories in height should incorporate roof elements, or upper decks, balconies or other design elements where the upper portion of the building is stepped or angled back, in order to avoid a boxy appearance. Another way is to define the human area by structural elements like colonnades and covered walkways, overhangs, canopies, entries, landscaping, berms, and screening walls, creating interest at the street level. Human scale is accomplished by maintaining the interest at a smaller scale and defining those spaces. Buildings that are not human scale are structures that are typically massive, simple forms with little or no variation of voids -vs.- mass and little or no fenestration and detail. Such buildings are discouraged. A large building can be human scale with the use of the elements listed above. Human scale buildings create a comfortable and friendly atmosphere. Doors, windows, roof shapes, siding, lighting, and signs should all be considered carefully in order to create an appropriate scale of development. The natural appeal of Menan will be enhanced through the addition of buildings which complement rather than dominate the landscape.

**STANDARD #18** Building designs shall minimize the apparent scale of buildings. Flat roofed buildings over two stories in height shall incorporate roof elements, or upper decks, balconies or other design elements where the upper portion of the building is stepped or angled back, in order to avoid a boxy appearance. Doors, windows, roof shapes, siding, lighting, and signs shall all be considered carefully in order to create an appropriate scale of development.

**GUIDELINE #19** Any addition to an existing building should be designed to appear as though it were part of the original building, or appropriately designed to enhance the original building. Additions should carry through rooflines, materials, colors, and/or other architectural features that are primary features of the original building. Alternatively, the original building may be altered to appear to be an extension of the new building, in order to achieve the goals of these guidelines.

**STANDARD #19** Any addition to an existing building shall be designed to appear as though it were part of the original building, or appropriately designed to enhance the original building. Additions shall carry through rooflines, materials, colors, and/or other architectural features that are primary features of the original building.

**GUIDELINE #20** Rooflines of buildings should be designed to be compatible with building forms that enhance the character of the City.

**STANDARD #20** Buildings shall coordinate roofline design and structure to complement adjacent properties.

**GUIDELINE #21** Mechanical equipment and solar panels on roofs should be hidden or de-emphasized so that it is not readily visible from nearby properties.

Roof to access, stairways, elevator shafts, vent shafts, mechanical equipment areas, antennae, etc., should be confined with the new roof or within roof dormers and shall not protrude from the roof to form awkward looking appurtenances. Skylights and solar panels must be designed to fit flush with the roof's surface or up to a maximum of 2' above the roof's surface. No reflective materials may be used unless thoroughly shielded to prevent reflection onto adjoining or nearby properties. The use of alternate energy sources is encouraged, however, the hardware associated with these features should be incorporated as an integral part of the building's design rather than as an add-on which detracts from the building and its surroundings.

**STANDARD #21** Mechanical equipment and solar panels on roofs must be hidden or de-emphasized so that it is not readily visible from nearby properties.

Roof to access, stairways, elevator shafts, vent shafts, mechanical equipment areas, antennae, etc., shall be confined with the new roof or within roof dormers and shall not protrude from the roof to form awkward looking appurtenances. Reflective materials shall be thoroughly shielded. The use of alternate energy source hardware shall be incorporated as an integral part of the building's design.

**GUIDELINE #22** Multi-unit structures should emphasize the individuality of units or provide visual interest by variations in rooflines or walls, or other human scale elements. The small scale of the historic residences and shops is an important characteristic of Menan. Breaking the facades and roofs of buildings softens the institutional image, which may often accompany large buildings. The form and massing of Menan's original buildings, but not building details, may provide direction for the form and massing of new buildings.

**STANDARD #22** Multi-unit structures shall emphasize the individuality of units or provide visual interest by variations in rooflines or walls, or other human scale elements. Facades and roofs of buildings shall be broken up so as to avoid long uninterrupted edge surface, which often accompanies large buildings.



**GUIDELINE #23** Balconies and porches like other wall features should be designed as interesting architectural features.

**STANDARD #23** The use of long, vertical, or horizontal balconies or horizontal bands of balcony space is not allowed. Balconies shall be designed to prevent snow accumulation, interior leaks, and icicle buildup and shall be located so that neither snow nor ice falling on or from them can endanger pedestrians.

**GUIDELINE #24** Doors should be located in a manner that complements the design of the building as well as serving their intended function. Excessive numbers of exterior doorways may give a building a dormitory-like character. The use of common entry ways in protected locations may also contribute to energy efficiency. Where possible, doors should open onto exterior areas which receive sunlight.

**STANDARD #24** Doors shall be located to complement design of the building as well as serve intended function. Where possible, doors shall open onto exterior areas which receive sunlight.

**GUIDELINE #25** Building should be constructed of wall materials that are similar in texture and finish to those found historically in Menan. The use of natural materials such as wood, brick, and stone is encouraged. Wall materials should convey a sense of human scale and warmth. Stones should be laid in a manner that conveys the appearance of a structural element rather than as a veneer facing.

**STANDARD #25** Building shall be constructed of wall materials that are similar in texture and finish to those found historically in Menan. The use of natural materials such as wood, brick, and stone is required and should complement other materials. Wall materials shall convey a sense of human scale and warmth. Stones shall be laid in a manner that conveys the appearance of a structural element.

**GUIDELINE #26** Shop front design should be simple and direct and depend mainly on views of the interior of the shop and merchandise for interest. It is recommended that consideration be given to protecting shop views from the elements by providing arcades, porches, or overhangs. Signage must be designed to complement the building design, scale and coordinate with other tenants. Shop fronts should avoid gimmickry, garishness, and excessive ornamentation.

**STANDARD #26** Shop front design shall be simple and direct and should provide arcades, porches, or overhangs. Signage shall be designed to complement the building design, scale and coordinate with other tenants. Shop fronts shall avoid gimmickry, garishness, and excessive ornamentation.

**GUIDELINE #27** Exterior wall colors should harmonize with the site and surrounding buildings. On exterior walls the predominant tone should tend toward warm earthy hues, whether in the natural patina or weathered color of the wall surface itself or the color of the paint, stain or other coating. Accent colors on the wall surfaces can enliven buildings, however, their location would be confined to entries and gatherings points which do not disrupt the overall harmony of the area. Bright and dramatic color can be used for accent on exterior wall areas hidden from general view. In most cases only one or two accent colors should be used in addition to the base color. Doors may be painted a bright accent color or they may be left natural wood finish. Harshly contrasting color combinations should be avoided. Brilliant, luminescent, or day-glow colors will not be approved.

The colors found in the landscape around Menan, the dark green of cedar, the gray-brown of the desert hills, blue-green of the sagebrush and the tan of grasses all relate well to limestone, brick and lava masonry of Menan's historic construction. Color samples should be presented to the Commission on sample boards large enough to provide adequate representation. A color renderings of the front façade should also be presented.

**STANDARD #27** Exterior wall colors shall harmonize with the site and surrounding buildings. On exterior walls the predominant tone shall tend toward warm earthy hues. Accent colors shall be confined to entries and gatherings points, which do not disrupt the overall harmony of the area. Bright and dramatic color can be used for accent on exterior wall areas hidden from general view. Doors shall be painted an accent color or they may be left natural wood finish. Harshly contrasting color combinations shall be avoided. Brilliant, luminescent, or day-glow colors are not allowed. Color samples shall be presented to the Commission on sample boards large enough to provide adequate representation. Color renderings of the front façade shall also be presented.

8-6-4                      ARCHITECTURAL DESIGN STANDARDS PART B: BIG BOX DESIGN  
STANDARDS (STRUCTURES 14,000 SQ. FT. AND GREATER

(A)              Introduction: Large Scale Commercial Developments should implement projects with an overall community design in mind, thus the need exists for Commercial Design Standards to be in place to ensure developments are coordinated into the overall community presentation.

(B) Background and Justification: The basis for all development within our Community is set forth in the *Development Code*, *Subdivision Regulations*, and the *Comprehensive Plan*. The *Development Code* for the City of Menan states that the purpose of the Ordinance is to promote the general welfare by establishing and regulating zoning districts. The purpose of these standards is to augment the existing criteria contained in the current commercial zones and those contained in the *Development Code* and *Subdivision Ordinance*, with more specific interpretations that apply to the design of large-scale commercial developments. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.

(C) Procedure: The following standards are intended to be used as a design aid by developers proposing large commercial developments and as an evaluation tool by the city staff and the Planning Commission in their review processes.

These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments of 14,000 square feet and greater located in the City of Menan's Commercial Districts (Village District).

These standards are to be used in conjunction with the Subdivision Ordinance and other City and County Development Regulations.

(D) Definitions:

ARTICULATE: To give emphasis to or distinctly identify a particular element. An articulated façade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.

BREEZEWAY: A structure for the principal purpose of connecting a main building or structure on a property with other buildings.

BUILDING FACE, FRONT: Any building face, which can be touched by a line drawn perpendicular to street (public or private).

