



NOTICE OF PUBLIC MEETING

Monday, January 11, 2021

City Council Chambers

680 Park Avenue

Idaho Falls, ID 83402

3:00 p.m.

The public is invited to observe City Council Work Sessions. However, to observe appropriate social distancing guidelines, as recommended by the Centers for Disease Control and Prevention (CDC), the public is encouraged to view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. The agenda does not include an opportunity for public interaction.

This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

CITY COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Mayor:

- Acceptance and/or Receipt of Minutes
Action Desired: To receive recommendations from the Planning and Zoning Commission
- Calendars, Announcements and Reports (15)

Council:

- Liaison Reports and Councilmember Concerns (15)

Mayor:

- Update: Coronavirus (COVID-19) (5)

Fire Department:

- Update: City-sponsored COVID-19 Vaccinations (15)

Municipal Services:

- Update: Law Enforcement Complex (15)

Police Department:

- Update: Use of Force Review Committee (15)

Legal:

- Review: Proposed "Clean-up" Ordinance (5)

Agency Presentation –

Idaho Department of Health and Welfare:

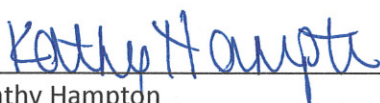
- Briefing: Idaho Strong Program (15)

Executive Sessions:

- The Executive Sessions are being called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

Announcements and Adjournment

DATED this 8th day of January, 2021



Kathy Hampton
City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: January 6, 2021

RE: January 5, 2021, Planning Commission Action

Planning Commission took the following action during the January 5, 2021 meeting.

1. **RZON20-022: REZONE. Rezone from PB, Professional Business; R2, Mixed Residential; and R1, Single Dwelling Residential to R3A, Residential Mixed Use for approximately 5.13 acres, in the E1/2 NW1/4, Section 29, Township 2North, Range 38 East.** Vacant land east of and adjacent to Jennie Lee Drive, south of E. 17th St. behind Starbucks and north of the church and E. 21st St. On January 5, 2021 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the rezone as presented.
2. **PUD20-008: PLANNED UNIT DEVELOPMENT. Planned Unit Development for Jennie Lee Townhomes.** Generally located south of E. 17th St., west of Tiffany Dr., north of E. 21st St., and east of Jennie Lee Dr. On January 5, 2021 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the PUD as presented.
3. **PUD20-009: PLANNED UNIT DEVELOPMENT. Planned Unit Development for Pancheri Town Homes.** Generally northeast of Skyline High School, adjacent to Pancheri Drive, between S. Skyline Dr. and S. Saturn Ave. On January 5, 2021, the Planning and Zoning Commission recommended approval of the Planned Unit Development to the Mayor and City Council with the stipulation that the developer fence the south property line along Pancheri and move the amenity to the north portion of the retention pond.
4. **PLAT20-042: FINAL PLAT.** Southeast of the intersection of John Adams Parkway and S. Woodruff Ave. north of E. 9th Street, east of S. Holmes Ave, south of John Adams Parkway, west of S. Woodruff Ave. On January 5, 2021 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the final plat as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).



PARKS & RECREATION COMMISSION MEETING

September 14, 2020

WEBEX MEETING

12:00 Noon

Members in Attendance: P. Holm, J. Forbes, B. Combo, M. Hill, K. Hope, C. White, J. Francis, R. Campbell, D. Pennock, C. Horsley, W. Johnson

Members Not In Attendance: B. Lee, T. Hersh, J. LoBuono, D. Radford

CALL TO ORDER – B. COMBO

B. Combo called the meeting to order at 12:05.

APPROVAL OF MINUTES

C. White motioned to approve the September 2020 minutes. M. Hill seconded. All in favor and motion carried.

DIRECTOR'S REPORT – P. Holm

P. Holm reported on the following:

- Pro's Consulting update: The report was presented to the City Council on September 21st. The full report was then sent to all the City Council members to review over the course of two weeks. On October 5th, Director Holm will take questions or recommendations at the work session. The plan then goes for approval at Thursday's City Council Meeting October 8th. There was board discussion on this plan, prioritizing, and the fiscal implications.
- Expiration of Commission Members – P. Holm advised the board that some commissioners have decided to step aside when their term expires. We are looking to fill three or four spots. He recommended that commissioner's ask around to see if anyone would be interested in completing an application to hold a term.
- Naming of a new park – P. Holm advised that Joe Groberg who donated some land to the City to be used as a small park, requests we name it "Shadow's Park". He gave a history of the park that is about an acre and a half and plans for future use. M. Hill motions to name the park Shadow's Park, and C. White seconded. All in favor, motion carried.

- Update on the Pinecrest Irrigation Loan. He reported the amount of money we will borrow from the other departments as well as the MERF fund.
- Update on the War Bonnet Round Up Association agreement. The agreement is between the organization and the City of Idaho Falls. That agreement will go to a work session in the next couple of weeks.
- Impact Fees – P. Holm has talked to several state directors to find out how their park impact fees work.
- Splash Pad Update – The RFQ's are going out.
- The irrigation district board of directors have approved us to use more water than we are currently allocated for Pinecrest
- We are getting close to finalizing our dog park updates. We've added a third bay, restroom, tunnels for the dogs, and shelters.

Staff and Committee reports

D. Pennock – Zoo

- The zoo is normally closed at this time of year, but since Boo at the Zoo has been cancelled, they will try to keep the zoo opened as long as they can. The weather will determine when they will close.

R. Campbell - Parks

- Herbicide applications and winterizing under works.

C. Horsley – Recreation

- The Ice arena opened last Saturday. We have implemented Covid safety precautions. They also added a sidewalk out the north door to improve separation of visitors, to utilize safe traffic patterns.
- Fall basketball leagues are kicking off and they are hoping they are able to keep their access to school district gyms. The school districts decides on when to make the call to close the facilities to outside users.
- There have been some price increases in this new fiscal year for programs and services in the hopes of helping to balance the recreation budget.
- We had some money budgeting to address the dehumidification problem at the Aquatic Center this year. We are working on having the design phase completed.

M. Hill – Shade Tree Committee

- He advised they have been very busy with tree clean up and hazards.

Motion to Adjourn:

M. Hill motioned to adjourn. J. Hammon Seconded at 12:58pm. All in favor.

Next meeting will be held November 2, 2020.

*Recorded by:
Tracy Sessions, Clerk, Parks & Recreation*



PARKS & RECREATION COMMISSION MEETING

October 5, 2020

WEBEX MEETING

12:00 Noon

Members in Attendance: P. Holm, J. Forbes, B. Combo, M. Hill, K. Hope, C. White, J. Francis, R. Campbell, D. Pennock, C. Horsley, W. Johnson

Members Not In Attendance: B. Lee, T. Hersh, J. LoBuono, D. Radford

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APPROVAL OF MINUTES

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- Expiration of Commission Members – P. Holm advised the board that some commissioners have decided to step aside when their term expires. We are looking to fill three or four spots. He recommended that commissioner's ask around to see if anyone would be interested in completing an application to hold a term.
- Naming of a new park – P. Holm advised that Joe Groberg who donated some land to the City to be used as a small park, requests we name it "Shadow's Park". He gave a history of the park that is about an acre and a half and plans for future use. M. Hill motions to name the park Shadow's Park, and C. White seconded. All in favor, motion carried.

- Update on the Pinecrest Irrigation Loan. He reported the amount of money we will borrow from the other departments as well as the MERF fund.
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- Impact Fees – P. Holm has talked to several state directors to find out how their park impact fees work.
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- He advised they have been very busy with tree clean up and hazards.

Motion to Adjourn:

M. Hill motioned to adjourn. J. Hammon Seconded at 12:58pm. All in favor.

Next meeting will be held November 2, 2020.

*Recorded by:
Tracy Sessions, Clerk, Parks & Recreation*



PARKS & RECREATION COMMISSION MEETING

NOVEMBER 2, 2020

WEBEX MEETING

12:00 Noon

Members in Attendance: B. Lee, J. Forbes, B. Combo, M. Hill, C. White, J. Francis, H. Pettingill, D. Pennock, C. Horsley, P. Holm

Members Not In Attendance: K. Hope, T. Hersh, J. Hammon, J. LoBuono, D. Radford, P. Lloyd, W. Johnson, R. Campbell, T. Reinke

CALL TO ORDER – B. COMBO

B. Combo called the meeting to order at 12:05.

APPROVAL OF MINUTES

The October 5, 2020 minutes were tabled as there was no quorum.

DIRECTOR'S REPORT – P. Holm

P. Holm reported on the following:

- Review of our Mission Statement, Vision Statement, and Core Values.
- He updated the Commission on the items that will go to work and council meetings including the Pinecrest irrigation loan and the War Bonnet Association Agreement.
- He is working on the Land and Water Conservation compliance. It was discussed and agreed upon by the commission members to have this issue on the agenda monthly to make headway on this. It was also agreed that there will be a separate meeting on this issue alone.
- Impact Fees were discussed and explained. This is a discussion that the director will take to a work session. It could help raise money for new development and growth, but the funds would not be able to be used for maintenance or staffing on new developments.
- Splash Pad Update. The RFP's are being finalized and the plan is to have them out by December and then be able to award a bid by January.
- The Pinecrest Golf Course and the water from Idaho Irrigation Co.
- We purchased a used sprayer for Sand Creek Golf Course.

