

Code #1

CHAPTER 1

OFFICIAL CODE

1-1-1: Municipal Code of the Village of Riggins

1-1-2: Effect of Repealing Ordinances

1-1-3: Rules of Construction

1-1-1: Municipal Code of the Village of Riggins: This of the Village of Riggins is hereby declared to be and shall hereafter constitute the Official Code of General Ordinances of the Village of Riggins.

Said Code shall hereafter be know and city as the "Official Code of the Village of Riggins", and a copy or copies of such Code in printed form shall be received without further proof as the ordinances of permanent and general effect of the Village of Riggins, in all courts and administrative tribunals of the State.

Any ordinance amending the code shall set forth in full the section or sections of the Code being amended, and this shall constitute a sufficient compliance with any statutory requirement that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

1-1-2: Effect of Repealing Ordinances: The repeal of ordinances as provided shall not affect any right which has accrued, and duty imposed, an penalty incurred, nor any action or proceedings as commenced under or by virtue of the ordinances repealed, nor the tenure of office of any person holding office at the time when such ordinances take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance therefore repealed or superseded.

1-1-3: Rules for Construction: In the construction of the Official Code and all ordinances amendatory thereof or supplementary thereto the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context.

(A) Intent to Defraud: Whenever, by any of the provisions of the Official Code, an intent to defraud is required in order to constitute an offense, it is sufficient if an intent appears to

defraud any person, association of body politic or any combination of persons.

(B) Liability of Employers and Agents: When the provisions herein contained prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting the person shall be guilty of the offence described and liable to the penalty set forth.

(C) Title of Sections and Sub-Sections: The title of any Section or Sub-Section of this Official Code shall be deemed in no wise to restrict, qualify or to limit the effect of the provisions set forth and contained in such Section or Sub-Section.

(D) Constitutionality; Effect of: Should any portion of this Official Code be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of this Code.

(E) Definitions:

The singular number includes the plural.

Words used in the present include the future.

Words used in the masculine gender comprehend as well, the feminine and neuter.

The word "person" includes bodies politic and corporate, partnerships, associations and corporations.

The word "writing" includes printing, writing, and typewriting.

The word "signature" includes any name, mark or sign written with the intent to authenticate any instrument of writing.

The word "oath" includes "affirmation" and the word "swear" includes the word "affirm". Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "depone".

The word "official time" whenever used shall mean Standard Time or Daylight Saving Time as may be in current use within the Municipality.

The word "day" shall be any twenty-four (24) hour period from midnight to midnight; and the word "month" shall mean a calendar month unless otherwise expressed; and the word "quarter" shall mean any three (3) month period, ending with the last day of March, June, September and December; the word "year" shall mean any one (1) calendar year unless otherwise expressed.

The word "shall" is mandatory, "may" is discretionary.

The word "property" includes both real and personal property.

The term "land", "real estate" and "real property" includes land, tenements, hereditaments, water rights, possessory rights and claims.

The term "personal property" includes 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, defected, discharged or diminished, and every right or interest therein.

The words "public thoroughfare" shall include streets, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

The word "owner" 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.

The word "tenant" or "occupant" 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.

Words prohibiting anything being done, except in accordance with a license or permit or authority from a board or officers, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

The word "officer" shall include officers and boards in charge of departments and the members of such boards and such reference as use of the word "Municipality" shall mean the Village. "Clerk" or "Treasurer" and others shall mean the Village Clerk or Village Treasurer as the case may be applicable.

The term "willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another or to acquire an advantage.

The terms "neglect", "negligence", "negligent" and "negligently" imports a want of such attention to the nature or probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of these Chapters. It does not require any knowledge of the unlawfulness of such act or omission.

Whenever in this Code it is provided that anything must be done, to the approval or or subject to the direction of the enforcing officer, this shall be construed to give such officer only the power to determine whether the rules and regulations established in the Code have been complied with and shall not be construed as giving such officer discretionary powers. (Revised code 1959)

CHAPTER 2

VILLAGE LIMITS

1-2-1: Village Limits Designated

1-2-1: Village Limits Designated: The Corporate Limits of the Village of Riggins shall be and are more particularly described as follows:

Beginning at the Section corner common to Sections 10, 11, 14 and 15 of Township 24 North, Range 1 East of the Boise Meridian; thence West along the Section line common to Section 10 and 15, 410 feet more or less to the west bank of the Riggins' Irrigation Ditch, true place of beginning; thence in a Northerly direction, along the west boundary of said Ditch, 800 feet more or less to a point; thence N. 51°40' W., 275.4 feet to the Southeasterly corner of the Riggins Cemetery; thence S. 76°19' W., 56.3 feet; thence N. 50°30' W., 334.0 feet; thence N. 58° 57' E., 300.0 feet; thence N. 69°06' E., 159.7 feet, to the Northwesterly corner of Lot 10, Block "F", North Addition to Riggins, according to the plat thereof, now of record in the office of the County Recorder of Idaho County, Idaho; thence Northwesterly, along the east boundary line of U.S. Highway #95, in a northwesterly direction, along the eastern right-of-way of Highway #95 to a point designated as Corner 12 on the recorded plat of the North Addition to Riggins, the said Point 12 being at the intersection of the center line of Salmon Drive and the North-easterly boundary of the right-of-way of said Highway #95, thence continuing in a northwesterly direction along said eastern and northeastern right-of-way line of the said Highway #95, a distance of 622 feet more or less to a point; thence North 100 feet more or less to the high water line of the main Salmon River; thence at right angles in an easterly direction a distance of 360 feet more or less to a stone marked 1/32 MC; thence upstream along said high water line of the Salmon River to the meander corner of the West bank of said river, which corner is common to Sections 11 and 14; thence upstream along the high water line of said Salmon River to the confluence of the Main Salmon River and the Little Salmon River; thence upstream along the North bank of the Little Salmon River to the mouth of Flume Gulch; thence N. 45° 15' W., 273.0 feet more or less to a point which is N. 73° 09' E., 1,665.5 feet distance from the Southwest corner of Section 15; thence in a northeasterly direction along the West bank of Riggins' Irrigation Ditch to a point; thence N. 55° 10' W., 30 feet; thence S. 38° 30' W., 98.0 feet; thence N. 45° 27' W., 465.1 feet; thence N. 27° 43' E., 971.8 feet; thence N. 59° 33' E., 332.5 feet; thence S. 85° 02' E., 151.7 feet; thence N. 25° 42' East, 15 feet to the Southwest corner of the original town site of Riggins, Idaho; thence N. 25° 42' E., 2,226.1 feet along the westerly line of said original town site to the northwesterly corner thereof; thence S. 64° 18' E., to the westerly side of the Riggins' Irrigation Ditch; thence northeasterly along the westerly line of said Ditch to its intersection with the Section line common with Section 10 and 15, the place of beginning. (Ord. 1: 4-7-49)

CHAPTER 3

CORPORATE SEAL

1-3-1: Design

1-3-2: Adoption

1-3-1: Design: The Official Seal of the village shall be as herein illustrated:

1-3-2: Adoption: The Seal Illustrated above is hereby adopted as the Official Seal of the Village. (Revised Code 1959)

CHAPTER 4

DEPOSITORY

1-4-1: Depository

1-4-1: Depository: The Bank of Central Idaho in the city is hereby designated as the official depository for the funds of the City. The Treasurer of the City is hereby ordered, required and directed to keep monies belonging to or in the care of the Treasurer in the above name depository, provide, however, that when so authorized by the Mayor and council, City funds may , by the Treasurer, be invested in securities authorized by law. (Ord. 26; 7-5-67)

CHAPTER 5

OFFICIAL NEWSPAPER

1-5-1: Official Newspaper

1-5-1: Official Newspaper: The Idaho County Free Press, printed and published in the City of Grangeville, in the County of Idaho, State of Idaho, be, and is hereby designated as the official newspaper of the City, and such ordinances, notices and publications as are required by law to be given publication in a newspaper shall be published in such Idaho County Free Press. (Ord. 28; 7-5-67)

CHAPTER 6

SALARY

1-6-1: Salary

1-6-1: Salary: No Code available.

CHAPTER 7

PENALTY

1-7-1: Penalty

1-7-2: Default

1-7-3: Driving While Intoxicated

1-7-4: Labor

1-7-5: License

1-7-6: Application

1-7-1: Penalty: Any person convicted of a violation of any Section of this Code shall be fined in a sum not to exceed Three Hundred dollars (\$300.00) for any one (1) offense and such person may be confined in the Municipal Jail for a period of not more than thirty (30) days. Either or both such fine and imprisonment may be imposed.

1-7-2: Default: Any person in default of payment of any fine imposed shall be imprisoned in the Municipal Jail for a period of one (1) day for each five dollars (\$5.00) of such fine.