BUILDING FACE, PUBLIC: Any building side which is visible from public or private right-of-ways and/or the faces that contain public entry.

DESIGN STANDARDS: Statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development.

LARGE SCALE COMMERCIAL STRUCTURES: Structures that are 25,000 square feet in size and larger. This includes commercial retail and business office buildings.

**PEDESTRIAN ORIENTED DEVELOPMENT:** Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings/structures rather than on auto access. The buildings/structures are generally located close to the public or private right-of-way and the main entrance(s) is oriented to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location.

**PEDESTRIAN WALKWAY:** A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle.

**PUBLIC/PRIVATE RIGHT OF WAY:** Any public or private road, access easement intended to provide public access to any lot/development, but excluding any service road or internal driving aisles (i.e., within parking lots).

(E) DESIGN STANDARDS

(1) AESTHETIC CHARACTER

a. Facades and Exterior Walls

**GUIDELINE # 1**

Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large commercial buildings and provide visual interest that will be consistent with the Community's identity character, and scale. The intent is to encourage a more human scale that residents of Menan- Jefferson County will be able to identify with their Community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

- ☐ **STANDARD:** Developments with facade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of 3 foot depth and a minimum of 20 contiguous feet within each 100 feet of facade length and shall extend over 20 percent of the facade. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the facade.

b. Smaller Commercial Stores

**GUIDELINE #2**

The presence of smaller commercial stores gives a center a friendlier appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site.

**STANDARD:** Where principal buildings contain additional, separately owned stores, which occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

c. Detail Features

**GUIDELINE #3**

Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

- ☐ **STANDARD:** Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
- Color change
  - Texture change
  - Material module change
  - Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

Expression of Architectural or Structural Bay

d. Roofs

**GUIDELINE #4**

Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods.

- ☐ **STANDARD:** Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.

e. Materials and Colors

## **GUIDELINE #5**

Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

### **☐ STANDARD:**

- Predominant exterior building materials shall be high quality materials. These include, without limitation:
  - Brick
  - Wood
  - Sandstone
  - Other native stone
  - Tinted, textured, concrete masonry units
- Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent.
- Predominant exterior building materials as well as accents shall not include the following:
  - Smooth-faced concrete block
  - Tilt-up concrete panels
  - Pre-fabricated steel panels

#### f. Entryways

## **GUIDELINE #6**

Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

### **☐ STANDARD:** Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- canopies or porticos
- overhangs
- recesses/projections
- arcades
- raised corniced parapets over the door
- peaked roof forms
- arches
- outdoor patios
- display windows

- architectural details such as tile work and moldings which are integrated into the building structure and design
- integral planters or wing walls that incorporate landscaped areas and/or places for sitting

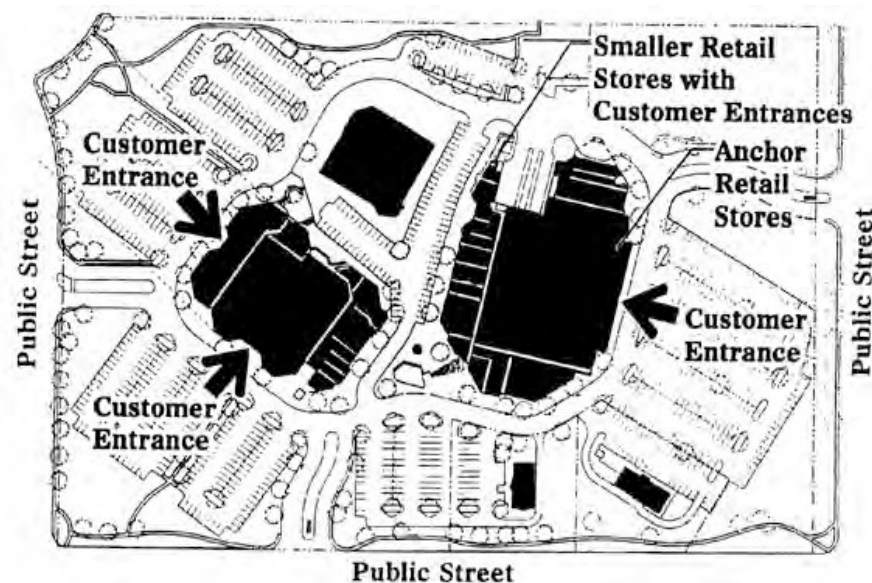
(2) Site Design and Relationship to the Surrounding Community.

## GUIDELINE #7

Large commercial buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

- STANDARD:** All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public or private rights-of-way, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street.

The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.



Example of a development with customer entrances on all sides which face a public street.

### (3) Parking Lot Orientation/Visual Mitigation

#### **GUIDELINE #8**

Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

- ☐ **STANDARD:** No more than 60 percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by out-lot development (such as restaurants) and additional tree plantings and/or berms.

#### **GUIDELINE #9**

Parking areas should be visually buffered from the adjoining streets. Minimize the visual impact of off street parking.

- ☐ **STANDARD:** Parking shall be located to the rear of the building or screened so that it does not dominate the streetscape. Fences, hedges, berms and landscaping shall be used to screen parking areas. When large parking lots are necessary, increase the landscaping to screen the lot and divide the lot into smaller components. Landscape islands must be provided in the interior of large lots. These may double as snow storage areas in the winter months.

### (4) Back and Sides

**GUIDELINE #10** The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way shall be built in accordance with Article I. The Planning Commission may waive this requirement as part of an agreed upon development plan.

- ☐ **STANDARD:** The minimum setback for any building facade shall be in accordance with the requirements for all commercial zones. Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than 6 feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may be required by the Planning Commission to effectively buffer adjacent land use as deemed appropriate. Any and all additional landscape requirements of all of the Commercial zones, except Community Business Center, shall apply.



(5) Outdoor Storage, Trash Collection, and Loading Areas

**GUIDELINE #11** Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have customer entrances.

**□ STANDARD:**

- Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
- No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public thoroughfare or street, public sidewalk, or internal pedestrian way.
- Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.
- Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements for all of the Commercial zones, except Central Business District, as described in the Development Code. Location and time/duration of such sales/displays shall be reviewed and approved by the Community Development Director or appointed designee.

(6) Pedestrian Flows

**GUIDELINE #12** Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

**□ STANDARD:**

- Sidewalks at least 6 feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding interstates. The Planning Commission may waive this requirement as part of the development agreement.
- Continuous internal pedestrian walkways, no less than 5 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- Sidewalks, no less than 5 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- Internal pedestrian walkways provided in conformance with Subsection b above, shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
- All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

(7) Central Features and Community Spaces

**GUIDELINE #13** Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces should anchor pedestrian ways. The features and spaces should enhance the building and the center as integral parts of the Community fabric.

- ❑ **STANDARD:** Each commercial establishment subject to these standards shall contribute to the establishment or enhancement of Community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such Community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

Although Menan's and Jefferson County's public bus system is limited at present, areas should be provided or designed to accommodate possible (future) bus service and other private bus services (i.e., nursing home/assisted living, etc.)

(F) Building Reuse and Maintenance Plan, Development Agreement

Required: Applications for large scale commercial structures or establishments shall include a reuse and maintenance plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the planning commission finds that:

(1) The plan conforms to the City's growth policy and the requirements of this title or parts thereof for the municipality as a whole; and

(2) A sound and adequate financial program exists for the financing of said redevelopment; and

(3) The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and

(4) The reuse plan provides a maintenance plan for normal repairs and upkeep of property, including but not limited to building, parking lots and surfacing, landscaping, signage, and elimination of "ghost signage." The City may enter into a development agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A development agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for the specified use consistent with the provisions of this title and offering recourse to the City if redevelopment is not completed as determined by the City.

## CHAPTER 7 CITY OF MENAN SIGN REGULATIONS

### SECTION:

8-7-1	PURPOSE
8-7-2	PARAMETERS
8-7-2(A)	CLEAR VIEW OF INTERSECTING STREETS
8-7-2(B)	THE MAXIMUM HEIGHT
8-7-2(C)	USE AND PLACEMENT
8-7-2(D)	PERMITS AND FEES
8-7-2(E)	PUBLIC AVAILABILITY OF CODE
8-7-2(F)	PENALTIES FOR VIOLATION
8-7-2(G)	SEVERABILITY
8-7-3	DEFINITIONS
8-7-4	COMMERCIAL ZONES AND PROPERTIES
8-7-4(A)	FREE STANDING, ON PREMISES SIGNS (BASIC SIGN SIZES & SIGN LOCATION FORMULAS
8-7-4(B)	ALLOWABLE SIGN AREAS FOR WALL SIGNS (INCLUDING PROTRUDING SIGNS & ROOF SIGNS
8-7-4(C)	ALLOWABLE “SIGN SIZE” AND “SIGN PERMIT CONDITIONS” BY ZONE

8-7-1 PURPOSE: The purpose and objectives of this ordinance are:

(A) To recognize signs are a necessary means of visual communication for the public’s convenience, and businesses and individuals have the right to identify themselves and convey messages by using signs, and that signs are accessory and incidental to the use of the premises where they are located; and

(B) To provide a reasonable balance between the right of an individual or a business to identify itself and to convey its message, and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs; and

(C) To insure signs are compatible with adjacent land uses and with the total visual environment of the community, and the value of nearby property and economic health of the community, as a whole are protected; and

(D) To provide minimum standards for regulating the size, height, structural materials/requirements and the duration of all signs, including temporary signs and displays on the outsides of buildings visible from the public rights-of-way; and

(E) To enable the fair and consistent enforcement of these sign regulations; by regulating the location, construction, duration, number and maintenance of signs in order to enhance the aesthetic environment; and by promoting public safety, health and general welfare, and providing for the greater good of the community.