- There has been a Covid outbreak in the Parks Department that will hurt us for the next couple of weeks.
- Dog Park update: There will be a ribbon cutting in April 2021 with the Maeck Foundation and all the Commissioners will be invited.
- He discussed the funding available for subcontracting some of the maintenance of the City right-a-ways.
- The canal signage needs implemented for the canal trails. We are working with the irrigation district on this project.
- The Parks and Recreation Department will be maintaining the new US 20/I15 interchange. It will be built late 2021. This will be a large area for Parks and Recreation maintenance especially with snow removal.
- There was a Covid outbreak at the Aquatic Center and it was difficult to cover shifts.
- The ice arena opened a month ago and we are working on upgrades for the air movement in the main arena.
- The Zoo had their last day of the season on October 2nd. He also advised that the Operation Manager Linda Beard plans to retire in the next few months after forty years.
- The Recreation Plan was discussed. We will begin prioritizing the plan in which Pro's Consulting recommended six big moves to shape our plan's road map. We will have to begin by breaking our plan into categories such as trails, aquatics, maintaining what we have, and sports and tournaments. He discussed breaking our commission into sub committees. The goal of the sub committees would be to help explore potential leads that staff haven't yet seen. The sub committees would also represent and research each category.
- He discussed a future multi-generational community center. We would first have to develop a business plan that would show how big this facility would need to be, the cost to build it, what to charge users, how many members and partners would be needed, and the amenities that would be included. The Commissioners agreed that this issue should be placed on the agenda at least every other month if not more often.

Staff and Committee reports

M. Hill – Shade Tree Committee

- M. Hill advised that the Shade Tree Committee had to cancel their last meeting due to Covid.

Meeting adjourned at 1:26 PM.

Next meeting will be held December 7, 2020.

Recorded by:
Tracy Sessions, Clerk, Parks & Recreation

Idaho Falls Downtown Development Corp. November 3, 2020 board meeting was held at The DEC (480 Park Ave) at 8:30am

Attendance: Jake Durtschi, Emily Fitzpatrick, Brandi Newton, Tasha Taylor, Brad Cramer, Dana Briggs, Councilman Jim Francis and Jim Pletscher

Staff: Catherine Smith, Juan Hernandez, Mala Lyon

Minutes for October 6, 2020 were reviewed - Brandi motioned to accept the minutes. Cindy seconded and board approved

Financial report – Brandi – Need to discuss what reports do we want to have now that we are breaking it up into two operating sources - Parking financials and other such as events. We will have a better understanding of where the staff efforts and time is being spent. Is something using more time than money coming in. The parking support money has been received from the city. We agree on a budget then leave it to Catherine to the money forward as needed in the budget to cover future expenses. Jake asked how much we have lost in income by not being able to have events in 2020? \$45-55,000ish but the events are expensive to execute so our net income from them is around \$20,000. Catherine explained that we have the PPP loan of \$23,000 and the paperwork is in to have it forgiven. Brandi motioned to accept the financials. Tasha seconded. Board approved.

Catherine – Public Art – The INL mural is on hold; It became a more complicated situation and project than we all expected. Who should have the final say as to which mural proposal is picked? The Public Art Committee was formed by Jackie Flowers at Idaho Falls Power to try and do a public art piece on their back wall by the river. Public art is a challenge with reward but controversy sometimes forms. We need to decide who make the final decision because using the Public Art committee. The artist and the building owner and the funding source puts Catherine in the middle of lots of people with lots of ideas and opinions. We would like to have it be a IFDDC Board decision for approval of artwork and installation locations. Catherine will seek a recommendation from the Public Art Committee and then present to the full IFDDC Board. It was agreed that this is the best method moving forward.

We are looking at doing fiberglass Labrador dogs and calling it “Labs of Downtown”. Working on additional grants for that and figuring out how to anchor them. Public Works is still willing to work with us on cross walk art along Park Avenue at A and B Street intersections.

2020 Holiday season – We will be doing an open house tour of some of the properties that have recently or are in the process of being renovated from 4:-6:00pm Friday Nov. 27th. The following property owners have agreed: The Celt – they have Airbnb suites upstairs and roof top seating – they are also renovating the property next door and planning on having vats to brew their own drinks; Todd Thoulion is renovating the space next to the SnakeBite; Jayce Howell has tenants upstairs in the old Inkley building and it is beautiful. Horse drawn Trolley rides will be downtown Friday from 3-6:00pm and then each Saturday from 1-3:00pm thru Dec. 19th. We reached out to the Civitans to see if they would like to sponsor the trolley and Brad Brady was there and asked if they could be the sponsor. We will let only family units get on the trolley at one time and keep social distance in the line. The tree lighting will be at 6:00pm with the Mayor giving the Shop Small Saturday proclamation. We are bringing in a Hot Chocolate vendor to sell hot chocolate and only anticipating maybe 50 people to come. We will live stream it on FaceBook. Working with the city to get the garland and lights up on the lamp poles.

2021 Events – we will most likely need to cancel through the first quarter of 2021. Catherine will present a revised budget in December to account for these cancellations.

Meeting was adjourned at 9:10. Our next meeting will be held Nov 3, 2020 Respectfully submitted by
Jill Hansen, Secretary and Mala Lyon

Idaho Falls Sister City Youth Approved Meeting-Minutes

This meeting was conducted using the platform Zoom

November 16, 2020

Nicholas Cebull	Melinda Cebull	Charlotte Combs	Laura Combs
Jackie Sugai	Kylie Eaton	Katie Eaton	David Eaton
Abby Gallegos	Laura Kelley	McKenzie McIsaac	Edward McIsaac
Charlie Medema	Max Medema	Heather Medema	Mike Medema
Jorge Padron	Nathan Peck	Kendra Peck	Anna St. Michel
Whitney St. Michel	Curtis St. Michel	Rebecca Smith	Stephanie VanAusdeln
Carter Thompson	Jennifer Thompson	Tim Thompson	

Approval of minutes

A motion by Whitney St. Michel was made to approve the October 19, 2020 meeting minutes. Motion was seconded by Jorge Padron. Passed.

Reminder

The next Zoom meeting will be **December 2, 2020 at 7:00**. Please put this on your calendar. A reminder email notice will be sent out before the meeting. Upcoming meetings: December meetings: 2nd and 14th, January 6th and 18th, February 3rd and 15th, March 3rd and 15th, and April 7th and 19th.

Treasurer's Report

Current Checking Balance as of 11/11/2020---\$16,158.86

Friendship Garden

The Friendship Garden clean up which was scheduled for November 7th was canceled. Rescheduling the clean up will depend on need and weather.

Membership Application, Annual Fees, and Code of Conduct Form Due

An application will need to be filled out and sent to Katie Eaton at mskatherinejean@gmail.com. Please include the guardians' cell number and email address as well as the student's cell phone number and email address.

Each student is required to sign the Code of Conduct. Please email the completed Code of Conduct form along with the application form.

Yearly dues: Individual (\$25 – 1 student) Family (\$35 – 2 or more students)

Checks payable to Sister Cities of Idaho Falls. Please send a check to Lori Kidwell. Her address is: 1968 Sierra Idaho Falls, Idaho 83402

OR you may send membership dues using Venmo under the name of Lori Hawker.

APPLICATIONS RECEIVED	CODE OF CONDUCT FORMS RECEIVED	DUES RECEIVED
Izzy Kelley	Izzy Kelley	Carter Thompson
Nathan Peck	Nathan Peck	Nathan Peck
Anna St. Michel	Anna St. Michel	Anna St. Michel
Stephanie VanAusdlen	Kylie Eaton	Stephanie VanAusdlen
Kylie Eaton		Kylie Eaton

City Councils' Discussion on the Sister Cities Idaho Falls and Tokai-Mura

David Eaton stated there are no new updates at this time.

David will continue to report any news he receives from the city at the next meeting.

Video Exchange with Student from Tokai Mura

Please take pictures of pets and people. David Eaton created a 'Drop Box' for the videos and pictures.

Video Chat with Student from Tokai Mura

The Zoom video is rescheduled for the Saturday after Thanksgiving. The Zoom meeting is scheduled for November 28th at 6:00. Please put this date on your calendar.

Fundraisers

Whitney St. Michel hasn't heard anything back from the manager of the skating rink about reserving our fundraiser for December 2021.

Whitney also called the Food Bank and hasn't heard from the manager there. She will report any news at the December 2nd meeting.

Laura Kelley that Skyline Bowling Alley does fundraisers for groups such as ours. It was agreed that the group will look into this when Covid cases decrease in our areas.

Required Meeting Attendance

David Eaton reminded students that attending 50% of the meetings is a requirement to be going to Tokai-Mura for July 2021.

Recruiting Members for IFSCY

If you know of any student who is interested in the Idaho Falls Sister City Youth program please invite them to the Zoom meetings. You may forward the link to the meetings to any student who is interested.

Student Activity

Kendra Peck, Student Coordinator asked each student who volunteered to present their powerpoint presentation on Thanksgiving. McKenzie McIsaac presented on an overview of Thanksgiving. Stephanie VanAusdeln presented on foods that are eaten for a traditional American Thanksgiving Dinner. Nicholas Cebull and Kylie Eaton's powerpoint presentation was on Family traditions.

Nathan Peck asked if each powerpoint presentation would be sent to him before the video chat with Tokai-Muri students. Nathan's email address is Lizardsrfun@gmail.com. The group discussed the need for a translator. David Eaton stated he will ask Nate Nakashima if he is available on the date of the video chat.

Next meeting: Next meeting will be on December 2, 2020. .

Motion to Adjourn

Rebecca Smith motioned to adjourn the meeting. It was seconded by Whitney St. Michel.

