

TITLE 1
ADMINISTRATION

Subject	Chapter
Bancroft City Code	1
Saving Clause	2
Definitions And Interpretations	3
General Penalty	4
Mayor And City Council	5
City Officers And Employees	6
Area Of City Impact Agreement	7

CHAPTER 1
BANCROFT CITY CODE

SECTION:

- 1-1-1: Title
 1-1-2: Acceptance
 1-1-3: Amendments
 1-1-4: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the city council, this code is hereby declared to be and shall hereafter constitute the official city code of Bancroft. This code of ordinances shall be known and cited as the *BANCROFT 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. (2011 Code)

1-1-2: **ACCEPTANCE¹:** 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. (2011 Code)

1-1-3: **AMENDMENTS:** 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

1. Codification of ordinances authorized per IC §§ 50-903 through 50-906.

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. (2011 Code)

1-1-4: **CODE ALTERATIONS:** 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. (2011 Code)

CHAPTER 2
SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 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:** 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. (2011 Code)

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** 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. (2011 Code)

1-2-3: **COURT PROCEEDINGS:**

- 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 provi-

sions; 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. (2011 Code)

1-2-4: **SEVERABILITY CLAUSE:** 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 or 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. (2011 Code)

CHAPTER 3

DEFINITIONS AND INTERPRETATIONS

SECTION:

- 1-3-1: General Rules Of Interpretation
1-3-2: Definitions, General
1-3-3: Catchlines

1-3-1: **GENERAL RULES OF INTERPRETATION:**

- 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 Bancroft".
- 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. (2011 Code)

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 Bancroft, county of Caribou, state of Idaho.
- CODE:** The city code of the city of Bancroft.

COUNCIL:	Unless otherwise indicated, the city council of the city of Bancroft.
COUNTY:	The county of Caribou, state of Idaho.
FISCAL YEAR:	The fiscal year of the city shall commence on October 1 of each year ¹ .
INFRACTION:	A civil public offense, not constituting a crime, punishable by a penalty not exceeding one hundred dollars (\$100.00) and for which no incarceration may be imposed ² .
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
MISDEMEANOR:	Any offense not defined as a felony or infraction under state law ³ .
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 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.

1. IC § 50-1001.

2. IC §§ 18-111, 18-113A.

3. IC §§ 18-111, 18-113.

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 who occupies 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. (2011 Code)

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. (2011 Code)

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: **GENERAL PENALTY¹:**

- 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 one hundred dollars (\$100.00) 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. (2011 Code)

1. IC § 50-302.

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 the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation imposed or where any 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. (2011 Code)

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. (2011 Code)

CHAPTER 5

MAYOR AND CITY COUNCIL

SECTION:

- 1-5-1: Election Of Council Members
- 1-5-2: Council President
- 1-5-3: Duties Generally; Attendance At Meetings
- 1-5-4: Filling Vacancy
- 1-5-5: Council Meetings
- 1-5-6: Salaries
- 1-5-7: Ordinances

1-5-1: **ELECTION OF COUNCIL MEMBERS:** There shall be four (4) council members elected at large to represent the city. At each general city election hereafter, two (2) council members shall be elected from the city at large to serve for a term of four (4) years or until their successors are elected and qualified. (Ord. 173, 1-8-1973; amd. 2011 Code)

1-5-2: **COUNCIL 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, 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. All actions of the president and acting president, while so acting, shall be binding upon the council and upon the city as if performed by the mayor. (Ord. 173, 1-8-1973)

1-5-3: **DUTIES GENERALLY; ATTENDANCE AT MEETINGS:**

A. Duties, Generally:

1. Members of the council, the legislative and policy making branch of the city, shall devote so much of their time to the duties of their office as efficient and faithful discharge thereof may require.

2. Members shall attend all meetings of the council unless lawfully excused therefrom by the mayor, or by a majority of the remaining members.

3. Such members shall perform such duties as the passing of ordinances and resolutions, and perform investigations and study of work done for the city according to the committees upon which they may severally be appointed by the mayor.