8-7-2                PARAMETERS: All externally located signs visible from the public right-of-way must be located and constructed in accordance with the following parameters with respect to the location of signs out of the public right-of-way, the maximum height of the signs, area of signs, clearance required for signs, allowed location of signs, allowed sign illumination, exemptions allowed by a Conditional Use Permit, types of a signs, sign permit fees, and sign permit requirements.

(A)                Clear View of Intersecting Streets: No sign may be placed or constructed so that any portion thereof is placed or projects into any public right-of-way. For the purpose of ensuring reasonable visibility and safety this ordinance shall prohibit the placement of signs within the sight triangle. The sight triangle applies to corner lots on intersecting City streets. The sight triangle is defined as follows: The triangle of land formed on any corner lot by drawing two (2) lines, starting at the same afore mentioned corner point heading away from each other along the lot lines, right-of-way lines, or prescribed right-of-way lines (whichever is applicable), a distance of thirty (30) feet and then 2 connected by a diagonal line along the endpoints of the two (2) drawn lines forming a triangle.

(B)                The maximum height: Unless further restricted in this Sign Code, the maximum height of any free-standing sign shall be twenty-four (24) feet from ground level to the top of the sign. On lots where a 24 foot free standing sign is allowed and the building height is greater than 24 feet, the maximum height of a free standing sign may be reviewed under a Conditional Use Permit for a taller free standing sign not to exceed the building height.

(C)                Use and Placement: Section 8-7-4 is intended to set forth various types of signs, and the respective zones in which such signs shall be allowed.

(D) Permits and Fees

(1) Permits Required. Except as otherwise provided in this Code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in this City, or cause the same to be done, without first obtaining a sign permit. A permit shall not be required for a change of copy of any sign, or for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this Code, provided that the sign or sign structure is not altered in any way.

(2) Permission to Install. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or authorized representative of the owner.

(3) Sign Not Regulated By the Code. An application for any sign or advertising display or structure for which no specific regulation in this Ordinance is applicable shall be considered by the Planning and Zoning Commission under the Conditional Use Permit procedure as outlined in the Planning and Zoning Ordinance, and such application shall be approved or denied in harmony with the intent of these regulations.

(4) Permit Fee. An application fee shall be paid in accordance with the current fee schedule maintained by the City Clerk, as approved by the City Council.

(E) Public Availability of Code: There shall hereafter be kept on file, in the offices of the City Clerk and the Building Department, three (3) copies of this sign code, duly certified by the Clerk, for use and examination by the public.

(F) Penalties for Violation: Any person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor, and be subject to the following civil penalties or remedies:

(1) If a sign is placed in or projects into any public right-of-way, or has been deemed unsafe by the building department and/or city engineer it may be immediately removed by the City at the owner's, sign company's and/or responsible person's expense.

(2) If in violation of some other provision of this Ordinance, the City may cause a written notice to be given requiring that the violation be corrected within (14) days and if the owner, sign company and/or responsible person for the violation fails to comply, then the violator(s) shall be liable for civil penalties of up to \$300. The City shall have the right to remove the sign at the violator's expense in addition to the aforementioned penalties for each day of violation.

(3) The City may seek injunctive relief through the courts for enforcement of the provisions of this Ordinance and in addition to the relief sought shall also be entitled to its attorney's fees and costs.

(G) Severability: The sections of this Ordinance are severable and the invalidity of a section shall not affect the validity of the remaining sections, which should be construed as closely as possible with the overall purpose and intent of this Ordinance in the event any portion hereof is deemed to be invalid.

8-7-3 DEFINITIONS: These definitions are not intended to be all-inclusive, but are to be for definition purposes in assisting in the understanding and compliance with the intent of this Ordinance.

ANIMATED SIGN: A sign, any visible part of which moves, flashes, or changes color, regardless of the source of energy which causes the movement, flash, or, change of color.

ARCHITECTURAL BLADE: A roof sign or projecting sign with no legs or braces which is an integral part of the building structure, rather than an object added to or standing on the building.

AWNING: A projecting cover extending over a door, window or wall section with supports attached to the building and used as cover, protection, or as decoration.

BACKGROUND AREA: The area comprising the message portion of a sign, not including the supporting structure, shall constitute the Background area. When computing the area of sign background, any single piece flat sign shall be calculated by measuring one side even though both sides may be used for advertising. (For example a 4'x 8' flat sign will be considered a 32 square feet background area) For V-shaped signs, or any other three dimensional sign shall have the area of sign background calculated by considering all sides of the sign facing the primary public right-of- way. This is irrespective of whether the back-sides of the signs are used for advertising.



- On pole signs the supporting structure does not count as part of the area of the sign. The area calculated in the wind loads calculation for the pole sign is for all intents and purposes, the background area of the sign.
- On wall signs the background area of the sign is calculated by the following methods depending on which is most reasonably applicable as determined by the city.
  - If only letters are being put on the wall then the area is computed by drawing rectangles around each letter to enclose the extremities of the letter, and then calculating the area enclosed within the rectangles.
  - If a cabinet or flat panel with letters is being put on the wall then the area is the area of the extremities of the flat panel or cabinet like structure.
  - If an area is painted out in a different shade or color on a wall (not matching the general background of the rest of the building) for advertising with lettering or graphics then the extremities of the entire painted out area will count as advertising area.

**BANNER:** Any non-rigid material with or without writing.

**BILLBOARD:**

See definition for Off Premise Signs.

**BLANKETING:** The partial or complete shutting off of the face of one sign by another sign.

**BUILDING FACE OR WALL:** All windows and wall area of a building on one elevation.

**CANOPY SIGN OR MARQUEE SIGN:** A sign which is attached parallel to the faces of a canopy or marquee.

**CHANGEABLE COPY PANEL (READER BOARD):** A sign display which is characterized by copy or illustration which may be modified at periodic intervals, regardless of the method.

**CONSTRUCTION SIGN:** Any sign which warns people of construction or demolition for a project or which describes the project, builder, architect or others involved in the project.

**COPY:** Any combination of letters or numbers that are intended to inform, direct or otherwise transmit information.

**DIRECTIONAL SIGN:** Any sign which serves to designate the location or direction of any place or area.

- If logos are put on the directional signs they are calculated in the area of the directional sign. In addition the logos must be less area than the directional information to be considered a directional sign.

**FREE STANDING, DETACHED OR GROUND SIGNS:** A sign, which is wholly supported by columns or other vertical supports in or upon the ground (not part of building structure)

**FRONTAGE:** Distance measured along the property line which fronts upon a street or alley. To constitute frontage, the street or alley must provide access to abutting properties.

**HEIGHT OF SIGN:** The distance measured vertically from the finished elevation of the ground where the sign is placed to the highest point of the sign or sign structure, whichever is higher.

**ILLUMINATED SIGN:** A sign, which uses a source of light for illumination.

**LIGHTED, DIRECT:** Lighting, the source of which is visible to a viewer.

**LIGHTING, FLOOD LIT:** Lighting, which is reflected from the surface of a sign or building.

**LIGHTING, INDIRECT OR INTERNAL:** Lighting for which the source of light is located in such a manner that the light must travel through a translucent material other than the bulb or tube necessary to enclose the light source, which material has the effect of dispersing the light before it strikes the eye of the viewer.

**OFF-PREMISE SIGN:** Any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place including products, or services sold or offered for sale on premise other than on the premises where such sign is displayed. (See section 8-7-4 for regulations).

**PORTABLE SIGN:** A sign that is not affixed to the ground or another structure.

**PROJECTING SIGN:** A sign that projects from, and is supported by a wall of a building or other structure.

- If a sign is connected to wall it counts as part of wall signage
- If a sign is connected to pole it counts as part of free standing signage

**PUBLIC SERVICE INFORMATION SIGN:** A sign which provides general public service information such as time, date, temperature, weather, directional information and messages of interest to the traveling public, and which are commonly used to augment business identification signs.

**REAL, ESTATE OR PROPERTY FOR SALE, RENT OR LEASE SIGN:** Any sign pertaining to the sale, lease or rental of land or buildings.