Current Checking Balance as of 11/11/2020---\$16,158.86

November Deposits 11/01/2020 to 11/11/2020

Dues received:

Venmo:

Kendra Peck for Nathan Peck \$25

Whitney St Michael for Anna \$25

Jennifer Thompson for Carter \$25

PayPal:

Rebecca Smith for Stephanie \$25

No November Deductions

October 30, 2020 Statement

Basic Checking \$16,058.86 previous months balance \$15,718.24

Money Market \$3291.16 previous months balance \$3290.46 (+\$0.70)

Reg Share Savings \$25.05 previous months balance \$25.05

October Deposits

Date Check#

10/19 \$340.60 Garage Sale items

No October Deductions

Current Checking Balance as of 10/19/2020---\$16,058.86

Idaho Falls Sister City Youth Approved Meeting-Minutes

This meeting was conducted using the platform Zoom

December 2, 2020

Maggie Boring	Brennan Corbridge	Jackson Corbridge	Garrett Corbridge
Jackie Sugai	Kylie Eaton	David Eaton	Katie Eaton
Izabel Kelley	McKenzie McIsaac	Charlie Medema	Max Medema
Heather Medema	Mike Medema	Jorge Padron	Nathan Peck
Carter Thompson	Anna St. Michel	Whitney St. Michel	Rebecca Smith
Stephanie VanAusdeln			

Approval of minutes

A motion by Max Medema was made to approve the November 16, 2020 meeting minutes. Motion was seconded by Charlie Medema. Passed.

Reminder

The next Zoom meeting will be **January 6, at 7:00**. Please put this on your calendar. A reminder email notice will be sent out before the meeting. Upcoming meetings: January 6th and 18th, February 3rd and 15th, March 3rd and 15th, and April 7th and 19th.

Friendship Garden

Judy Sydel said if the weather is warm enough that the group could rake leaves. The temperature is predicted to be 35 degrees in the afternoon. The group decided that the weather is not warm enough to rake leaves.

Membership Application, Annual Fees, and Code of Conduct Form Due

An application will need to be filled out and sent to Katie Eaton at mskatherinejean@gmail.com. Please include the guardians' cell number and email address as well as the student's cell phone number and email address.

Each student is required to sign the Code of Conduct. Please email the completed Code of Conduct form along with the application form.

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Nathan Peck	Nathan Peck	Nathan Peck
Anna St. Michel	Anna St. Michel	Anna St. Michel
Stephanie VanAusdlen		Stephanie VanAusdlen
Kylie Eaton	Kylie Eaton	Kylie Eaton
Carter Thompson	Carter Thompson	

City Councils' Discussion on the Sister Cities Idaho Falls and Tokai-Mura

David Eaton reported that the city is in general agreement for a hybrid approach. It is anticipated that the city will still allocate approximately the same amount of money, but that the city will reimburse approved expenditures rather than transferring the money. There will be a Sister City Committee whose role is still being defined. .

Fundraisers

Winter Carnival

Whitney St. Michel hasn't been in formal communication with the manager of the skating rink about cancelling the 2020 Ice Carnival and reserving our fundraiser for December 2021.

Selling Calendars

McKenzie McIsaac suggested selling calendars. She took pictures of flowers and created a calendar. She suggested selling the calendars at \$12.50. The group discussed the pros and cons of selling calendars. A vote was taken: Yays=13, Nays=7, Unsure=1.

The group discussed the number of calendars we could sell. If we order fifty calendars it will cost IFSCY \$300.00. If the group sells each calendar for \$10.00 the group would break even after selling thirty calendars. McKenzie McIsaac will have them printed and David Eaton offered to deliver the calendars. Students/families should anticipate trying to sell 3-6 calendars each.

Required Meeting Attendance

David Eaton reminded students that attending 50% of the meetings is a requirement to be eligible for going to Tokai-Mura for July 2021.

Recruiting Members for IFSCY

If you know of any student who is interested in the Idaho Falls Sister City Youth program please invite them to the Zoom meetings. You may forward the link to the meetings to any student who is interested.

Student Activity

Nathan Peck did a powerpoint presentation. Below is the link for the lesson.

[Japanese presentation](#)

Volunteers are needed for the upcoming meetings in 2021. Max Medema stated that he would present at the January 6th meeting. Carter Thompson volunteered for the January 18th meeting. Stephanie VanAusdeln will present on February 3rd and McKenzie will present on February 15th. Maggie Boring also volunteered.

Next meeting: Next meeting will be on January 6, 2021.

Motion to Adjourn

Max Medema motioned to adjourn the meeting. It was seconded by Charlie Medema.

Police - Use of Force

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

Best Practice

This policy establishes a process for the Idaho Falls Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

Best Practice

The Idaho Falls Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Discretionary MODIFIED

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD

Best Practice MODIFIED

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding negligent discharges, destroying a dangerous or injured animal, training, or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Professional Standards and Logistics Bureau Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the Bureau Commander or supervisor of the involved employee to notify the Professional Standards and Logistics Bureau Commander of any incidents requiring board review. The Professional Standards and Logistics Bureau Commander will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

Use of Force Review Boards

301.4.1 COMPOSITION OF THE BOARD

Discretionary **MODIFIED**

The Professional Standards and Logistics Bureau Commander should select the Use of Force Review Board members from the following:

- The Bureau Commander of the involved officer(s)
- A Lieutenant
- A Training Supervisor
- A peer officer
- A Sergeant
- Three non-City employee Civilian members

The senior ranking command representative who is not in the same bureau as the involved employee will serve as chairperson.

The three non-City employee Civilian board members will be selected by the Chief of Police. Their selection will be presented to the Mayor and City Council for approval.

Before serving on the board, the Civilian members must complete an Idaho Falls Police Department training course.

For the initial selection, one Civilian member will have an initial term of one year, one Civilian will have an initial term of two years, and one Civilian member will have an initial term of three years. Thereafter, Civilian board members will serve a term of three years. Civilian board members may be reappointed for one additional three year term.

301.4.2 RESPONSIBILITIES OF THE BOARD

Best Practice **MODIFIED**

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures

Idaho Falls Police Department

Policies

Use of Force Review Boards

and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Bureau Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Legal - Proposed "Clean-up" Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE, AMENDING NUMEROUS CITY CODE PROVISIONS TO STANDARDIZE REFERENCES TO THE CITY CLERK, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the Idaho Falls City Code contains general laws promulgated by the Council; and

WHEREAS, from time to time, changes to definitions, references, and grammar can simplify and make the Code easier to read and understand; and

WHEREAS, consistency within the Code promotes understanding and interpretation of the Code; and

WHEREAS, to that end, references to the City Clerk are standardized in this Ordinance to reflect the definition of "Clerk" established in Title 1 of the Code .

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO THAT:

SECTION 1. Title 1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

1-6-3: OPEN MEETINGS: All regular and special meetings of the Council shall be open to the public, except the Council may retire into a closed executive session upon a ~~two-thirds~~ two thirds roll-call vote recorded in the minutes of the meetings after the presiding officer has identified the statutory authorization for such meeting under the provisions of the Idaho Code. The ~~City~~ Clerk shall record the vote of Council to retire into executive session and the Clerk shall state in the minutes the general purpose for such session. The Clerk or any other person appointed by the Mayor shall keep such minutes as will indicate the general tenor of the meeting, which minutes shall be recorded in the Clerk's journal. No final decision for which an affirmative vote of a majority of the Council is required by law, may be made while the Council is in executive session. For the purposes hereof, the term "meeting" shall mean any convocation of the members of the Council for the purpose of making a decision or deliberating toward a decision on any matter. Nothing herein shall apply to any convocation of less than a quorum of the members of the Council.

...

1-6-7: CONSENT AGENDA: Whenever the Mayor considers an item to be routine and non-controversial, he or she may place the same on the consent agenda for consideration at any regular meeting of the Council, provided, however, any action which may be taken only by ordinance may not be placed on the consent agenda. Items of business on the consent agenda may include, but

office of city council member shall be required for election of any candidate to that office. In the event no candidate in any City Council seat race, receives a majority of the votes cast at any general election, a run-off election shall be held between the two (2) candidates receiving the highest number of votes cast. In the event of a tie between the candidates receiving the second and third highest number of votes cast, selection of the candidate to oppose the candidate receiving the highest number of votes, shall be decided by the toss of a coin. Such run-off election shall be conducted in the same manner as for a general election and within thirty (30) days of the general election, and shall not be subject to the limitations upon elections set forth in Idaho Code Sections 34-106 and 50-429. The first notice of election shall be published by the City Clerk in the official newspaper not less than twenty (20) days next preceding any run-off election, and the designation of polling places shall be made by the City Clerk prior to such publication. The results of such run-off election shall be subject to any change in outcome as a result of a recount of the ballots pursuant to Idaho Code Section 50-474~~16~~16. If, as a result of such recount, a candidate receives a majority of the votes cast and such recount becomes final at least forty-eight (48) hours prior to the commencement of such run-off election, the run-off election may be canceled by order of the City Council.

...

1-8-5: AVAILABILITY OF POLICIES: Any person hired after the effective date of this Code shall be given a copy of the Personnel Policy, the Code of Conduct and his or her pay grade classification schedule at the time he or she is hired. Notwithstanding the foregoing, nothing herein shall prevent the application or enforcement of any policy or procedure set forth in the Personnel Policy or Code of Conduct in the event an employee fails to receive a copy thereof at the time of his or her employment. One copy of the Personnel Policy, Code of Conduct and classified pay grade schedules shall be maintained in the office of the City Clerk, Personnel Department and each department of the City. If the Personnel Policy or Code of Conduct is amended or modified after the effective date of this Code, a copy of such amendment or modification shall be posted for a period of not less than two weeks in the office of the City Clerk, Personnel Department and in a conspicuous place in each of the administrative offices of each department of the City.