- B. Meeting Attendance: Should it be determined by the mayor or by a majority of the remaining members of the council that an absence at the last proceeding regular meeting was, in effect, unexcused, it will be the policy that the involved absent council member will not receive pay for that period. For three (3) or more consecutive unexcused absences, the mayor may declare a council member expelled, the position vacant, and proceed to fill the vacancy as provided by law. (Ord. 173, 1-8-1973)

1-5-4: **FILLING VACANCY:** In the event any office of council member shall become vacant, through death, change of residence, or for any other cause, the 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 election¹. (Ord. 173, 1-8-1973)

1-5-5: **COUNCIL MEETINGS:**

- A. Regular Meetings: The regular monthly council meeting for the city shall be held at city hall on the second Monday of each month at seven o'clock (7:00) P.M. If the regular meeting falls on a legal holiday, the meeting shall take place on the next business day at the same hour. (Ord. 276, 3-1-2010; amd. 2011 Code)
- B. Special Meetings: The mayor, as provided in Idaho Code section 50-604, or three (3) members of the council, as provided in Idaho Code section 50-706, may call special meetings of the council, the object of which must be submitted to the council in writing.
- C. Open Meetings: All meetings shall be open to the public pursuant to Idaho Code section 67-2341 et seq. (2011 Code)

1. IC § 50-704.

1-5-6: **SALARIES:** Commencing on October 1, 1997, the salaries of the mayor and of the members of the city council shall be as follows:

- A. The mayor shall receive a monthly salary in the sum of one hundred twenty five dollars (\$125.00).
- B. Each member of the city council shall receive a monthly salary in the sum of seventy five dollars (\$75.00). (Ord. 239, 8-18-1997)

1-5-7: **ORDINANCES:** Ordinances, including amendments to this code, shall be prepared, adopted and printed in accordance with Idaho Code sections 50-901, 50-901A, and 50-902. (2011 Code)

CHAPTER 6
CITY OFFICERS AND EMPLOYEES

SECTION:

1-6-1: Clerk-Treasurer, Salary

1-6-1: **CLERK-TREASURER, SALARY:** The city clerk-treasurer shall have and receive as full compensation for services as such officer such sum as determined by the city council. (Ord. 67, 6-21-1932; amd. 2011 Code)

CHAPTER 7

AREA OF CITY IMPACT AGREEMENT

SECTION:

- 1-7-1: Effective Date
1-7-2: Renegotiation Date
1-7-3: Legal Description Of City Impact Area
1-7-4: Map Of City Impact Area

1-7-1: **EFFECTIVE DATE:** This agreement/ordinance shall be effective with respect to Caribou County and the city of Bancroft referenced herein upon the latter day of the date of publication of this ordinance after passage, or the date of publication of a companion ordinance enacted by each cooperating entity. This ordinance establishing area of city impact boundaries for the city of Bancroft shall not become effective until said city passes and publishes an area of city impact ordinance consistent with the provisions of this ordinance. (Ord., 9-10-2007; amd. 2011 Code)

1-7-2: **RENEGOTIATION DATE:** The term of this ordinance shall end upon the date negotiations between the entities render it noneffective. Renegotiations will commence upon any petition or request by either entity. Either entity that elects to terminate participation before mutual agreement upon a superseding cooperative agreement, shall be entitled to fifteen (15) days' prior notice to the other entity. (Ord., 9-10-2007)

1-7-3: **LEGAL DESCRIPTION OF CITY IMPACT AREA:** The legal description of the area of city impact shall be as follows:

A parcel of land comprising the following Sections: 9-12 13-16 21-24 and 25-28 Township 8 South Range 39 East, Boise Meridian, Caribou County, Idaho, more particularly described as follows:

Commencing at the West one-quarter corner of Section 28 Township 8 South Range 39 East, Boise Meridian;

Thence East along the latitudinal centerline of said Section 28 for a distance of 1,500 feet to the True Point of Beginning;

Thence North parallel with and 1,500 feet perpendicular distant from the west boundary lines of Sections 9, 16, 21, and 28, for a distance of 15,340 feet to a point 500 feet south of the latitudinal centerline of said Section 9;