**SUPER GRAPHICS:** Any abstract mosaic, mural or painting or graphic art technique or any combination thereof.

**SWINGING SIGN:** A sign which is installed on an arm or spar, and which is not permanently fastened to an adjacent wall or upright pole.

**TEMPORARY SIGN:** A sign which is intended to be displayed for no more than thirty (30) days consecutively, and is not permanently affixed. All devices such as search lights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures are allowed, but may not be used more than sixty (60) days in total during any calendar year.

Temporary signs are only intended for and therefore allowed in non-residential zones.

- Unless otherwise regulated in this code (such as construction sign or real estate or property for sale, rent or lease sign) temporary signs must be reviewed by the planning and zoning administrator or designee for approval before being put up.
- Temporary signs must be recorded and logged in at the city with the approval of the planning and zoning administrator or designee.
- In general, temporary signs are reserved for limited activities important to the citizens of the City of Menan. Signs shall be located outside of the City right-of-way, be 32 sq. ft. or less, and in good taste for the surrounding environment, and must be maintained in good condition as to color, material integrity (fraying, tearing, etc.), and structural alignment.
- Examples of uses of temporary signs are for big events such as the 4th of July City Celebration, Heritage Days, etc., close out sales, going out of business sales, or other events held at limited allotted times of year.
- Signs located within the City right-of-way and authorized by the City are exempt from these regulations.

**UNDER CANOPY OR MARQUEE SIGN:** A sign suspended below the ceiling or roof of a canopy or marquee.

**WALL SIGNS:** A sign placed on the wall of a building as defined in the Menan City Planning and Zoning Ordinance.

A) For flat plane building structures the wall area can only be calculated by walls parallel and seen from one standard orthographic elevation view. No other walls can be added to this area in calculating the area of a sign allowed for that wall.

B) For dome or curved structures the wall signs cannot exceed the prescribed area of the curved or dome like structure as seen from a standard orthographic elevation view.

## (A) FREE STANDING, ON PREMISE SIGNS (BASIC SIGN SIZES &amp; SIGN SIZE LOCATION FORMULAS)

(1) **Maximum sign size = 200 sq. ft.** Maximum sign height to top of sign = 24ft. (or building height (with conditional use permit).

(2) **An 80 sq. ft. sign** allowed for any single property up to 50,000 sq. ft. in lot size.

(3) **For properties larger than 50,000 sq. ft. in area**, total allowable sign area (sq. ft.) would be increased by 0.0016 sq. ft. of sign for each sq. ft. of property in excess of 50,000 sq. ft.

## a. EXAMPLE 1:

Lot Area	125,386 sq. ft.
First 50,000 sq. ft.	80 sq. ft. of signage
Next 75,386 sq. ft. x 0.0016 sq. ft. sign/ sq. ft. prop.	121 sq. ft. of signage
Total allowable Sign Area	201 sq. ft.
This would allow one 200 sq. ft. sign OR one 100 sq. ft. sign + one 101 sq. ft. sign or some other similar combination of signs whose total area would not exceed 201 sq. ft.	

## b. EXAMPLE 2:

Lot area =	245,678 sq. ft.
First 50,000 sq. ft.	80 sq. ft. of signage
Next 195, 678 sq. ft. x 0.0016 sq. ft. sign/ sq.ft. prop.	313 sq. ft. of signage
Total allowable Sign Area	393 sq. ft.
This would allow one 200 sq. ft. sign, a 100 sq. ft. sign and a 93 sq. ft. sign or any other similar combination of sign sizes whose total area would not exceed 393 sq. ft.	

## c. EXAMPLE 3:

Lot area =	845,979 sq. ft.
First 50,000 sq. ft.	80 sq. ft. of signage

Next 795,979 sq. ft. x 0.0016 sq. ft. sign/ sq.ft.prop.	1274 sq. ft. of signage
Total allowable Signage	1,354 sq. ft.
This would allow for six 200 sq. ft. signs and one 154 sq. ft. sign.	

(4) Clear distance between signs: Area of Sign 1 + Area of Sign 2 must be equal to or less than 2.0 Distance between Sign 1 & Sign 2

- a. **EXAMPLE:** 200 sq. ft. (Area Sign 1) + 200 sq. ft. (Area Sign 2) = 2.0 200 ft. (Distance between Sign 1 & Sign 2 (permissible). Therefore 2 signs, each having the maximum size of 200 sq. ft. each, would have to be 200 ft. apart or greater.
- b. **EXAMPLE:** 200 sq. ft. (Area Sign 1) + 100 sq. ft. (Area Sign 2) = 1.94 155 ft. (Clear distance between Sign 1 & Sign 2, 1.94 is permissible

(5) To find minimum distance between signs divide by 2.0

- a. **EXAMPLE:** 200 sq. ft. (Area Sign 1) + 100 (Area of Sign 2) = 150 ft Clear distance between signs needs to be 150 ft or greater
- b. **EXAMPLE:** 150 sq. ft. (Area of Sign 1) + 125 (Area of Sign 2) = 2.523 109 ft. (Clear distance between Sign 1 & Sign 2) 2.523 is not permissible therefore 109 ft. is too small. To find the minimum clear distance you would have to do the following: (150 sq. ft. + 125 sq. ft.) = 137.5 ft therefore 137.5 ft. or greater is permissible
- c. **EXAMPLE:** 80 sq. ft. (Area of Sign 1) + 80 sq. ft. (Area of Sign 2) = 1.88. 85 ft. (Clear distance between Sign 1 & Sign 2) 1.88 is permissible

(6) Distance from property lines. Sign Area =10 **Distance from sign to nearest adjacent property line.** (Not street right-of-way (ROW) line.)

- a. **EXAMPLE:** 200 sq. ft. (Sign Area) = 20 ft. 20 ft = distance from sign to nearest adjacent property line

b. **EXAMPLE:** 80 sq. ft. (Sign Area) = 8 ft.  
8 ft = distance from sign to nearest adjacent property line. The distance between the aforementioned sign examples would require the signs to be: 200 sq. ft. + 80 sq. ft. = 140 ft. apart.  
Factor of 2 or less.

(7) **Any banners on property** other than wall banners must meet and are included as part of freestanding sign area unless considered temporary and approved by the Menan City Building Department.

(B) ALLOWABLE SIGN AREAS FOR WALL SIGNS (INCLUDING PROTRUDING SIGNS & ROOF SIGNS)

(1) **Maximum Area of Wall Sign Allowed = 10%** of the area of the building wall for walls located within 0 ft. to 100 ft. from the street ROW (right-of-way) line.

(2) **Maximum Area of Wall Sign Allowed = 12%** of the area of the building wall for walls located within 100 ft. to 200 ft. from the street ROW (right-of-way) line.

(3) **Maximum Area of Wall Sign Allowed = 14%** of the area of the building wall for walls located more than 200 ft. from the street ROW (right-of-way) line.

(4) Wall banners up for 60 days or less are considered temporary; all others are considered permanent as shall adhere to applicable sign standards. These banners must be logged and recorded with the City of Menan to assure time and condition limitations are being followed. These banners may be up with permanent wall signs as long as the coverage does not exceed 20% of wall. This 20% coverage is the total of the permanent and temporary signs combined. Any banners up for more than sixty (60) consecutive days are considered permanent and must adhere to permanent sign standards. These banners will be covered as aforementioned in maximum area (depending on distance from right-of-way (ROW) of wall signs and must have a sign permit). A business wishing to have an area for wall mounted banner signs that allow interchangeability of promotional signs may do so by providing a tasteful, permanent looking frame that does not include strings or other temporary looking devices. These “permanent” banner sign locations shall be counted towards maximum wall sign allotment, and does not include the wall banner 20% provision. All framed banners shall be sized appropriately for the frames so that there shall be no gaps between sign and frame edging and so that the banner does not overhang the frame in any way.

(C) ALLOWABLE “SIGN SIZE” and “SIGN PERMIT CONDITIONS” BY ZONE

(1) **Construction Signs** are defined as temporary and they must be removed **within thirty days** of project completion.

(2) Applications not requiring a Conditional Use Permit (CUP) are issued as a Sign Permit (SP) by the City Clerk.