...

1-9-1: OATH: Every elective officer of the City, before duty, shall take and subscribe before a person authorized to administer public oaths, an oath substantially in the following form:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, the Constitution and Laws of the State of Idaho and the City of Idaho Falls, and that I will faithfully discharge the duties of (insert office) according to the best of my ability.

Said oath shall be certified by the officer before whom it was taken and the subscribed oath and certification shall be filed with the City Clerk.

1-9-2: BONDS: Before performing any duties of their respective offices, the following appointive officers shall furnish an official bond in the following amounts:

Director of Municipal Services \$5,000
Controller \$5,000
Clerk \$5,000
Treasurer \$5,000

Deputy Treasurer \$5,000
Purchasing Agent \$1,000
Water Superintendent \$2,000
City Engineer \$1,000
Fire Chief \$1,000
Street Superintendent \$1,000

All officers and employees of the Police Department shall be covered by a blanket bond as follows:

Chief of Police \$2,000
All other officers or employees \$1,000

All office employees in the Mayor and City Clerk's office and all building inspectors shall be covered a blanket bond in the amount of five thousand dollars (\$5,000).

Such bonds shall be approved by the Mayor and Council and shall be filed with the Clerk, except the bond of the City Clerk, which shall be filed with Mayor. The premiums on such bonds shall be paid by the City.

...

1-12-2: APPROVAL OF INITIAL PETITIONS FOR INITIATIVE AND REFERENDUM:

(A) Before beginning to circulate any petition for the referendum to the people of any ordinance passed by the City Council, or for any ordinance proposed by initiative, the person or persons or organization or organizations under whose authority the measure is to be referred or initiated shall send or deliver to the City Clerk an initial petition duly signed by at least twenty (20) qualified electors of the City. A full and correct copy of the ordinance or measure so proposed by initiative petition, or a full and correct copy of the ordinance or measure on which the referendum is demanded, as the case may be, shall be attached to such initial petition. An electronic or digital copy of the proposed ordinance or measure, in Word, WordPerfect or ASCII format, using such storage media as may be determined by the City Clerk, shall also accompany the filing. Ordinances proposed by initiative shall contain a blank line for the ordinance number and a descriptive title at the top of the page, an ordaining clause as required by Section 50-901, Idaho Code, separately numbered sections with descriptive section titles, signature lines for the Mayor and City Clerk, and shall generally conform to the ordinance style determined by the City Clerk. The City Clerk shall, upon request, provide to the petitioners a sample copy of an ordinance conforming to such style. Upon request, the City Clerk shall also provide to such persons one photocopy or digital copy of any ordinance or Chapter in the City Code which is proposed to be subject to referendum.

(B) Upon receipt of a complete petition conforming to the requirements of the preceding section, the City Clerk shall expeditiously determine whether the petition contains the requisite number of signatures and conforms to the required ordinance style. In making such determination, the City Clerk may consult with the Bonneville County Election Clerk in order to determine whether all signators on the petition are qualified electors. Upon completion of such determination, the Clerk shall forthwith notify the petitioner or petitioners of such determination. If the requisite number of signatures is reflected upon the petition, and the petition and accompanying measure are in proper form and style, the City

Clerk shall file the petition in his or her office and immediately transmit a copy of the petition to the City Attorney for the issuance of the certificate of review as provided in section three (3) of this Chapter.

(C) Initial petitions for referendum containing the requisite number of signatures shall be filed with the ~~City~~ Clerk not less than sixty (60) days following final publication of the subject ordinance, as provided in § 50-901, Idaho Code.

(D) Concurrently with the filing of an initial petition for initiative or referendum, the petitioner or petitioners shall complete and deliver to the ~~City~~ Clerk an application form stating his or her name, mailing address and telephone number. The application form shall be in such form as may be prescribed by the ~~City~~ Clerk.

1-12-3: REVIEW OF INITIATIVE AND REFERENDUM PETITIONS BY CITY ATTORNEY:

(A) After receiving a copy of the petition from the ~~City~~ Clerk, the City Attorney may confer with the petitioner and shall, within twenty (20) business days from receipt thereof, review the proposal for matters of substantive import and shall recommend to the petitioner such revisions or alterations of the measure as may be deemed necessary and appropriate. The recommendations of the City Attorney shall be advisory only and the petitioner may accept or reject them in whole or in part. The City Attorney shall issue and file a certificate of review with the ~~City~~ Clerk certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been delivered to the petitioner. Such certificate shall be issued whether or not the petitioner accepts the City Attorney's recommendations. The certificate of review shall be available for public inspection in the office of the ~~City~~ Clerk. Within fifteen (15) business days after the filing of the certificate of review, the petitioner, if he or she desires to proceed with sponsorship of the petition, shall file the measure with the ~~City~~ Clerk who shall assign a number to the measure and shall forthwith submit to the City Attorney two (2) copies of the measure filed. Within five (5) business days after receiving such copies, the City Attorney shall provide a ballot title therefor and return one of said copies to the ~~City~~ Clerk, together with the ballot title so prepared by him. A copy of the ballot title as prepared by the City Attorney shall be furnished by the ~~City~~ Clerk with his or her approved form of any initiative or referendum petition, as provided herein, to the person or persons or organization or organizations under whose authority the measure is initiated or referred. The approved ballot title shall be used and printed on each petition or copy thereof when in circulation; the short title shall be printed in type not less than twenty (20) points on the covers of all such petitions circulated for signatures. The ballot title shall contain (1) a distinctive short title not exceeding twenty (20) words by which the measure is commonly referred to or spoken of and which shall be printed in the foot margin of each signature sheet of the petition, and (2) a statement title expressing in not more than two hundred (200) words the purpose of the measure. In drafting such ballot title the City Attorney shall provide a true and impartial statement of the purpose of the measure. The ballot title shall be included as part of the measure when it is printed on the official ballot for any election to consider an initiative or referendum measure.

(B) Any person who is dissatisfied with the ballot title or the short title provided by the City Attorney, may petition to the District Court of Bonneville County, praying for a

different title and setting forth the reason why the title prepared by the City Attorney is insufficient, prejudicial or unfair. No petition shall be allowed from the decision of the City Attorney on a ballot title unless the same is taken within twenty (20) days after the ballot title is filed in the office of the City Clerk. The District Court of Bonneville County shall thereupon examine the measure, hear argument, and in its decision thereon certify to the City Clerk a ballot title and a short title for the measure in accordance with this section. The City Clerk shall print on the official ballot for any special election subsequently ordered, the title thus certified. Any qualified elector of the City may, at any time after the City Attorney has issued a certificate of review, bring an action in the District Court of Bonneville County to determine the constitutionality of any initiative.

...

1-12-4: CIRCULATION OF FINAL PETITIONS:

...

(B) All petitions for the initiative and for the referendum and copies circulated for signatures shall be printed on good quality bond or ledger paper in the form and manner as approved by the City Clerk. Each petition and copy circulated shall have as its first page a cover page which contains the short title and petition number as required under ~~Section 1-12-3(A)~~ of this Chapter. Before any petition or copy is circulated for signature, a full and correct copy of the measure so proposed by initiative petition shall be stapled or otherwise physically attached thereto. Each petition or copy may be separately numbered for convenience in handling. To every referendum and every copy of a referendum petition circulated for signature shall be similarly attached a cover page and a full and correct copy of the ordinance on which the referendum is demanded. Each such copy may also be separately numbered in like manner as initiative petitions.

...

(E) Any number of copies of the petition and proposed ordinance or referred ordinance may be circulated at the same time and when filed with the City Clerk all shall be considered as one petition, but each copy of the petition must be separately numbered and verified by a qualified elector of the City prior to its filing with the City Clerk.

...

1-12-5: FILING AND EXAMINATION OF FINAL INITIATIVE OR REFERENDUM PETITIONS:

(A) Each copy of an initiative or referendum petition with signatures thereon, accompanied by the proposed or referred ordinance physically attached to each such copy, shall be filed with the City Clerk, along with a statement by the petitioner or petitioners requesting the filing of the petition and further requesting a special election be held on the measure attached to the petition. Such filing shall be made within one hundred eighty (180) days after the date of the City Clerk's final approval in accordance with ~~§ 1-12-3~~ of this Chapter. Multiple filings of the same petition or copies thereof shall not be permitted and any petition or copy thereof or signature sheet filed after the first filing of a final measure shall be void, provided however nothing herein shall be construed to prohibit the filing of additional signature sheets in accordance with subsection (C) of this section.

...

(C) Upon the filing of such final petition, the Clerk shall verify whether or not the petition is signed by the requisite number of qualified electors and otherwise conforms to state law and the provisions of this Chapter. Verification of the petition and the signatures thereon by the ~~City Clerk~~ shall be ~~as prescribed in Section 34-1807~~ required by, Idaho Code, Title 34, Chapter 18. The signatures affixed to the initial initiative or referendum petition shall be considered in determining whether the requisite number of signatures has been obtained and shall for such purposes be thereafter considered as part of the final petition. The Clerk shall attach to the petition a certificate showing the result of such examination and if the petition is found insufficient, the certificate shall state the reasons therefor and the changes necessary to conform to law. The ~~City Clerk~~ may request the advice and counsel from the City Attorney for the purpose of determining the sufficiency of the petition. The Clerk's certificate shall be filed in the Clerk's office within fourteen (14) days after the petition was filed with the ~~City Clerk~~, and the Clerk shall notify the person filing such petition of the filing of the Clerk's certificate, which notice shall be in writing and shall be delivered within three (3) business days after the filing of the certificate. If, by the Clerk's certificate, the petition is shown to be insufficient or defective, it may be amended, additional signatures added, or otherwise perfected, within thirty (30) days from the date of said certificate. If the petition is not so perfected and filed with the ~~City Clerk~~ within such thirty (30) day time frame, the Clerk shall declare the petition null and void.