1-7-3: Driving While Intoxicated: Any person convicted of driving a motor vehicle while intoxicated or under the influence of intoxicating liquor or narcotic drugs shall be fined in the amount of three hundred dollars (\$300.00) and may also be confined in the Municipal Jail for not more than thirty (30) days; provided, that upon conviction, said person shall also surrender his driver's license to the court.

1-7-4: Labor: Any person imprisoned under the provisions of this Chapter may be put to work for the benefit of the Municipality for the term of his imprisonment.

1-7-5: License: When a person is convicted of a violation of any Section of this Code any license previously issued to him by the Municipality may be revoked by the Court or by the Municipal Governing Body.

1-7-6: Application: The penalty provided in this Chapter shall be applicable to every Section of this Code the same as though it were a part of each and every separate Section. Any person convicted of a violation of any Section of this Code, where any duty is prescribed or obligation

imposed, or where any act which is of a continuing nature is forbidden or declared to be unlawful, shall be deemed guilty of a misdemeanor. 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. (1961 Code)

CHAPTER 8

CITY COUNCIL

1-8-1: City Council and Composition

1-8-2: President of the Council

1-8-3: Duties

1-8-4: Time and Place of Meeting

1-8-5: Care of Funds

1-8-6: Records

1-8-7: Examination of Accounts of Officers

1-8-8: Presentation and Passage of Ordinances

1-8-9: Passage Over Veto

1-8-10: Preservation

1-8-11: Vacancy

1-8-12: Salary

1-8-13: Continuity of Government in Event of Disaster or Emergency

1-8-1: City Council and Composition: The legislative authority of the City shall be vested in a Council consisting of four (4) members, qualified as provided by law.

1-8-2: President of the Council: At the first meeting of the Council in January following a general City election, the Council shall, from its members, elect one Councilman to be styled President of the Council. The President of the Council shall have all powers of the Mayor when serving in that office, due to the absence of the Mayor or vacancy in the office of the Mayor.

1-8-3: Duties: The members of the Council, the legislative and policy making branch of the government of the City, shall devote so much of their time to the duties of their office as an efficient and faithful discharge thereof may require. They shall attend all meetings of the

Council unless lawfully excused there from by the Mayor or by a majority of the remaining members, perform all duties required of them by law and as may be assigned committees to which they may severally be appointed by the Mayor.

1-8-4: Time and Place of Meeting: The Council shall hold regular meetings on the first Tuesday of each month. Such meetings shall be held in the City Council Chambers and shall commence at eight o'clock (8:00) PM. The Mayor, or one-half (1/2) plus one of the membership of the Council may call special meetings, the object of which must be submitted to the members in writing and the call, object and the disposition thereof shall be entered upon the Journal by the Clerk. If the regular meeting day of any month is a holiday, the meeting shall be held on the following day at the regular hour. (This Code was amended, January 1989)

1-8-5: Care of Funds: The Council shall make provision for the care and safekeeping of all public funds of the City and for their deposit.

1-8-6: Records: The Council shall make provision for an adequate record system and, by ordinance, establish a classification for retention of records in accordance with the provisions of Title 50, Idaho Code.

1-8-7: Examination of Accounts of Officers: At least once in each quarter of each year, the Council shall examine, either in open session or by committee, the accounts and doings of all officers or other persons having the care, management or disposition of monies, property or business of the City

1-8-8: Presentation and Passage of Ordinances: All ordinances of the City shall be type written or printed and presented to the Council by a member at any regular or special meeting. Every such ordinance shall be read at the meetings of the Council on three (3) different days. At such readings, it shall be open to discussion and amendment or may be referred to a committee, unless by a majority vote other disposition is made. All ordinances which have been amended shall, after the second reading, be engrossed by the Clerk as amended. On final passage, the yeas and nays shall be called and recorded and a concurrence of a majority of the full Council shall be required for passage.

Provided however, that on the vote of one-half (1/2) plus one member of the Council may dispense with the portion of this Section requiring all ordinances to be read three (3) different days, and on the vote upon the motion to dispense with this rule, the yeas and nays shall be called and recorded.

When any such ordinance is passed, it shall be signed by the Clerk, and the date of its passage by the Council shall be added thereto, and it shall, within three (3) days thereafter, be presented to the Mayor, or in case of his absence from the City, to the President of the Council for his approval. If he approves it, he shall attach his signature thereto.