(3) Sign Permit Conditions by Zone

**Zone: Village District**

TYPE	Sign Area	Max Height	Location from Property	Lighting Style	Restrictions	Permit Type Needed
Rent	32	10	5 feet	None	1/street	SP
Lease	32	10	5 feet	None	1/street	SP
Sale	32	10	5 feet	None	1/street	SP
Construction/Temporary	32	12	5 feet	None		
Directional Sign	6		Code	Internal		
Public Service	6		Public ROW	Internal		
Acc. on-premise Wall	Sec II					CUP

Acc. off-premise Wall	Sec II					CUP
Projected Signs	Sec II	Sec II		Sec II	Sec II	CUP
Marquee & Canopy	Sec II					CUP
Under Marquee of Canopy						CUP
Non-Accessory Off Premise Free Standing or Wall						CUP
Accessory on-premise free standing						CUP
Portable (A-Frame Style)						SP

**Zone: Traditional Residential**

TYPE	Sign Area	Max Height	Location from Property	Lighting Style	Restrictions	Permit Type Needed
Rent	6	4	5 feet	None	1/street	SP
Lease	6	4	5 feet	None	1/street	SP
Sale	6	4	5 feet	None	1/street	SP
Construction/Temporary	32	10	5 feet	None		
Acc. on-premise Wall Sign						CUP
Accessory on-premise free standing						

**Zone: Traditional Residential-2**

TYPE	Sign Area	Max Height	Location from Property	Lighting Style	Restrictions	Permit Type Needed
Rent	6	4	5 feet	None	1/street	SP
Lease	6	4	5 feet	None	1/street	SP
Sale	6	4	5 feet	None	1/street	SP
Construction/Temporary	32	12	5 feet	None		
Acc. on-premise Wall Sign						CUP
Accessory on-premise free standing						CUP

**Zone: Agricultural Residential**



TYPE	Sign Area	Max Height	Location from Property	Lighting Style	Restrictions	Permit Type Needed
Rent	12	10	5 feet	None	1/street	SP
Lease	12	10	5 feet	None	1/street	SP
Sale	12	10	5 feet	None	1/street	SP
Construction/Temporary	32	12	5 feet	None		
Directional Sign	6		Code	Internal		
Public Service	6		Public ROW	Internal		
Acc. on-premise Wall Sign	Sec II					CUP
Acc. off-premise Wall Sign	Sec II					CUP
Projected Signs	Sec II	Sec II		Sec II	Sec II	CUP
Marquee & Canopy	Sec II					CUP
Under Marquee of Canopy						CUP
Non-Accessory Off Premise Free Standing or Wall						CUP
Accessory on-premise free standing						CUP
Portable (A-Frame						SP

### **Zone: Light Industrial**

TYPE	Sign Area	Max Height	From Prop Line	Lighting Style	Restrictions	Permit Type
Rent	32	10	5 feet	None	1/street	SP
Lease	32	10	5 feet	None	1/street	SP
Sale	32	10	5 feet	None	1/street	SP
Construction/Temporary	32	12	5 feet	None		
Directional Sign	6		Code	Internal		
Public Service	6		Public ROW	Internal		
Acc. on-premise Wall Sign	Sec II					CUP
Acc. off-premise Wall Sign	Sec II					CUP
Projected Signs	Sec II	Sec II		Sec II	Sec II	CUP
Marquee & Canopy	Sec II					CUP

Under Marquee of Canopy						CUP
Non-Accessory Off Premise Free Standing or Wall						CUP
Accessory on-premise free standing						CUP
Portable (A-Frame Style)						SP

## CHAPTER 8      LAND USE TABLE

### Index

C: Conditional

P: Permitted

NP: Not Permitted

Uses		Village District	Traditional Residential	Ag- Res	Light Industrial
Accessory Apartment		C	C	P	C
Accessory buildings		P	P	P	P
Accessory Uses		P	P	P	P
Agricultural Uses		P	P	P	P
Airfields/Airports/Landing strips		NP	NP	P	NP
Amusement Parks		NP	NP	C	NP
Animal hospitals/dog kennels/Veterinarian Services		C	NP	C	C
Athletic Fields		C	C	P	NP
Auction Est.		C	C	P	P
Auto Sales & Services		C	NP	NP	P
Auto Service Stations		C	NP	NP	P
Bed & Breakfast		P	P	P	NP
Billboards		NP	NP	C	P
Boarding & Rooming		P	P	P	NP
Bottling and packaging of products without processing or manufacturing on premises		P	C	C	NP
Bowling Alley		P	NP	NP	NP
Broadcasting Tower		NP	NP	C	C
Business and professional offices and studios		P	C	P	P
Cargo Containers		NP	NP	P	P
Carports		P	P	P	P
Cemeteries or mausoleums		NP	NP	NP	NP
Child or day care centers (12 or less children)		P	C	P	NP
Child or day care centers (13 or more children)		C	C	P	NP

Churches and Religious Temples		P	P	P	NP
Clinics		P	C	C	C
Club or Lodges		C	C	C	NP
Commercial Kitchen		P	C	C	P
Commercial Signage		P	C	C	P
Communication Station/Towers		NP	NP	C	C
Construction Trades		C	C	C	P
Country Clubs		C	C	P	NP
Cultural centers, museums & art galleries		P	C	NP	NP
Dance Hall		C	NP	C	NP
Dwelling #2		NP	NP	P	NP
Dwelling Single Family		P	P	P	C
Farm building directly related to agricultural uses		C	C	P	P
Feed Lots or Confined Animal Feed Operations		NP	NP	C	C
Financial institutions and offices		P	C	C	C
Food Processing		NP	NP	C	NP
Forestry		NP	NP	C	NP
Freight or trucking yards or terminals		NP	C	C	P
Fresh Vegetable/Fruit Stands Temporary or Seasonal (less than 90 days a year)		P	P	P	P
General Farming		P	P	P	P
General Retail, Grocery and Convenience Stores (up to 20,000 square feet)		C	C	C	C
Golf Courses		C	C	C	NP
Gov't or Public		P	C	C	P
Grain elevators/storage bins/feed mills		NP	NP	C	P
Greenhouses					
Commercial		C	C	C	P
Personal		P	P	P	P
Home Business		C	C	C	C
Home Occupation		P	P	P	P
Hospital		NP	NP	P	NP

Hotels and motels		C	NP	C	NP
Jail		NP	NP	NP	C
Kennels		C	C	C	C
Laundry		P	C	C	P
Livestock		P	P	P	P
Manufactured Home Parks		NP	NP	NP	C
Manufacturing		NP	NP	P	P
Medical and dental clinics and offices		P	C	C	NP
Mortuaries		C	NP	NP	NP
Municipal Sewer Treatment Facilities		NP	NP	C	NP
Nursing Home		C	C	C	NP
Outdoor advertising signs		NP	NP	NP	NP
Outdoor sales lots		C	NP	C	P
Parks & Playgrounds		P	P	P	NP
Potato Warehouses		C	NP	C	C
Private Garages		P	P	P	P
Private Schools		P	P		
Private Swimming Pools		P	P	P	P
Private Tennis Courts		P	P	P	NP
Public buildings and offices		P	C	P	P
Public fairgrounds and/or publicly owned rodeo arenas		NP	NP	C	NP
Public Stables		NP	NP	C	NP
Public Swimming Pools		C	C	C	C
Public Utilities		NP	NP	NP	P
Residential Care Facility		P	P	P	NP
R.V. Park		NP	NP	C	C
Radio, T.V., F.M Stations		NP	NP	C	C
Ranching		NP	NP	P	NP
Recreational Buildings		C	C	P	C
Recreational or Play Areas		P	C	P	NP
Recycling Center		NP	NP	NP	P
Restaurants and Cafés		P	NP	C	NP
Retail Stores (under 5,000 square feet)		P	C	C	C
Salvage Yards		NP	NP	NP	C
Schools					
Elementary/Secondary		P	C	NP	NP
College/University		P	C	C	NP
Private Schools		P	C	NP	NP
Secondary Dwellings		C	C	C	C
Sexually Oriented Business		NP	NP	NP	C
Shipping Containers		P	P	P	P

Single Family Dwellings		P	P	P	C
Storage					
Mini Storage/warehouse		C	NP	P	P
Outdoor		NP	NP	NP	C
Storage Bldg & Units		C	C	P	P
Storage Warehouses without Processing or Manufacturing Facilities		C	C	P	P
Structures related to government operations		C	C	C	P
Tavern & Lounges		C	NP	NP	NP
Temporary Bldgs (1Year)		C	C	C	C
Temporary construction work buildings		P	C	P	P
Temporary Dwellings		C	C	C	C
Theaters and indoor entertainment		C	NP	NP	NP
Trailer Sales		C	NP	C	P
Truck & Tractor Repair		C	NP	C	P
Wholesale display and salesroom		C	NP	C	P
Wholesale facilities without processing or manufacturing on premises		C	C	C	P
Small Wind Energy System		C	C	C	C

[Shipping Containers added by Ordinance 2024-4; enacted July 11, 2024]

## CHAPTER 9 OUTDOOR LIGHTING ORDINANCE

### SECTION:

8-9-1	GENERAL PROVISIONS
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8-9-3	FIGURES AND TABLES
8-9-1	GENERAL PROVISIONS

(A) Title: This Chapter, together with the amendments thereto, shall be known and may be cited as the Menan Outdoor Lighting Ordinance.

(B) Purposes: The general purpose of this Chapter is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process for review of exterior lighting.