(D) Upon determining that the required number of signatures has been met and that the petition and signatures conform to the requirements of this Chapter, the ~~City Clerk~~ shall issue a final certification and shall order an election be held on the next available election date allowed under Section 34-106, Idaho Code. The Clerk shall submit a copy of such certification and order to the Council at its next regular meeting, provided however, if the Clerk's certification is made less than two (2) business days prior to the next regular Council meeting, the certificate and order may be submitted to the Council at the next following regular Council meeting.

(E) If the ~~City Clerk~~ shall refuse to accept, file or certify any petition for the initiative or for the referendum in proper form and with the requisite number of signatures of qualified electors thereto attached, or to order a special election as required under this Chapter, any citizen may apply, within ten (10) business days after such refusal, to the District Court for a writ of mandamus to compel the ~~City Clerk~~ to do so. Alternatively, if the ~~City Clerk~~ shall improvidently accept, file or certify any petition for the initiative or for the referendum, or improvidently order a special election, any citizen may similarly apply, within ten (10) business days after such acceptance, filing or certification, to the District Court for a writ of prohibition to prohibit such action. If the District Court grants the writ of mandamus, the ~~City Clerk~~ shall then file the writ in his or her office, with a certified copy of the judgment or writ attached thereto, as of the date on which it was originally offered for filing in his office and shall proceed as directed by such writ. On a determination that a writ of prohibition should be granted, the court may enjoin the ~~City Clerk~~ and any other elected or appointed officer from certifying or printing on the official ballot for the ensuing election the initiative or referendum measure which was the subject of such writ. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible.

1-12-6: REMOVAL OF SIGNATURES:

(A) The signer of any final initiative or referendum petition may remove his or her own name from the petition by crossing out, obliterating or otherwise defacing his or her own signature at any time prior to the time when the petition is presented to the City Clerk for signature verification in accordance with ~~Section 1-12-5~~ of this Chapter.

(B) The signer of any final initiative or referendum petition may have his or her name removed from the petition at any time after presentation of the petition to the City Clerk but prior to issuance of the Clerk's certification in accordance with ~~§ 1-12-5(E) hereof~~ this Chapter, by presenting or submitting to the City Clerk a signed statement that the signer desires to have his or her name removed from the petition. The statement shall contain sufficient information to clearly identify the signer. The City Clerk shall immediately strike the signer's name from the petition and adjust the total number of certified signatures on the petition accordingly. The statement shall be attached to and become a part of the initiative or referendum petition.

...

1-12-10: PROHIBITED ACTIONS; PENALTIES:

...

(B) Any person circulating a petition, who knows, or who in the exercise of reasonable care should know, that a signature is forged and who shall thereafter fail to strike through and thereby void such signature, and any person in a position of supervision of such person who suffers or permits a forged signature to remain on a petition filed with the City Clerk, shall be guilty of a misdemeanor.

...

(G) It shall be unlawful for any person to physically attach a copy of the ordinance proposed by initiative or the ordinance proposed to be subject to referendum, to any initial or final petition that has been signed without such ordinance or measure attached thereto or to file or present for filing with the City Clerk any such petition, with knowledge that the petition has been so altered.

(H) It shall be unlawful for any person to file in the office the City Clerk any petition allowed under this Chapter to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto.

...

1-15-7: PUBLIC RECORDS CUSTODIAN: The City Clerk is hereby designated as the custodian of City public records to receive public record requests and for other purposes of Idaho Code Title 74, Chapter 1 (Idaho Public Records Act). Additionally, the Assistant City Clerk, and any other custodian designated from time to time by Resolution by the Council, shall serve as the alternate public records custodian for contingencies.

SECTION 2. Title 2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

2-11-4: ORGANIZATION, OFFICERS, RULES, MEETINGS:

(A) The Commission may make all rules necessary for the execution of its duties as set forth in this Chapter. Rules of procedure and bylaws adopted by the Commission shall be kept at the office of the City Clerk and shall be available for public inspection during normal working hours.

...

2-12-4: ORGANIZATION, OFFICERS, RULES, MEETINGS:

(A) The Commission may make all rules necessary for the execution of its duties as set forth in this Chapter. Rules of procedure and bylaws adopted by the Commission shall be kept at the office of the City Clerk and shall be available for public inspection during normal working hours.

...

SECTION 3. Title 3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

3-1-17: ADVERTISEMENT AND SALE OF UNCLAIMED PROPERTY:

...

(D) Proceeds: The proceeds of sale shall be applied first to all costs assessed or incurred against the personal property so sold including any storage charges and expenses of sale incurred by the City Clerk and the Police Department, and the balance of such proceeds, if any, shall be deposited in a separate fund with the City Treasurer for a period of one (1) year from the date of sale. Any person claiming title to, or ownership of, such proceeds by reason of ownership of such personal property at the time of sale shall make written application therefor to the Police Department. If satisfactory proof of such title or ownership is furnished within one (1) year of the receipt of such proceeds, then the proceeds shall be delivered to the claimant. If no claim and proof is made before the expiration of one (1) year from the date of the receipt of the proceeds, the same shall be credited to the general fund of the City, and no claim therefor shall be thereafter considered.

3-1-18: REIMBURSEMENT TO OWNER: If the owner of any article held under the provisions of this Chapter, appears prior to the time of such sale and makes proper proof of ownership, the Chief of Police shall deliver possession thereof to the owner upon payment of any storage costs therefor. The Chief of Police shall from time to time prepare a uniform schedule of reasonable storage charges for such articles, which schedule shall be filed with the City Clerk and at the office of the Police Department.

...

3-3-4: DIVISIONS: The Department shall consist of five (5) divisions, each having the following powers and duties:

...

(C) The ~~City~~ Clerk shall have custody of all laws and ordinances of the City; keep a correct journal of the proceedings of the City Council; keep the Corporate Seal of the City; countersign all licenses issued by the City and collect all fees therefor; keep the records of all City cemeteries; and perform all other duties required by the City Code or the laws of the State of Idaho.

...

SECTION 4. Title 4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

4-1-2: ISSUANCE OF LICENSES:

(A) The ~~City~~ Clerk shall prepare license forms for licenses issued under this Title. The license shall specify the holder's name, the type of business licensed, the principal place of business of the licensee and the expiration date of the license. The Clerk shall account for all licenses signed by the Mayor, shall countersign the licenses and deliver the licenses to licensees. The ~~City~~ Clerk shall collect all license fees and promptly deliver them to the City Treasurer. The City Treasurer shall issue a receipt for any license fees received from the Clerk.

(B) All licenses shall be issued or denied by the ~~City~~ Clerk, based upon the recommendation of the Chief of Police. Such recommendation shall be in writing and shall set forth the pertinent facts and reasons supporting such recommendation, including references to applicable statutes, ordinances or provisions of the City Code, if any. The ~~City~~ Clerk shall forthwith notify the applicant in writing of the approval or denial of the application, and if denied, shall summarily set forth the reasons for the denial in such notification.

(C) Any applicant may appeal a denial of his or her application by filing a notice of appeal with the ~~City~~ Clerk, within ten (10) days after the date the denial is delivered to the applicant. The notice of appeal shall be in such form as may be approved by the ~~City~~ Clerk and shall in summary form set forth the reasons for the appeal. Such notice of appeal shall be accompanied by a filing fee in an amount set from time to time by Resolution of the Council. Such filing fee shall be non-refundable. Upon timely delivery of a notice of appeal and payment of the filing fee, the ~~City~~ Clerk shall schedule a hearing before the City Council within thirty (30) days after the delivery of the notice of appeal. The ~~City~~ Clerk shall also deliver a written notice of hearing to the applicant not less than seven (7) days prior to the date of such hearing. A copy of the notice of hearing shall likewise be sent to the Chief of Police. At the hearing, the ~~City~~ Clerk shall keep a transcribable, verbatim record of the hearing, including any exhibits or documentary evidence and shall retain such transcript for a period of not less than six (6) months following the conclusion of the hearing. At the conclusion of the hearing, the City Council shall render a decision, which may be verbal or in writing. Such decision shall succinctly state the reasons for the denial or affirmation of the decision of the ~~City~~ Clerk.

4-1-3: LICENSE FEES PAYABLE IN ADVANCE: License fees shall be paid in advance at the

office of the ~~City~~ Clerk.

4-1-4: APPLICATION FOR LICENSE: Any person desiring to obtain any license provided for in this Title shall first apply in writing under oath to the Council. The application together with the license fee shall be delivered to the ~~City~~ Clerk. The ~~City~~ Clerk shall prescribe the form of the application. The application shall contain the following information.

...

The ~~City~~ Clerk shall forward a copy of each business license application to the Chief of Police, the Fire Chief, the Director of Community Development Services and the State of Idaho Department of Health, as applicable, and other appropriate City Department Directors for their review and recommendation.

...