1-8-9: Passage Over Veto: Should the Mayor not approve the ordinance, he shall, before the next regular meeting after such ordinance is presented to him for his approval, return the ordinance to the Council with his objections in writing. When any ordinance is so returned by the Mayor, it shall be reconsidered by the Council at the first regular meeting thereafter. If, on such reconsideration, on-half (1/2) plus one of the members of the full Council shall vote in the affirmative, the ordinance shall become a law notwithstanding the Mayor's vote. The Clerk in such cases, shall annex a certificate to the ordinance stating that it was vetoed by the Mayor and that, on its reconsideration, it received the required majority votes.

Should the Mayor refuse or neglect to sign such ordinance and return it with his objections in writing at the next regular meeting after it has been presented to him, it shall become law without his signature. The Clerk shall annex to such ordinance a certificate to the effect that the Mayor has failed to sign or veto it, and it has, therefore, become law without his signature.

1-8-10: Preservation: It shall be the duty of the Clerk to safely keep the original ordinances as engrossed, and, after final passage, he shall copy the ordinance at length in a book to be known as Ordinance Book No. 1, which book is to be provided by the Council for that purpose and shall be kept as a permanent record of the City.

1-8-11: Vacancy: In the event an office of the Council shall become vacant, through death, removal 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 until the next general election, at which time the unexpired term shall be filled by regular election.

1-8-12: Salary: The salary of the Councilman of the City shall be the sum of five dollars (\$5.00) per month.

1-8-13: Continuity of Government in Event of Disaster or Emergency: As provided in the Section 27 of the Constitution of the State of Idaho, there is hereby established the following procedure for filling the offices of the elected officials in the event of an emergency or disaster: In the event of a vacancy in the office of Mayor, only, the Councilman having the greatest years of tenure as an elected official shall succeed to that office. In the event there are, in addition to the Mayor, also vacancies on the Council, the Mayor shall be elected from any by the new Council, who shall be determined as follows: Members of the Planning Commission shall succeed to the vacancies on the Council in the order of the tenure as members of the Planning Commission, beginning with the member of the longest tenure. For expediency, all ties shall be determined by lot. (Ord. 27; 7-5-67)

CHAPTER 9

APPOINTIVE OFFICERS

1-9-1: Appointments

1-9-2: Terms of Office

1-9-3: Removal From Office

1-9-4: Bonds of Officers

1-9-1: Appointments: The Chairman shall appoint, subject to the approval of the of the remaining members of the Board of Trustees, a Clerk, Treasurer, and Attorney, and such other officers as may be deemed necessary for the efficient operation of the Municipality.

1-9-2: Terms of Office: All appointments shall be made for a specified term.

1-9-3: Removal From Office: Any appointed officer may be removed from office by the same authority and in the same manner as he was originally appointed.

1-9-4: Bonds of Officers: Certain officers shall give bonds in favor of the Municipality with two (2) or more sureties, or surety bonds my be furnished in lieu of personal bonds as follows:

Clerk \$5,000.00

Treasurer \$10,000.00

Bonds so furnished in accordance with the provisions of this Chapter shall be furnished at the expense of the Municipality. (Revised Code 1959)

CHAPTER 10

CLERK

1-10-1: Appointment

1-10-2: Duties

1-10-3: Records of the Governing Body

1-10-4: Ordinances

1-10-5: Election Records

1-10-6: Notify of Term Expirations

1-10-7: Official Seal

1-10-8: Copies of Records

1-10-9: Collections to Treasurer

1-10-10: Licenses

1-10-11: Bonds

1-10-12: Warrants

1-10-13: Claims

1-10-14: Damages

1-10-1: Appointment: The Clerk shall be appointed by the Board of Trustees and he shall hold office for the duration of his appointment unless sooner removed by said Board.

1-10-2: Duties: In all cases where the duty is not expressly charged to any other department or office the Clerk shall have supervision, control and responsibility of all of the records of the Municipality. He shall serve as Clerk of the Governing Body and perform such other duties of a like nature as shall be required by that Body.

1-10-3: Records of the Governing Body: The Clerk shall be responsible for the recording, filing, indexing and safekeeping of all proceedings of the Governing Body and shall have published all proceedings, legal notices, ordinances and resolutions that are required to be published by the Code or by State Statute.

1-10-4: Ordinances: The Clerk shall record in full, uniformly and permanently, all ordinances and he shall authorize the same.

1-10-5: Election Records: The Clerk shall keep and maintain all election records and have custody of all property used in connection with election.

1-10-6: Notify of Term Expirations: The Clerk shall notify the appointing authority of the impending expiration of the term of office of a member of any board or commission at least thirty (30) days before the expiration of the term.