This Article establishes standards for exterior lighting in order to accomplish the following:

- (1) To provide safe roadways for motorists, cyclists and pedestrians;
- (2) To protect against direct glare and excessive lighting;
- (3) To ensure that sufficient lighting can be provided where needed to promote safety and security;
- (4) To prevent light trespass in all areas of the City;
- (5) To protect and reclaim the ability to view the night sky;
- (6) To allow for flexibility in the style of lighting fixtures;
- (7) To provide lighting guidelines;
- (8) To provide assistance to property owners and occupants in bringing non- conforming lighting into conformance with this Chapter; and
- (9) To work with other jurisdictions within Jefferson County to meet the purposes of this Chapter.

(C) APPLICABILITY

(1) New Lighting. All exterior lighting installed after the effective date of this Ordinance shall conform to the standards established by this Chapter.

(2) Existing Lighting.

- a. All existing exterior lighting installed before the effective date of this Chapter shall be brought into conformance with this Chapter, except section 8-9-1(E)(3) within the following time periods:
- b. All existing exterior lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, or a building permit is required to be brought into conformance with this chapter before issuance of a Certificate of Occupancy, final inspection or final plat recordation, when applicable. For other permits, the



applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.

- c. All other existing exterior lighting on property used for commercial purposes that is not in conformance with this Article shall be brought into conformance with this Article within thirty-six (36) months from the date of adoption of this Chapter.
- d. All existing exterior lighting on property used for residential, institutional, public and semi-public uses, not affected by Section 8-9-1(C)(2) above, that does not comply with this Article is required to be brought into conformance with this Article within Twelve (12) months from the date of adoption of the Ordinance.
- e. All existing exterior lighting shall be brought into conformance with this Article within one year from the date of adoption of this Ordinance.

(D) DEFINITIONS: Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

AREA LIGHT: A luminaire equipped with a lamp that produces over one thousand eight hundred (1,800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights. (See Table 1 in section 8-9-3 for light output of various lamps).

AVERAGE HORIZONTAL FOOTCANDLE: The average level of illuminance for a given situation (with snow cover if that is to be expected in the given situation) measured at ground level with the light meter placed parallel to the ground.

BUILDING OFFICIAL: The City of Menan Building Official.

EIGHTY-FIVE (85) DEGREE CUT-OFF TYPE OF LUMINAIRES: Luminaires that do not allow light to escape above an eighty-five (85) degree angle measured from a vertical line from the center of the lamp extended to the ground (see Figure 2)

EXTERIOR LIGHTING: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this Article.

**FLOOD LIGHT** A lamp that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well-defined area with light. (See Table 1 in section 8-9-3 for light output of various lamps)

**FOOTCANDLE (fc).** The American unit used to measure the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. For example, the full moon produces .01 s. s are measured with a light meter. One footcandle is approximately equal to ten (10) lux, the British unit used to measure illuminance.

**FULL CUT-OFF LUMINAIRES.** A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. (See Figure 1) Fully shielded. The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier. (See Figure 4)

**GLARE:** Stray, unshielded light striking the eye that may result in (a) nuisance or annoyance glare such as light shining into a window; (b) discomfort glare such as bright light causing squinting of the eyes; (c) disabling glare such as bright light reducing the ability of the eyes to see into shadows or (d) reduction of visual performance.

**HOLIDAY LIGHTING:** Strings of individual lamps, where the lamps are at least three inches apart and the output per lamp is not greater than fifteen (15) lumens. Illuminance. The amount of light falling on any point of a surface measured in footcandles or lux.

**IESNA:** Illuminating Engineering Society of North America (IES or IESNA). The professional society of lighting engineers.

**IESNA RECOMMENDED PRACTICES.** The current publications of the IESNA setting forth illuminance levels.

**LAMP:** The generic term for an artificial light source, to be distinguished from the whole assembly (see Luminaire). Commonly referred to as “bulb”.

**LIGHT:** The form of radiant energy acting on the retina of the eye to make sight possible.

**LIGHT POLLUTION** Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

**LIGHT TRESPASS:** Light falling on the property of another or the public right-of-way when it is not required to do so.

**LIGHTING** Any or all parts of a luminaire that function to produce light.

**LIGHTING ADMINISTRATOR:** A City official designated by the City Council to administer, interpret, and enforce the Menan Outdoor Lighting Ordinance, and make recommendations thereunder.

**LUMEN:** The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging. For example, a 60-watt incandescent lamp produces 950 lumens while a 55-watt low- pressure sodium lamp produces 8000 lumens.

**LUMINAIRE:** A complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as “fixture”.

**MAINTAINED ILLUMINANCE:** The condition that occurs after 200 hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal illuminance and measured at 5 feet above ground with sensor perpendicular to the ground for vertical illuminance.

**NON-ESSENTIAL LIGHTING:** Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes.

**PARTIALLY SHIELDED:** The luminaire incorporates a translucent barrier, the “partial shield” around the lamp that allows some light to pass through the barrier while concealing the lamp from the viewer. (See Figure 3)

**PLANNING AND ZONING ADMINISTRATOR:** The City of Menan Planning and Zoning Administrator/Commission.

**SKYGLOW:** The overhead glow from light emitted sideways and upwards. Skyglow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Skyglow reduces one’s ability to view the night sky.

**TEMPORARY LIGHTING:** Lighting that is intended to be used for a special event for seven days or less.

**UPLIGHTING:** Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

## (E) OUTDOOR LIGHTING STANDARDS

### (1) General Standards

- a. All exterior lighting shall be designed, located and lamped in order to prevent:

1. Overlighting;
  2. Energy waste;
  3. Glare;
  4. Light Trespass;
  5. Skyglow.
- b. All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
  - c. Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.
  - d. Area lights. All area lights are encouraged to be eighty-five (85) degree full cut- off type luminaires.
  - e. Idaho Power shall not install any luminaires after the effective date of this Article that lights the public right of way without first receiving approval for any such application by the Lighting Administrator.

(2) Type of Luminaires: All exterior lighting shall use full cut-off luminaires with the light source downcast and fully shielded, with the following exceptions:

- a. Luminaires that have a maximum output of four hundred (400) lumens per fixture, regardless of number of lamps (equal to one forty [40] watt incandescent light), may be left unshielded provided the luminaire has an opaque top or is under an opaque structure. (see Figure 5).
- b. Luminaires that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of lamps (equal to one sixty [60] watt incandescent light) may be partially shielded provided

the lamp is not visible, and the luminaire has an opaque top or is under an opaque structure. (See Figure 3)

- c. Floodlights with external shielding shall be angled provided that no light is directed above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way (see Figure 6). Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged.
- d. Residential holiday lighting from November 1st to February 1st. Flashing holiday lights on residential properties are discouraged. Holiday lights are encouraged to be turned off by 11:00 p.m.
- e. Commercial holiday lighting from November 1st to March 15th. Commercial flashing holiday lights are prohibited. Holiday lights are encouraged to be turned off after the close of business.
- f. Sensor activated luminaires, provided:
  - 1. It is located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way;
  - 2. The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased;
  - 3. The luminaire shall not be triggered by activity off the property.
- g. Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
- h. Uplighting for flags provided the flag is of a government and the maximum lumen output is one thousand three hundred (1,300) lumens. Flags are

encouraged to be taken down at sunset to avoid the need for lighting.

- i. Lighting of radio, communication and navigation towers; provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Chapter.
- j. Airport Lighting. Lighting at Friedman Memorial Airport, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Article.
- k. regulations can only be met through the use of lighting that does not comply with this Article.
- l. Neon Lights. Flashing Neon lights and signs are not permitted.
- m. Luminaires used for playing fields shall be exempt from the height restriction provided all other provisions of this Article are met and the light is used only while the field is in use.

(3) Placement and Height of Luminaires

- a. Parking area luminaires shall be no taller than seventeen (17) feet from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.
- b. Freestanding luminaires on private property in residential zones shall be mounted at a height equal to or less than the sum of  $H=(D/3)+3$ , where D is the distance in feet to the nearest property boundary, but shall not be higher than fifteen (15') from ground level to the top of the luminaire, whichever is less. Example: Pole Height Distance to Property Line 15 feet 36 feet

( $36/3 = 12+3=15$ ) 12 feet 27 feet ( $27/3 = 9+3=12$ ) 9 feet  
18 feet ( $18/3 = 6+3=9$ )

- c. Streetlights used on arterial roads may exceed twenty (20) feet in height, with the recommendation by the City Council, and only with a finding that exceeding 20 feet is necessary to protect the safety of the residents of Menan.
- d. Luminaires used for playing fields shall be exempt from the height restriction provided all other provisions of this Article are met and the light is used only while the field is in use.