4-1-6: APPROVAL OF LICENSE: Except as otherwise provided in this Title, the ~~City~~ Clerk shall present all license applications to the Council not later than the second regular Council meeting after the application was delivered to the Clerk. At that meeting, the Council may grant or deny the application or refer it to the appropriate City department for further investigation and review. In any event, the Council shall grant or deny the application on or before the second regular Council meeting following its initial presentation to the Council. After due consideration of the application, the Council shall either grant the application and order the Clerk to issue the license or deny the application and return the license fee with a notice of rejection to the applicant. The Council may deny the application upon finding that the applicant does not meet any of the qualifications of this Title, that applicant's conduct of business will contravene any provision of the City's Building Code, Fire Code, Zoning Ordinance, or any other applicable regulation, ordinance or statute of the City, Bonneville County, State of Idaho or the United States, that the applicant has been convicted of a felony, or that the applicant has engaged in any fraudulent, deceptive or unlawful business practices within ten (10) years prior to the date of his or her application for a business license.

...

4-1-9: REVOCATION OF LICENSES: The Council may revoke any license issued under this Title at any time if the licensee does not comply with the applicable provisions of this Title or for other just cause. Before revoking any license, the ~~City~~ Clerk shall give written notice to the license holder of such proposed action at least ten (10) days prior to the date such proposed action is submitted to the Council. The license holder shall be given an opportunity to appear before the Council and show cause why his or her license should not be revoked.

...

4-3-4: APPLICATION FOR LICENSE:

(A) Each applicant for a license for the retail sale of beer shall file with the ~~City~~ Clerk a written application that states the following:

...

4-6-4: LICENSE APPLICATION, PRIVATE PATROL PERSON:

(A) Applications for private Patrol Person licenses shall be made at the office of the ~~City~~ Clerk on a form furnished by the City. The application shall state the applicant's full

name, age, residence, present and previous occupations for a period of three (3) years prior to the application and all other information necessary to show that the applicant meets the qualifications set forth in this Chapter. At the time of making application, the applicant shall have his or her fingerprints taken by the City Police Department. The application shall be accompanied by a nonrefundable license fee.

...

4-6-6: LICENSE APPLICATION, PRIVATE PATROL SERVICE: Applications for private patrol service licenses shall be made at the office of the City Clerk on a form furnished by the City. The application shall state the applicant's full name, age, residential address, present and previous occupations for a period of three (3) years prior to the application, the name of the business and all other information necessary to show that the applicant meets the qualifications set forth in this Chapter. If the applicant is an individual, the application shall be signed or verified by such individual; if the applicant is a firm or partnership, the application shall be signed and verified by at least one of the individuals comprising such firm or partnership; if the applicant is a corporation, the application shall be signed and verified by the president or the secretary and treasurer thereof; or if a foreign corporation, such application shall be acceptable if accompanied by a certificate signed by the proper officers of such corporation showing the place and date of incorporation, a certified copy of its right to do business in the State, and the name and address of its duly authorized local agent in the State, its principal place of business in the City, and the application shall be signed and verified by the duly authorized local agent of such foreign corporation. The application shall be accompanied by a nonrefundable license fee.

...

4-6-8: LICENSE APPROVAL AND ISSUANCE: On receipt of a completed application for any license required under this Chapter and the relevant license fee, the City Clerk shall forward the application to the Chief of Police for review and recommendation for approval or denial. The Chief of Police shall review the application and conduct whatever investigation is necessary to determine whether the applicant is qualified for the license sought. Within thirty (30) days of receiving the application from the City Clerk, the Chief shall return the application together with the recommendation to the Clerk. The Clerk shall submit the application and the Chief's recommendation to the City Council. The Council shall have authority to approve or deny the issuance of any license required by this Chapter. If the Council approves the issuance of the license, the City Clerk shall issue the license.

4-6-9: BOND REQUIRED:

(A) Bond Required: Before any license is issued under this Chapter, the applicant shall file with the City Clerk a surety bond in favor of the City in the amount set forth in this section. This bond shall be in a form approved by the City Attorney, executed by the applicant as principal and issued by a surety licensed to engage in business in the State of Idaho. The bond shall be issued for a term coterminous with the term of the license sought. The bond shall be conditioned upon the honest and lawful conduct of the activities for which the applicant seeks a license and to hold harmless the City against any personal injury or property damage resulting from any act of the licensee.

...

(D) Return of Bond: After expiration of the license and on written request of the

licensee, the City Clerk shall return the surety bond within six (6) months of the date of the request for return, unless the Clerk has received notice that any claim or cause of action is pending against the bond, then the Clerk shall return the bond within thirty (30) days after final resolution of the claim or cause of action.

4-6-10: INSURANCE REQUIRED: Any person licensed under this Chapter shall obtain and maintain a policy of general public liability insurance in an amount of not less than \$500,000-single limit liability for personal injury and property damage resulting from the licensee's activities as a private Patrol Person or in conducting a private patrol service. The licensee shall be a named insured under this policy. Before any license is issued under this Chapter, the applicant shall file a certificate evidencing such insurance with the City Clerk. The certificate shall provide that the insurance policy required by this Section shall not be canceled except upon thirty (30) days prior written notice to the City Clerk.

...

4-6-13: FORM OF LICENSE: The license for a private Patrol Person shall be an identification card containing the words "private Patrol Person" and stating the year for which the license is issued. The license for a private patrol service shall be a placard stating the name of the licensee and the year for which the license is issued. Upon the termination or expiration of any license, the license shall be returned to the City Clerk.

...

4-6-18: AUTOMATIC REVOCATION OF LICENSE: Any license issued under this Chapter shall be revoked immediately and without notice to the licensee upon the cancellation or termination of the bond or insurance required by this Chapter unless the licensee posts a new comparable bond or obtains comparable insurance and files a certificate of such insurance with the City Clerk prior to the date on which the original bond or insurance is canceled or terminated.

...

4-7-18: LICENSE APPLICATION AND ISSUANCE: All applications for building contractors' licenses shall be filed with the City Clerk, together with the appropriate license and application fees. Application forms shall be furnished by the Director and shall solicit all information necessary to determine the applicant's qualifications for licensing. Upon receipt of a properly completed application form, the Clerk shall forward it to the Director for his review and recommendation for approval or denial. On receipt of the recommendation of the Director, the City Clerk shall present the application, together with the Director's recommendation to the City Council for its approval or denial. Licenses shall be granted or denied within sixty (60) days of the date on which the application is filed with the City Clerk.

4-7-19: FINAL APPEAL TO COUNCIL: All matters disputed by any contractor, after following the appeal processes outlined in this Chapter, may bring a final appeal to the City Council for a final decision. The City Council shall act as the final appeal board for all matters, and will hear the matter in an appellate review manner, not de novo. Notice of the appeal must be sent to the City Clerk within thirty (30) days from the date of the decision of the Director or a hearing panel. After a final action by the City, an applicant may file for Judicial Review within twenty-eight (28) days after the decision is made.

...

4-8-2: UNLAWFUL DOOR-TO-DOOR SOLICITATIONS: It shall be unlawful for any person to:

(A) Engage in any door-to-door solicitation without a valid door-to-door solicitation permit issued by the City Clerk;

(B) Engage in any door-to-door solicitation without prominently displaying an identification badge provided by the City Clerk;

...

(E) Deliver an application for a door-to-door solicitation permit to the City Clerk containing any substantial misrepresentation or omission of material fact; or

...

4-8-4: APPLICATION FOR DOOR-TO-DOOR SOLICITATION PERMIT: Each individual desiring a permit to engage in door-to-door solicitations shall file his or her application with the City Clerk. The application shall be in such form as may be determined by the City Clerk and shall be accompanied by a copy of the applicant's current driver's license, military identification card or other reliable form of photo identification. Upon completion of such application, delivery of the applicant's fingerprints in accordance with Section 4-8-5 hereof and payment of a permit fee in an amount set from time to time by Resolution of the Council, each eligible applicant shall be issued a permit and an identification badge containing a photograph of the applicant. Such permit shall be issued or denied within fifteen (15) business days after the date the fully completed application form and permit fee are submitted to the City Clerk.

...

4-8-9: SUSPENSION AND REVOCATION: A permit may be temporarily suspended by the Chief of Police or his designee if it is determined that the applicant is not eligible for the permit or has violated any of the provisions of this Chapter. In such event, the Chief of Police or his designee shall physically deliver or mail a written notice of such suspension to the address specified in the application. Delivery shall be deemed to be complete upon physical delivery of the notice to the permit holder or upon deposit of the notice in the U. S. Mail, postage prepaid, certified mail, return receipt requested, addressed to the permit holder at the address specified in the application or such other address which may be delivered in writing to the City Clerk. If the applicant does not file an appeal of the suspension with the City Clerk within five business days after delivery of the suspension notice, then the permit shall be deemed automatically revoked.

4-8-10: APPEAL PROCESS: An applicant may appeal a denial of the application, or the suspension of a permit, by providing written notice to the City Clerk, within seven business days after delivery of the notice of denial of the application, or notice of suspension. Once the City Clerk receives the notice of appeal, the Hearing Officer shall schedule a hearing within five business days after the appeal is delivered to the City Clerk. The Hearing Officer shall issue a written decision and deliver a copy of such decision to the permit holder within two business days of the conclusion of the hearing. The Hearing Officer shall deliver a copy of the decision to the applicant or permit holder, as the case may be, in the same manner as set forth in Section 4-8- 9 above. Suspensions by the Chief of Police shall remain in full force and effect until the permit is automatically revoked or the Hearing Officer issues his or her decision. All decisions issued by the Hearing Officer shall be final and there shall be no appeal to the City Council.

...

4-9-5: MAINTAINING A PUBLIC NUISANCE ALARM:

...

(B) Public Nuisance Alarm System Permits may be obtained from the office of the ~~City Clerk~~ upon payment as set from time to time by Resolution of Council. Each Public Nuisance Alarm System Permit shall expire on December 31st of the calendar year in which it is issued. Each Public Nuisance Alarm System Permit shall automatically become void upon the triggering of an additional False Alarm and shall remain void until the additional permit fee is paid to the ~~City Clerk~~.