1-10-7: Official Seal: The Clerk shall be the custodian of the official seal of the Municipality.

1-10-8: Copies of Records: The Clerk shall furnish to any member of the Governing Body a certified copy of any record or document in his custody and he may furnish such a copy to any other person upon payment of a fee to be determined by the Governing Body.

1-10-9: Collections to Treasurer: Within ten (10) days after the first day of each month the Clerk shall turn over to the Treasurer all funds collected by him during the proceeding month.

1-10-10: Licenses: In all cases where the duty is not expressly charged to any other department or office the Clerk shall issue all licenses in accordance with the provisions of this

Code. A record of all licenses issued, including the name of the person to whom issued, the amount of the license fee, and the purpose of the license shall be kept by the Clerk.

1-10-11: Bonds: The Clerk shall keep a complete record of all outstanding bonds of the Municipality and report such record regularly to the Governing Body.

1-10-12: Warrants: The Clerk shall countersign all warrants and keep a "Warrant Register and Abstract of Expenditures" showing the number and amount of warrants issued and the person to whom issued, the date redeemed, the interest paid and the several funds against which each of said warrants is drawn.

1-10-134: Claims: All claims against the Municipality must be filed in writing with the Clerk. Claims must present a full account of the items and must contain a verification under oath by the claimant to the effect that the claim is correct, reasonable and just and that no part of said claim has been paid. All such claims must be approved by the Governing Body before payment can be made.

1-10-14: Damages: All claims for damages against the Municipality must be filed with the Clerk within six (6) months after such time as the damage is alleged to have accrued. All such claims shall specify the time, place, character and cause of damage and no action shall be maintained against the Municipality for any claim for damages until after sixty (60) days have elapsed after such presentation. Allowance of any claim for damages against the Municipality shall be made only by ordinance. (Revised Code 1959)

CHAPTER 11

TREASURER

1-11-1: Appointment

1-11-2: Duties

1-11-3: Accounts

1-11-4: Moneys

1-11-5: Collections

1-11-6: Warrants

1-11-7: Cancellation of Warrants

1-11-8: Monthly Report

1-11-9: Quarterly Report

1-11-10: Delivery to Successor

1-11-1: Appointment: The Treasurer shall be appointed by the Board of Trustees and he shall hold office for the duration of his appointment unless sooner removed by the Board.

1-11-2: Duties: In all cases where the duty is not expressly charged to any other department or office the Treasurer shall act to promote, secure and preserve the financial and property interests of the Municipality. He shall safely keep in designated depositories all funds belonging to the Municipality and all other securities in safety deposit boxes of an approved institution designated by the Governing Body.

1-11-3: Accounts: The Treasurer shall keep in proper books a full and accurate account of all moneys received and disbursed by him in behalf of the Municipality, specifying the time of receipt and disbursement, from whom received and to whom disbursed, and on what account received and disbursed, and how paid.

1-11-4: Moneys: The Treasurer shall receive and have custody of all moneys paid to the Municipality and shall disburse moneys upon the official warrant of the Municipality when so ordered by the Governing Body.

1-11-5: Collections: The Treasurer shall demand and receive all moneys and fees owing to the Municipality whenever any person is indebted to the Municipality in any manner, and the means of collection of such debt is not otherwise provided for by law. When any claim shall not be collectible by other methods he shall report the same to the Attorney for prosecution.

1-11-6: Warrants: Warrants shall be paid by the Treasurer from funds available in the order in which the warrants are presented for payment. When a warrant is presented for payment and no funds are available the Treasurer shall plainly mark the warrant "No Paid for Want of Funds" and enter the same in a book maintained for such purpose which shall be known as the "Warrant Register". Such warrants shall bear interest at the rate of seven percent (7%) per annum from the date of presentation until paid.

1-11-7: Cancellation of Warrants: The Treasurer shall cancel all warrants and other evidence of debt against the Municipality, whenever paid by him, by writing or stamping across the face thereof the words "Paid by the Treasurer" with the date of payment written or stamped thereon. These warrants and evidences of debt, so cancelled, shall be delivered immediately to the Clerk.

1-11-8: Monthly Report: The Treasurer shall make a detailed report to the Governing Body during the first week of each month showing the business of his office during the month preceding, showing the balance on hand to the credit of the different funds, the amounts

received during the month, and on what account, together with such other information as may be required by the Governing Body.