(4) Illuminance and Type of Lamp

- a. Illuminance levels for parking lots, sidewalks, and other walkways affected by side-mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed illuminance levels listed in the most current IESNA Recommended Practices. The City of Menan recognizes that not every such area will require lighting.
- b. Parking lot lighting shall not exceed an overall average illumination of 1.5 footcandles.
- c. Streetlights shall be high-pressure sodium, low-pressure sodium or metal halide, unless otherwise determined that another type is more efficient. Streetlights along residential streets shall be limited to a seventy (70) watt high- pressure sodium (hps) light with a lumen output of sixty-four hundred (6400). Street lights along non-residential streets or at intersections shall be limited to one hundred (100) watts hps, with a lumen output of ninety-five hundred (9500), except that lights at major intersections on state highways shall be limited to two hundred fifty (250) watts hps. If a light type other than high-pressure sodium, is permitted, then the equivalent output shall be the limit for the other light type (see Table 1).

- d. All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.

(5) Tables and Information Sheets. The figures and information sheets in section 8-9-3 shall be incorporated into Article VIIIB as guidelines for the public and the City for use in enforcing this Article. The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Menan Planning Department.

(F) PROCEDURE.

(1) All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location, type, height, lumen output, and illuminance levels in order to verify that lighting conforms to the provisions of this Article. The Lighting Administrator may waive the requirement for illuminance level information only, if the Lighting Administrator finds that the illuminance levels conform to this Article. For all other exterior lights which must conform to the requirements of this Article VIIIB, an application shall be made to the Lighting Administrator, showing location, type, height, lumen output and illuminance levels.

(2) The Lighting Administrator shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the exterior lighting complies with the standards of this Article VIIIB.



(3) The Lighting Administrator shall convey in writing a recommendation whether the exterior lighting complies with the standards of this Article VIII B to the Building Official, the Menan Design Review Committee, the Menan Planning & Zoning Commission, or the Menan Mayor and City Council, as the case may be, before any review or hearing on a building permit, design review, conditional use permit, planned unit development, subdivision application, or applicable sign permit.

(4) For all other exterior lighting which must conform to the requirements of Article VIII B, the Lighting Administrator shall issue a decision whether the exterior lighting complies with the standards of this Article VIII B. All such decisions may be appealed to the Menan Planning & Zoning Commission within thirty (30) days of the decision.

(G) VIOLATIONS AND LEGAL ACTIONS: If the Lighting Administrator finds that any provision of this Article is being violated, the Lighting Administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning Department Staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the Lighting Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this Article.

#### 8-9-2 THE APPLICATION:

(A) Required Information: The following information is required thirty-nine (39) days before the project can be reviewed by the Planning and Zoning Commission. Applications for review by the Design Review Committee shall submit any or all of the following information, as requested by the Planning Staff.

- (1) The project name.
- (2) The specific location of the project.

(3) Six (6) prints, prepared in a professional manner, showing at a minimum the following:

- a. Vicinity map, to scale, showing the project location in relationship to neighboring buildings and the surrounding area.
- b. Site plan, to scale, showing proposed parking, loading, and general circulation.
- c. Detailed elevations of all sides of the proposed building and other exterior elements.
- d. Sign plan.
- e. Landscape plan.
- f. Exterior Lighting plan, pursuant to Article VIIIB, of this Ordinance.
- g. Floor plan.
- h. Utilities plan.
- i. Drainage plan. (These plans may be combined on the same sheets)

(4) Applicant name(s) and representative (if any).

(5) Other information as required by the Administrator or the Commission.

(6) Payment of fees (established by resolution).

(B) LIGHTING: Allowed methods of illumination are divided into several types as described below; all other forms of sign lighting, with the exception of neon lighting as regulated by this Ordinance, are prohibited. All lighted signs shall comply with lighting standards as set forth in Article VIIIB, of this Ordinance.

(1) Unlighted. A sign with neither an internal light nor an external source intended specifically for the purpose of lighting the sign.

(2) Internally Lighted. A sign with an internal light intended to illuminate translucent portions of the sign.

(3) Externally Lighted. A sign with an external light source intended specifically to illuminate the sign. External light fixtures which produce glare shall not be permitted.

(C) SITE PLAN: A site plan drawn to scale of no less than one inch equals twenty (20) feet, specifying the following:

- (1) Location, type and height of the proposed PWSF or WCF, support structures, security barrier and other components with setbacks;
- (2) On-site structures, land uses and zoning;
- (3) Circulation. Adjacent roadways, ingress and egress from such roadways, parking and pedestrian circulation and access;
- (4) Fences, signs, exterior lighting pursuant to Article VIIIB of this Ordinance, and storm drainage;
- (5) Property lines with dimensions, adjacent land uses, structures and zoning;
- (6) Existing watercourses, utility lines, easements, deed restrictions and other built or natural features restricting the use of the subject property;
- (7) A grading, fill and drainage plan for the site;
- (8) North arrow, scale and legend, and topographic map of property prior to any proposed improvements, grading or fill with contours at two-foot intervals;
- (9) Information demonstrating compliance with the standards of this Article;
- (10) The City, at its discretion, may waive any of the above site plan requirements for PWSFs or WCFs attached to existing structures.

(D) Facility Lighting and Signage Standards. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety and/or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA and no other alternatives are available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. No strobe or flashing lights shall be permitted unless no other lighting can meet FAA regulations and the applicant provides written confirmation from the FAA that the specific WCF under review cannot meet its regulations by the use of any other alternative other than such lighting. Lighting shall also comply with any applicable City lighting standards.

Signs shall be limited to those needed to identify the telephone number(s) to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also

comply with the requirements of the City's sign regulations. All facility lighting shall comply with the standards as set forth in Article VIIB of this Ordinance.

(E)        Parking Lot Lighting: Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property, and shall be of a type and method of construction to shield the light source from direct view from any adjacent property or right-of-way. All parking area lighting shall comply with the standards as set forth in Article VIIIB of this Ordinance.

(F)        Contents of Application Form: The application form shall contain the following information and exhibits:

- (1)        Name, address and telephone number of applicant.
- (2)        Name, address and telephone number of registered surveyor and/or registered engineer assisting in the preparation of the Preliminary Development Plan.
- (3)        Legal description of the property.
- (4)        A vicinity map at a scale approved by the Administrator, showing property lines, streets, existing and proposed zoning and such other items as the Administrator may require showing the relationship of the PUD to the Comprehensive Plan.
- (5)        A Preliminary Development Plan at an appropriate scale showing location and type of proposed land uses; layout dimensions and names of existing and proposed streets, rights-of-way, utility easements, community open space, layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the Administrator deems necessary.
- (6)        A drainage plan showing the location, size, and direction of all water courses and drainage flows, all drainage canals, and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed development.
- (7)        A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and showing the location, size and type of proposed landscaping of the project.
- (8)        An exterior lighting plan as required by Article VIIIB of this Ordinance.

(9) A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at a maximum interval of five (5) feet to show the existing and proposed configuration of the land together with the documentation upon which said contour maps were prepared.

(10) A current title report together with a copy of the owner's recorded deed to said property. A copy of the applicant's option to purchase or unrecorded contract of sale for said property together with the written notarized consent of the owner(s) of record to said PUD shall be sufficient evidence of ownership to allow processing of said application. Withdrawal of consent of an owner of record shall be deemed withdrawal of the application.

(11) Location of on-site parking spaces and access thereto, including the dimensions of the spaces and the width and length of access.

(12) Proposed schedule for the development of the site.

(13) Studies may be reasonably required prior to or during the review process by the Administrator, Commission or Council of the social, economic, fiscal or environmental effects of the proposed development.

(14) Additional information as reasonably required at the discretion of the Commission, prior to or during the review process.

(15) List of names and address of the owners of each parcel within three hundred (300) feet of the subject property.

(16) A fee established in a separate resolution adopted by the City Council.

9. All exterior lighting shall comply with the standards set forth in Article VIII B of this Ordinance.

(G) Application for Conditional Use Permit.

(1) An application for a conditional use permit shall be made to the Planning and Zoning Commission by at least one (1) holder of any interest in the real property for which such conditional use is proposed.

(2) The application shall include at least the following information:

a. Name, address, and phone number of the applicant.

- b. Proof of interest in the subject property.
- c. Legal description of the subject property, including street address.
- d. Description of existing use.
- e. Zoning district of subject property.
- f. Description of proposed conditional use.
- g. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, energy efficiency considerations, landscaping, exterior lighting plan as required by Article VIIIB of this Ordinance, refuse and service areas, utilities, signs, property lines, north arrow, and rendering of building exteriors, where applicable.
- h. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property.
- i. A narrative statement identifying surrounding land uses and discussing the general compatibility of the proposed use with adjacent and other properties in the district.
- j. A narrative discussion of the relationship of the proposed use to the Comprehensive Plan.
- k. A list of the names and addresses of all property owners and residents within three hundred (300) feet of the external boundaries of the land being considered.