...

4-12-9: LICENSE APPLICATIONS: Applications for an itinerant merchants license shall be in writing on a form furnished by the City and shall be filed with the ~~City Clerk~~. Applications shall contain the following information:

...

4-12-12: BONDING REQUIREMENT: Before any itinerant merchant's license is issued, the applicant shall file with ~~the City Clerk~~ a surety bond in favor of the City or a cashier's check in an amount set from time to time by Resolution of the Council. The bond shall be in a form approved by the City Attorney, be executed by the applicant as principal and be issued by a surety licensed to engage in business in the State of Idaho. The bond shall be issued for a term coterminous with the term of the license. If the Council determines that the licensee has made a false statement on the license application, or if the licensee or any employee or agent of the licensee engages in any fraudulent, deceptive or unlawful business practice in connection with the conduct of the licensee's business or otherwise violates the provisions of this Chapter, then the Council may order the entire amount of the surety bond or cash bond forfeited. The Council may also order that the proceeds from the bond be paid over to any person damaged by the actions of the licensee. After the expiration of the license, the ~~City Clerk~~, upon request of the licensee, shall return the surety bond or cash bond within six (6) months after the request for return, unless the Clerk has been notified of the pendency of any claim or cause of action against the bond, in which case, the Clerk shall return the bond within thirty (30) days after the final resolution of the claim or cause of action.

...

4-13-8: LICENSE APPLICATION:

(A) Applications for pawnbrokers, secondhand storekeepers and secondhand precious metals dealer's licenses shall be made on a form provided by the ~~City Clerk~~. The application shall state the applicant's name, residential address, business name, address of place of business, type of license applied for and a general description of the goods or materials to be purchased, sold, exchanged or traded. The relevant license fee shall accompany the application.

...

4-14-5: LICENSE APPLICATION: Applications for scrap dealer's licenses shall be made on a form provided by the ~~City Clerk~~. The application shall state the applicant's name, residential address, business name, address of place of business and a general description of the goods and/or materials to be purchased, sold, exchanged, traded, recycled or stored. The license fee shall

accompany the application.

...

4-16-9: PERMIT REQUIRED:

...

(E) An application for a permit must be made on a form provided by the City. Any person desiring to operate a Sexually Oriented Business shall file with the ~~City~~ Clerk an original and two (2) copies of a sworn permit application on the standard application form supplied by the City or designee. The completed application shall contain the following information and shall be accompanied by the following documents:

...

(G) Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the ~~City~~ Clerk or his/her designee, shall be grounds for suspension of a permit.

(H) In the event that the ~~City~~ Clerk or his/her designee determines or learns at any time that the applicant has improperly completed the application for a proposed Sexually Oriented Business, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is expressly allowed an opportunity to properly complete the application.

...

4-16-10: INVESTIGATION AND APPLICATION:

(A) Upon receipt of an application properly filed with the ~~City~~ Clerk and upon payment of the non-refundable application fee, the ~~City~~ Clerk or his/her designee, shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the Idaho Falls Police Department and any other City departments or agencies responsible for enforcement of health, fire and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed Sexually Oriented Business in accordance with its responsibilities under law and as set forth in this Chapter. Said investigation shall be completed within twenty (20) days of receipt of the application by the City or its designee. At the conclusion of its investigation, each department, division or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, state the reasons therefor. The Idaho Falls Police Department shall only be required to certify the NCIC records request check mentioned at Section 4-16-11. The Idaho Falls Police Department shall not be required to approve or disapprove applications.

...

4-16-11: ISSUANCE OF PERMIT:

...

(C) Denial of Application for Permit

...

(2) If the City Council denies the application, the City Clerk shall notify the applicant of the denial and state the reasons(s) for the denial within ten (10) days after the date of such denial.

...

4-16-18: TRANSFER OF PERMIT:

...

(B) A permittee shall not transfer his/her permit to another person unless and until such other person satisfies the following requirements:

- (1) Obtains an amendment to the permit from the City Council which provides that he/she is now the permittee, which amendment may be obtained only if he/she has completed and properly filed an application with the City Clerk or his/her designee, setting forth the information called for under Section 4-16-11 of this Chapter in the application; and

...

4-16-19: SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE:

...

(B) Before any applicant may be issued a Sexually Oriented Business Employee License, the applicant shall submit on a form to be provided by the City Clerk or his/her designee the following information:

...

12. The City Clerk or his or her designee shall refer the Sexually Oriented Business Employee License Application to the Idaho Falls Police Department for an investigation to be made of such information as is contained on the application. The application process shall be completed within ten (10) days from the date the completed application is filed. After the investigation, the City Clerk or his or her designee shall issue a license unless the report from the Police department finds that one (1) or more of the following findings is true:

...

(C) Renewal of license:

1. A license granted pursuant to this section shall be subject to annual renewal by the City Clerk or his or her designee upon the written application of the applicant and a finding by the City Clerk or his or her designee and the Idaho Falls Police Department that the applicant has not been convicted of any "Specified Criminal Act" as defined in Section 4-16-2 of this Chapter or committed any act during the existence of the previous license period which

would be grounds to deny the initial permit application.

...

SECTION 5. Title 5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

5-5-4: KEEPING OF WILD ANIMALS:

...

(C) Nothing herein shall prohibit the bona fide activities of the following:

...

- (2) A pet store, animal shelter, zoological park, humane society shelter, public laboratory, circus, sideshow, amusement show, exhibition or facility for educational or scientific purposes, which keeps or cares for wild animals, provided protective devices or procedures adequate to prevent such animal from escaping or injuring the public are employed and provided further that the operators of such facilities have first obtained a license from the City Clerk as required under this Code.

...

(D) Impounding of Prohibited Animals:

...

- (2) Any domestic animal impounded in the animal control shelter shall be retained for a minimum of seventy two (72) hours, unless the lawful owner or keeper appears and claims the animal, and pays all impound fees and charges as provided in this Chapter. If the owner or keeper of such animal does not appear at the animal control shelter within a seventy-two (72) hour period, the animal may be delivered to any other state or federally licensed or operated facility, or the animal may be humanely destroyed and the carcass disposed of in any lawful manner. If the owner or keeper of the impounded animal appears at the animal shelter at any time during the seventy-two (72) hour period, the Animal Services Manager, or his or her authorized representative, shall deliver a written notice to the owner or keeper of the prohibited animal, stating that the animal has been impounded as a prohibited animal, and that the animal will be destroyed within ten (10) days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the City, requiring the City to show cause why the animal should be destroyed. Such notice shall be deemed to be given as of the date of its physical delivery to the owner or keeper of the prohibited animal or upon its deposit in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the last known address of the owner or keeper of such animal. If such order is not served upon the City within ten (10) days of the delivery date of the notice, the animal shall be destroyed and disposed of as provided herein. If the order to show cause is issued and served upon the City Clerk

within ten (10) days of delivery of the notice to the owner, the animal shall be retained in the pound until further order of the court.

...

5-8-12 NOTICE TO ABATE.

...

(C) Such notice shall be in writing and shall clearly state that the property contains a public nuisance and that the owner(s), occupant(s), or controller(s) shall abate the nuisance within ten (10) calendar days after the date of the notice; that the owner(s), occupant(s), or person(s) in control of the property given the notice may, within ten (10) calendar days following receipt of the notice, deliver in writing to the City Clerk his or her objections to the abatement of the nuisance and request an appeal hearing before a panel comprised of three (3) members of the Board of Adjustment upon payment of a fee for the appeal in an amount established from time to time by the Council.

...

5-10-4 G NOTICE TO ABATE NUISANCE.

...

(C) Such notice shall be in writing and shall clearly state that the property contains a public nuisance and that the owner(s), occupant(s), or controller(s) shall remove graffiti within forty-eight (48) hours of receipt of the notice; that the owner(s), occupant(s), or person(s) in control of the property given the notice may, within forty-eight (48) hours of receipt of the notice, deliver in writing to the City Clerk his or her objections to the removal of the graffiti and request an appeal hearing before a panel comprised of three (3) members of the Board of Adjustment upon payment of a fee for the appeal in an amount established from time to time by the Council.

...

SECTION 6. Title 6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

6-2-1: ADOPTION NFPA 1123: The 2006 edition of the National Fire Protection Association Code for Fireworks Display ("NFPA 1123"), one (1) copy of which shall be filed for use and examination by the public in the office of the City Clerk, is hereby adopted and incorporated into this City Code as if set out at length herein.

6-2-2: AMENDMENTS: The 2006 edition of NFPA 1123 Code for Fireworks Display, as so adopted, is amended as follows:

...

(C) CONSUMER FIREWORKS — APPLICATION: Any person desiring to sell "safe and sane fireworks" within the City shall apply to the City Clerk for a permit. Each applicant shall pay to the Clerk a permit fee and inspection fee in an amount set from time to time by Resolution of the Council at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane

fireworks" shall include the following information:

...

(N) CONSUMER FIREWORKS - APPLICATION FOR WHOLESALE PERMIT: Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the ~~City~~ Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay, to the ~~City~~ Clerk, a fee in an amount set from time to time by Resolution of Council at the time of application. Permits shall be granted only by the City Council after investigation and recommendation by the Fire Code Official. No permit shall be granted for sale on premises or under any conditions which would violate any State law or any ordinance of the City. If the application be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue.

...

(R) DISPLAY FIREWORKS — PERMIT APPLICATION: Any person desiring to conduct a public display of fireworks within the City shall apply to the ~~City~~ Clerk for a permit. Prior to issuing permits for a fireworks display, plans for the display, inspection of the display site and demonstrations of the display operations shall be approved by the Fire Code Official. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fall-out area or other malfunctions shall be provided to the Fire Code Official.