1-11-9: Quarterly Report: The Treasurer shall cause to be published for at least one (1) insertion in a newspaper of general circulation in the Municipality a full statement of the receipts and expenditures of the Municipality, showing sources or revenue and disposition of funds. This quarterly report shall be published before the third (3rd) Monday of the months of May, August, November and February.

1-11-10: Delivery to Successor: The Treasurer shall deliver to his successor in office all materials, records, and resources of the office. (Revised Code 1959)

CHAPTER 12

ATTORNEY

1-12-1: Appointment

1-12-2: Suits and Actions

1-12-3: Judgments

1-12-4: Advice

1-12-5: Special Assessments

1-12-6: Ordinances and Documents

1-12-1: Appointment: The Attorney shall be appointed by the Board of Trustees and he shall hold office for the duration of his appointment unless sooner removed by said Board.

1-12-2: Suits and Actions: The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the Municipality may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Municipality on behalf of the Municipality, or in the capacity of such person as an officer of the Municipality.

1-12-3: Judgments: It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the Municipality, and of all similar interlocutory orders.

1-12-4: Advice: The Attorney shall be the legal advisor of the Municipality, and shall render advice on all legal questions affecting the Municipality, whenever requested to do so by Municipal official. Upon request by the Chairman or by the Board of Trustees, he shall reduce any such opinion to writing.

1-12-4: Special Assessments: It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

1-12-5: Ordinances and Documents: It shall be the duty of the Attorney to draft or supervise the phraseology of any contract, lease or other documents or testaments, to which the Municipality may be a party; and upon request of the Council to draft ordinances covering any subjects within the power of the Municipality. (Revised Code 1959)

CHAPTER 13

CHIEF OF POLICE

1-13-1: Appointment

1-13-2: Rank

1-13-3: Duties of Chief

1-13-4: Stolen Property

1-13-1: Appointment: The Chief of Police shall be appointed by the Board of Trustees and he shall hold office for the duration of his appointment unless sooner removed by said Board.

1-13-2: Rank: The Chief of Police shall be the head of the Department and have supervision over all the officers and members thereof. The Chief of Police may, with the approval of the Chairman, appoint such special police as may be required from time to time, however, such appointment may not be for a period of longer than ten (10) days and special police shall not be reappointed following the specified ten (10) days without the consent of the Governing Body.

1-13-3: Duties of Chief: The Chief of Police shall keep such records and make such reports concerning the activities of his Department as may be required by statute or by the Chairman. He shall be responsible for the performance of the Police Department and of its functions and all person who are members of the Police Department shall serve subject to his orders.

It shall be the duty of the Chief of Police to see to the enforcement of all provisions of this Code and of all applicable statutes and to preserve order and prevent infractions of the law and arrest violators thereof. He shall have authority to call upon any citizen or bystander to assist him in the execution of his duty. He shall serve all processes issued to him and enforce all orders and judgments of the Court.

1-13-4: Stolen Property: The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered with the Municipality. (Revised Code 1959)

CHAPTER 14

CHIEF OF FIRE DEPARTMENT

1-14-1: Appointment

1-14-2: Rank

1-14-3: Duties

1-14-1: Appointment: The Chief of the Fire Department shall be appointed by the Board of Trustees and he shall hold office for the duration of his appointment unless sooner removed by said Board.

1-14-2: Rank: The Chief of the Fire Department, commonly referred to as the Fire Chief, shall be the head of the Department and have supervision over all officers and members thereof. The Fire Chief may, with the approval of the Board of Trustees, appoint such other Fire Department Officers as may be deemed necessary, including a First Assistant Fire Chief and a Second Assistant Chief.

1-14-3: Duties: The Fire Chief shall keep such records and make such reports concerning the activities of his department as may be required by statute or by the Board. He shall be responsible for the performance of the Fire Department and of its functions and all persons who are members of the Fire Department shall serve subject to his orders. He shall be responsible for the control and custody of all Fire Department property and equipment. He shall have the authority of a police officer while actively engaged in fighting a fire, or going to and from a fire. (Revised Code 1959)

CHAPTER 15

PUBLIC WORKS SUPERINTENDENT

1-15-1: Appointment

1-15-2: Duties

1-15-1: Appointment: The Chairman may appoint, with approval of the Board, a Public Works Superintendent who shall hold office for the duration of his appointment or until such time as he shall be removed by the Board.