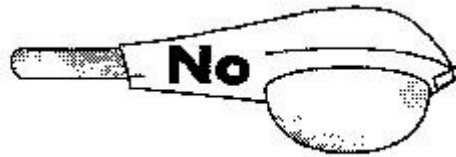
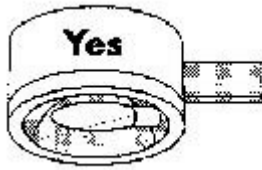


1. Any other information as requested by the Administrator to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- m. A fee established in a separate resolution approved by the City Council.

8-9-3

## Figures and Tables

What is a true full cutoff outdoor lighting fixture?



Known as just "Cutoff" Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

Unshielded with Opaque Top (less than 375 lumens)

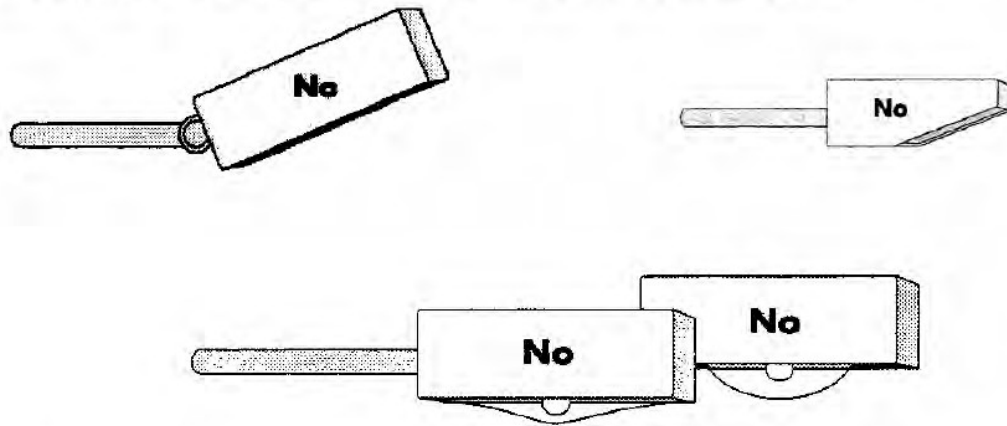


Figure 1

What is a True Full Cutoff Outdoor Lighting Fixture?

Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures are available in many styles.

Same fixture as above mounted incorrectly – defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "Cutoff" Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

Table 1 INITIAL RATED LIGHT OUTPUT OF VARIOUS LAMPS (Information from Sylvania #PL-150. General Electric #9200 and Phillips #SG-100 large lamp catalogs)

LAMP TYPE	LAMP WAITAGE	INITIAL LUMEN OUTPUT
INCANDESCENT LAMP (FROSTED) (Syl.)	25	235
INCANDESCENT LAMP (FROSTED) (Syl.)	40	375
INCANDESCENT LAMP (FROSTED) (Syl.)	60	890
INCANDESCENT LAMP (FROSTED) (Syl.)	100	1690
INCANDESCENT LAMP (FROSTED) (Syl.)	150	2850
INCANDESCENT FLOOD OR SPOT (G.E.)	75	765
INCANDESCENT FLOOD OR SPOT (G.E.)	120	1500
INCANDESCENT FLOOD OR SPOT (G.E.)	150	2000
QUARTZ HALOGEN LAMP (FROSTED) (Syl.)	42	665
QUARTZ HALOGEN LAMP (FROSTED) (Syl.)	52	885

QUARTZ HALOGEN LAMP (FROSTED) (Syl.)	72	1300
QUARTZ HALOGEN LAMP (FROSTED) (Syl.)	300	6000
QUARTZ HALOGEN LAMP (FROSTED) (Syl.)	500	10500
QUARTZ HALOGEN LAMP (FROSTED) (Syl.)	1000	21000
QUARTZ HALOGEN MINI FLOOD OR SPOT (G.E.) (12 volt MR-16 t.type)	20	260
QUARTZ HALOGEN MINI FLOOD OR SPOT (G.E.) (12 volt MR-16 t.type)	42	630
QUARTZ HALOGEN MINI FLOOD OR SPOT (G.E.) (12 volt MR-16 t.type)	50	895
QUARTZ HALOGEN MINI FLOOD OR SPOT (G.E.) (12 volt MR-16 t.type)	75	1300
FLUORESCENT LAMP (Phillips)	7	400
FLUORESCENT LAMP (Phillips)	9	600
FLUORESCENT LAMP (Phillips)	13	900
FLUORESCENT LAMP (Phillips)	22	1200
FLUORESCENT LAMP (Phillips)	28	1600
FLUORESCENT LAMP (G.E. cool white)	40	3150
LOW PRESSURE SODIUM LA1v1P (Phillips)	18	1800
LOW PRESSURE SODIUM LAMP (Phillips)	35	4800
LOW PRESSURE SODIUM LAMP (Phillips)	55	8000
LOW PRESSURE SODIUM LAMP (Phillips)	90	13500
LOW PRESSURE SODIUM LAMP (Phillips)	135	22500
LOW PRESSURE SODIUM LAMP (Phillips)	180	33000
HIGH PRESSURE SODIUM LAMP (DIFFUSE) (G.E.)	35	2250

HIGH PRESSURE SODIUM LAMP (DIFFUSE) (G.E.)	50	4000
HIGH PRESSURE SODIUM LAMP (DIFFUSE) (G.E.)	70	6400
HIGH PRESSURE SODIUM LAMP (DIFFUSE) (G.E.)	100	9500
HIGH PRESSURE SODIUM LAMP (DIFFUSE) (G.E.)	150	16000
HIGH PRESSURE SODIUM LAMP (DIFFUSE) (G.E.)	250	27500
HIGH PRESSURE SODIUM LAMP (DIFFUSE) (G.E.)	400	50000
MERCURY VAPOR LAMP (WHITE DELUXE) (Syl.)	100	4500
MERCURY VAPOR LAMP (WHITE DELUXE) (Syl.)	175	8500
MERCURY VAPOR LAMP (WHITE DELUXE) (Syl.)	250	11000
MERCURY VAPOR LAMP (WHITE DELUXE) (Syl.)	400	20100
METAL HALIDE LAMP (Coated) (G.E.)	32	2500
METAL HALIDE LAMP (Coated) {Venture)	50	3400
METAL HALIDE LAMP (Coated) (G.E.)	100	9000
METAL HALIDE LAMP (Coated) (G.E.)	175	15750
METAL HALIDE LAMP (Coated) (G.E.)	250	20500
METAL HALIDE LAMP (Coated) (G.E.)	400	36000

Table 2  
MOUNTING HEIGHT/LAMP OUTPUT RECOMMENDATIONS

MOUNTING HEIGHT (FEET)	MAX LUMENS
6	1,000
8	600 to 1,600
10	1,000 to 2,000
12	1,600 to 2,400
16	2,400 to 6,000
20	4,000 to 8,000
24	6,000 to 9,000
28	8,000 to 12,000
32	9,000 to 24,000
36	12,000 to 28,000
40	16,000 to 32,000

Table 3  
MOUNTING HEIGHT RECOMMENDATIONS PER LAMP TYPE

Low Pressure Sodium

Wattage	180W	135W	90W	55W	35W	18W
Mounting Heights	>40'	30'-32'	28'	24'	16'-20'	10'
Initial Lumens	33000	22500	13500	8000	4800	1800
Mean Lumens	33000	22500	13500	8000	4800	1800
Lamp Wattage	180	135	90	55	35	18
Circuit Wattage	220	180	125	80	60	30
Initial Lum/watt	150	125	108	100	80	60
Mean Lum/watt	150	125	108	100	80	60
Annual KWH use	902	738	513	328	216	123

High Pressure Sodium

Wattage	400W	250W	200W	150W	100W	70W	50W	35W
Mounting Heights	>50'	32-36'	30'	28'	24'	20'	16'	12'
Initial Lumens	50000	28500	22000	16000	9500	6300	4000	2250
Mean Lumens	45000	25700	19800	14400	8550	5470	3600	2025
Lamp Wattage	400	250	200	150	100	70	50	35
Circuit Wattage	465	294	246	193	130	88	66	46
Initial Lum/watt	108	97	89	83	73	72	61	49
Mean Lum/watt	97	87	80	75	66	64	55	44
Annual KWH use	1907	1205	1009	791	533	361	271	189

Metal Halide

Wattage	1000 W	400W	250W	175W	150W	100W	70W	50W	32W
Mounting Heights	>60'	>36'	>30'	>28'	>24'	>20'	>16'	>12'	>10'
Initial Lumens	110000	36000	20500	16600	13000	9000	5500	3500	2500
Mean Lumens	88000	28800	17000	10350	8700	6400	4000	2500	1900
Lamp Wattage	1000	400	250	175	150	100	70	50	32
Circuit Wattage	1070	456	295	215	184	115	88	62	43
Initial Lum/watt	103	79	69	77	71	78	63	56	58
Mean Lum/watt	82	63	58	48	47	56	45	40	44
Annual KWH use	4387	1870	1210	882	754	472	361	254	176