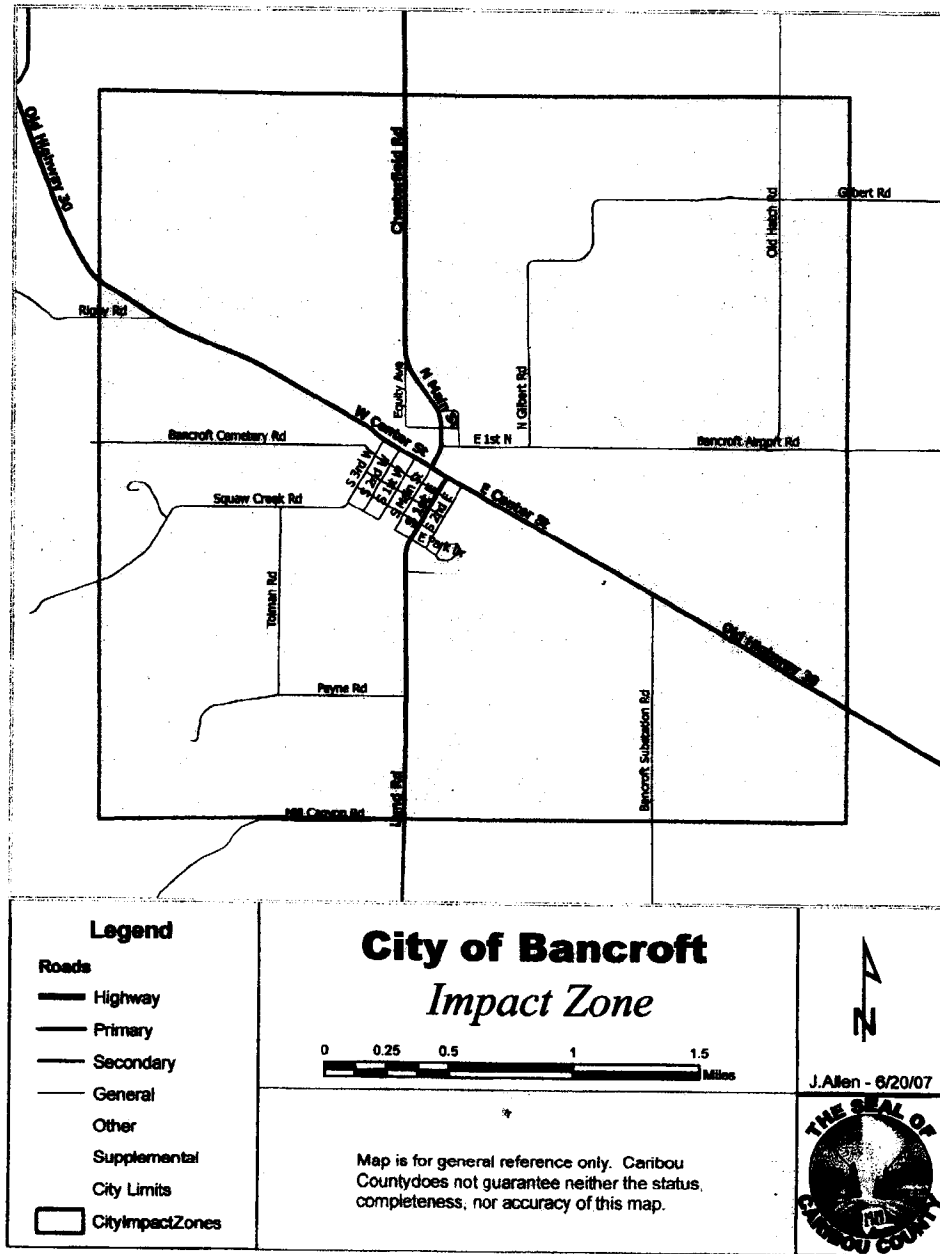
Thence East, parallel with and 500 feet perpendicular distant from the latitudinal centerlines of Sections 9, 10, 11, and 12, for a distance of 15,640 feet to a point 1,500 feet east of the west boundary line of said Section 12;

Thence South, parallel with the 1,500 feet perpendicular distant from the west boundary line of Sections 12, 13, 24, and 25 for a distance of 15,340 feet to a point of the latitudinal centerline of said Section 25;

Thence West along the latitudinal centerlines of Sections 25, 26, 27, and 28 for a distance of 15,640 feet to the True Point of Beginning.
(Ord., 9-10-2007)

(see following page)

1-7-4: MAP OF CITY IMPACT AREA:



(Ord., 9-10-2007)