1-15-2: Duties: The Public Works Superintendent shall supervise all Municipal works as follows:

- (A) Streets and Alleys: He shall supervise the grading, surfacing, repairs and maintenance of all streets and alleys.
- (B) Sewer: He shall supervise the installation and maintenance of all sewer lines in the Municipality, except the installation of sewer projects which are accomplished by contract.
- (C) Water: He shall supervise the installation and maintenance of all water mains and water services, except the installation of water mains so accomplished by contract.
- (D) Equipment: He shall have charge of and supervise the repair and upkeep of all Public Works equipment.
- (E) Employment and Supervision: He may employ, with the consent of the Chairman and Board, such help as is needed to carry on the work of the Village, such help to be directly under his supervision.
- (F) The Superintendent shall be ex officio Water Superintendent.
- (G) To make report: The Superintendent shall present to the Board at its regular meeting each month a written report of the public work accomplished the preceding month and also, as far as can be foreseen, public work planned for the current month. (Revised Code 1959).

CHAPTER 16

POLICE JUDGE

- 1-16-1: Appointment
- 1-16-2: Jurisdiction; Powers and Duties
- 1-16-3: Issuance; Service of Warrant
- 1-16-4: Disposition of Fines and Money Collected
- 1-16-5: Continuance; Security to Appear; Breach
- 1-16-6: Offenses Exceeding Jurisdiction
- 1-16-7: Attendance; Witness Fees
- 1-16-8: Trial By Jury
- 1-16-9: Judgment and Punishment
- 1-16-10: Laws Governing Procedure

1-16-11: Summoning Witnesses on Continuance

1-16-12: Appeals

1-16-13: Vacancy or Disability

1-16-1: Appointment: The Board of Trustees, shall appoint a suitable person to the office of Police Judge, who shall hold office during the term for which he is appointed or until his successor is qualified.

1-16-2: Jurisdiction; Powers and Duties: The Police Judge shall have power to hear and determine all matters or causes arising on account of or under any law of the Village providing for any penalty, forfeiture, claim or obligation declared or given by any said law, with full power to forfeit all bail bonds or cash bail and to issue execution therefore. He shall have exclusive jurisdiction to hear and determine all offenses against Village law; and have jurisdiction concurrent with that which is or may be conferred upon Justices of the Peace in misdemeanors under the laws of the State arising within the Limits of the Village; and shall also have jurisdiction for the examination of offenders against the laws of the State with that which is or may be conferred upon Justices of the Peace in any criminal proceeding for the enforcement of any and all laws in any way regulating or dealing with the selling, manufacture, disposal, possession or transportation of any intoxicating liquor, or the manufacture for sale, transportation for sale, the furnishing or giving away of any harmful drug or narcotic.

1-16-3: Issuance; Service of Warrant: Whenever complaint shall be made to the Police Judge on oath or affirmative of any person competent to testify against the accused that an offense has been committed of which the Police Judge has jurisdiction, the Police Judge shall forthwith issue a warrant for the arrest of the offender, which warrant shall be served by the Chief of Police, who shall be specially appointed in writing endorsed on the process by the Police Judge for that purpose, and whose return shall be made under oath.

1-16-4: Disposition of Fines and Money Collected: All moneys collected within the Village Limits shall be paid into the Treasury for general revenue purposes.

1-16-5: Continuance; Security to Appear; Breach: Upon good cause shown, the Police Judge may postpone the trial of any case to a certain day, in which event he shall require the defendant to enter into recognizance with sufficient security conditioned that he will appear before the said Judge at the time and place appointed, then and there to answer the complaint alleged against him. In case of the breach of any recognizance entered into as aforesaid, the same shall be certified to the District Court of the proper county to be proceeded upon according to law.

1-16-6: Offenses Exceeding Jurisdiction: If, in the process of any trial it becomes apparent to the Police Judge that such trial is not cognizable to the Police Court, the Judge shall immediately

stop all proceedings before him and proceed as in other cases cognizable before the District Court.

1-16-7: Attendance; Witness Fees: It shall be the duty of the Police Judge to summon all persons whose testimony may be deemed material as witnesses at a trial, and to enforce their attendance by attachment if necessary. All witnesses shall receive the sum of four dollars (\$4.00) for each day's attendance.

1-16-8: Trial By Jury: Cases in the Police Court arising under the laws of the City shall be tried and determined by the Police Judge without the intervention of a jury, unless the defendant demands a trial by jury, and when a demand shall be so made the trial shall be by a jury of six (6) competent men, and shall be conducted in the same manner as trials before Justices of the Peace for misdemeanors arising under the general laws of the State.

1-16-9: Judgment and Punishment: If the defendant is found guilty, the Judge shall declare and assess the punishment and render the judgment accordingly. The defendant shall stand committed until judgment is complied with.

1-16-10: Laws Governing Procedure: In all cases not herein especially provided for, the process, procedure and trial before the Police Judge shall be governed by the laws of the State.

1-16-11: Summoning Witnesses on Continuance: When a trial shall be continued, it shall not be necessary to summon any witnesses who may be present at the continuance, but the Judge shall verbally notify such witnesses as either party may require, to attend on the day set for trial, which verbal notice shall be as valid as a summons.

1-16-12: Appeals: Appeals may be taken from the judgments of the Police Judge in the same manner as appeals are taken from the judgments of Justices of the Peace in criminal cases.

1-16-13: Vacancy or Disability: In case of a vacancy in the office of Police Judge by death, resignation or otherwise, or in the case of absence, interest or disability of such Judge to perform his duty, it shall be the duty of an acting Justice of the Peace in the precinct in which such Village is situated, such Justice of the Peace may be designated by the Board of Trustees, to act as Police Judge, during such vacancy, absence or disability in the trial of causes cognizable before said Judge. (1961 Code)

CHAPTER 17

MAYOR

1-17-1: Mayor

1-17-2: Duties

1-17-3: Mayor to Sign Documents

1-17-4: Borrow Money

1-17-5: Reward

1-17-6: Mayor May Grant Pardons

1-17-7: Police Power of Mayor

1-17-8: Veto Power of Mayor

1-17-9: Accounts and Reports of Officers

1-17-10: Mayor May Require Aid

1-17-11: Salary

1-17-1: Mayor: The superintending and administrative officer of the City shall be the Mayor.

1-17-2: Duties: The Mayor shall devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. He shall preside at all meetings of the Council and shall have a vote when the Council is equally divided, and may call special meetings of the Council when necessary. He shall appoint all officers and employees of the City, subject to approval of the Council, and have such other powers as provided by law. He shall, from time to time, provide for the Council such information and recommend such measures as he may deem beneficial to the City. He shall examine the grounds of all complaints against any officer of the City to determine existence of a violation or neglect of duty and report to the Council the evidence thereof, if deemed sufficient for the removal of such officer. He shall require that every officer, on the expiration of his term of office or resignation or removal, deliver to his successor all asset belonging to such office. He shall perform all other duties required and necessary for the efficient operation of the business of the City, and all other duties imposed by laws of the State of Idaho.

1-17-3: Mayor to Sign Documents: The Mayor is authorized and empowered to sign, for and in behalf of the City, all contracts, documents and papers to which the City is a party, and to require that the conditions in any instrument are faithfully performed.

1-17-4: Borrow Money: The Mayor may borrow money on the credit of the City when so authorized by the Council.

1-17-5: Reward: The Mayor, whenever he deems it expedient, is hereby empowered to offer a reward not exceeding one hundred dollars (\$100.00) for the arrest and conviction of any person charged with violating any laws of the City.

1-17-6: Mayor May Grant Pardons: The Mayor is empowered to grant a pardon to any person imprisoned for a violation of any of the laws of the City, and to remit so much of any fine or forfeiture as in his judgment he may deem just and reasonable, and he shall report such remittance or pardon to the Council at its next meeting.

1-17-7: Police Power of Mayor: The Mayor shall have jurisdiction over all places within five (5) miles of the corporate limits of the City for the enforcement of any health or quarantine ordinance or regulation and shall have jurisdiction in all matters, except taxation, within one (1) mile of the corporate limits.

1-17-8: Veto Power of Mayor: The Mayor shall have power to veto or sign any ordinance passed by the Council; provided that any ordinance vetoed by the Mayor may be passed over his veto by a vote of one-half (1/2) plus one of the members of the full Council, notwithstanding the veto, and should the mayor neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the Council, the same shall become a law without his signature.

1-17-9: Accounts and Reports of Officers: The Mayor shall have the power, when he deems it necessary, to require any officer of the City to exhibit his accounts or other papers, or to make reports to the Council in writing, touching any subject or matter pertaining to his office.

1-17-10: Mayor May Require Aid: The Mayor is hereby authorized to call on every male inhabitant of the City of twenty-one (21) years of age or over, to aid in enforcing the laws.

1-17-11: Salary: The salary of the Mayor of the City shall be ten dollars (\$10.00) per month. (Ord. 25, 7-5-67)