...

6-2-6: APPLICATION: Any person desiring to sell "safe and sane fireworks" within the City shall apply to the ~~City~~ Clerk for a permit. Each applicant shall pay to the Clerk a permit fee and inspection fee in an amount set from time to time by Resolution of the Council at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane fireworks" shall include the following information:

...

6-2-13: APPLICATION FOR WHOLESALE PERMIT: Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the ~~City~~ Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay to the ~~City~~ Clerk a fee in an amount set from time to time by Resolution of the Council at the time of application. Permits shall be granted only by the Council after investigation and recommendation by the Fire Chief. No permit shall be granted for sale on premises or under any conditions which would violate any State law or any ordinance of the City. If the application be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue.

...

6-3-3: CHILD CARE FACILITY LICENSE: No person or entity shall own, operate or permit to be operated within the City any Child Care Facility without first having obtained an appropriate license under this Chapter.

(A) Type 1: Child Care Center. Any person or operator applying for a Type 1 license

shall deliver the following documents to the ~~City~~-Clerk at the time the application is made.

...

(D) APPLICATIONS FOR LICENSE: The applicant shall obtain an application for a license from the ~~City~~-Clerk. Once an application for a license has been submitted, the Clerk shall review the application and determine whether or not the application is complete. If the Clerk deems that the application is complete, then the applicant and City will arrange for all necessary inspections to obtain the certificates required by such Section in subsection (A), (B) or (C) above. Once all certifications are obtained and all requirements of either subsection (A), (B) or (C) above and there is compliance with all provisions of this Chapter, the Clerk shall issue a license. If the application is incomplete in any respect, the Clerk shall promptly notify the applicant that the application is incomplete and shall specify the items which the Clerk has determined are not complete or which do not otherwise comply with the provisions of subsection (A) hereof. Applications shall be made to the Clerk in the form and manner prescribed by the ~~City~~-Clerk.

...

(K) TIME BY WHICH LICENSE MUST BE OBTAINED: If a child care facility or provider is not already licensed through the State of Idaho, then they must apply for a City license by October 1, 2008. Any child care facility or provider who is already licensed through the State of Idaho must file their initial application for a City license thirty (30) days before their State license expires. By October 1, 2008, a child care facility or provider, who is licensed through the State, must provide a copy of their State license to the ~~City~~-Clerk. The State licensed facility or provider must provide verification that a criminal background check for all persons required under Sections 6-3-3(A)(4), 6-3-3(B)(4), 6-3-3(C)(4), 6-3-4(B)(2) and 6-3-4(C)(1) hereof has been completed, or is being completed, within the last two years. All child care facilities and providers, even if licensed by the state, shall be subject to Sections 6-3-6 through 6-3-12 of this ordinance.

...

6-3-6: DENIAL OR REVOCATION OF CHILD CARE FACILITY LICENSE, CHILD CARE WORKER CERTIFICATION OR NON-SITE NON-PROVIDERS CERTIFICATION:

(A) The following shall constitute grounds for denial or revocation of a Child Care Facility license, Child Care Worker certification or On-Site Non-Providers documentation, or shall constitute grounds for a misdemeanor citation:

...

- (6) The failure by the Owner of a Child Care Facility to notify the ~~City~~-Clerk of any change of ownership of the Child Care Facility within three (3) business days after such change of ownership becomes effective. For the purposes hereof a "change of ownership" shall be defined as a transfer of a controlling interest in any sole proprietorship, partnership, corporation, limited liability company, or other lawful form of business organization.

...

6-3-11: RIGHT OF ENTRY FOR GOVERNING OFFICIALS: Every Facility shall, upon presentation of identification, allow the Fire Marshal, Fire Chief, Building Official, Police Officer,

Idaho Department of Health and Welfare officer, Code Enforcement Officer, EIPHD Representative, ~~City~~ Clerk or other designated City Official immediate entry to the Child Care facility for the purposes of inspection for compliance with the terms of this Chapter. The license of any Child Care Facility or an employee's certification may be denied, suspended or revoked if such provider refuses to allow entry.

...

SECTION 7. Title 7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-1-1: INTERNATIONAL BUILDING CODE ADOPTED:

...

(B) Code on File: One (1) copy of the International Building Code, 2018 Edition, shall be retained by the ~~City~~ Clerk for use and examination by the public.

...

7-2-1: INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED:

...

B. Code on File: One (1) copy of the International Property Maintenance Code, 2018 Edition, duly certified by the Clerk, shall be retained by the ~~City~~ Clerk for use and examination by the public.

...

7-3-1: ADOPTION OF CODES FOR SCHOOL BUILDINGS: There are hereby adopted as official building codes of the City of Idaho Falls, Idaho all of the International Building Codes referenced in Idaho Code Section 39-4109, provided such Codes shall be applicable only to the extent set forth hereinbelow with respect to the construction of any new school building or addition or alteration to any existing school building which is estimated to cost in excess of twenty-five thousand dollars (\$25,000). One copy of each of such Codes shall at all times be maintained at the office of the ~~City~~ Clerk and one copy shall be maintained at the office of the Community Development Services Department.

...

7-5-1: IDAHO STATE PLUMBING CODE ADOPTED

...

(B) Idaho State Plumbing Code on File: Three (3) copies of the Idaho State Plumbing Code adopted by this Chapter and duly certified by the Clerk, shall be retained by the City for use in and examination by the public. One (1) copy shall be filed in the Office of the ~~City~~ Clerk and two (2) copies shall be filed in the Office of the Department of Community Development Services.

...

7-6-1: INTERNATIONAL RESIDENTIAL CODE ADOPTED:

...

(B) Code on File: One (1) copy of the International Residential Code for One and Two Family Dwellings, 2018 Edition, shall be retained by the ~~City~~-Clerk for use and examination by the public.

...

7-11-1: INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED:

...

(B) Code on File: One (1) copy of the International Energy Conservation Code, 2018 Edition, duly certified by the Clerk, shall be retained by the ~~City~~-Clerk for use and examination by the public.

...

7-12-1: UNIFORM CODE FOR BUILDING CONSERVATION:

...

(B) Code on File: Three (3) copies of the Uniform Code for Building Conservation, 1997 Edition, duly certified by the Clerk, shall be retained by the City for use and examination by the public. One (1) copy shall be filed in the office of the ~~City~~-Clerk. Two (2) Copies shall be filed in the office of the Department of Community Development Services.

7-13-1: INTERNATIONAL EXISTING BUILDING CODE:

...

(B) Code on file: One (1) copy of the International Existing Building Code (2018 Edition) duly certified by the Clerk, shall be retained by the ~~City~~-Clerk for use and examination by the public.

SECTION 8. Title 8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

8-3-5 PERMITTED EVENTS:

...

(B) APPLICATION FOR PERMIT: The applicant shall obtain an application for a permit from the ~~City~~-Clerk. Once an application for a permit has been submitted and the fee has been paid in an amount set from time to time by Resolution of the Council, the ~~City~~-Clerk shall review the application and determine whether or not the application is complete. If the ~~City~~-Clerk deems that the application is complete, and the applicant has met all conditions of this Section, the ~~City~~-Clerk shall issue a permit for the Event. If the application, in any respect, is incomplete, the ~~City~~-Clerk shall promptly notify the applicant and shall specify the items which the ~~City~~-Clerk has determined are not complete or which have not been provided pursuant to this Section. An application shall be made to this ~~City~~-Clerk in the form and manner prescribed by the ~~City~~-Clerk.

...

(E) EVENT PERMIT REQUIREMENTS: Each of the following shall be required for every Permitted Event:

1. LIABILITY AND INSURANCE:

a. Not less than ten (10) days prior to the Permitted Event at which a licensed vendor will sell or dispense alcohol the following shall be done:

1. The Event Sponsor(s) shall deliver to the ~~City~~-Clerk one (1) copy of written proof that the licensed vendor has current, paid up, off-premise liquor liability insurance in an amount not less than ~~One Million Dollars~~one million dollars (\$1,000,000) combined single limits. Every off-premises liquor liability insurance policy provided shall include assault and battery coverage and defense costs coverage. The City shall be named as an additional insured on the insurance policy of every licensed vendor.
2. The Event Sponsor(s) shall deliver to the ~~City~~-Clerk one (1) copy of written proof that the Event Sponsor(s) has obtained current, paid up, general liability insurance or special event insurance in an amount not less than ~~One Million Dollars~~one million dollars (\$1,000,000) combined single limits. Such general liability insurance or special event insurance policy shall be primary to any other insurance related to the Permitted Event and to that of any potential party subject to a claim related to the Permitted Event.
3. The Event Sponsor(s) shall deliver to the ~~City~~-Clerk the signed original of an agreement, with City to defend, hold harmless and indemnify the City, its agents, servants, employees, officers, and contractors from any and all claims, causes of action, or damages which may arise from the Permitted Event.

...

3. SALES AND CONSUMPTION OF ALCOHOL:

a. Not less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell or dispense alcohol, the Event Sponsor(s) shall deliver to the ~~City~~-Clerk three (3) copies of a site map which shall be drawn to show the locations of:

1. the licensed vendor within the Permitted Event;
2. the Permitted Event boundary barricade, sales and alcohol dispensing area, entry and exit points;
3. identification checking station; and
4. food and products sales and service areas.

Said site design and any subsequent alterations shall be approved in writing by the City Parks and Recreation Director, or his/her designee, and by the

Chief of Police prior to the Permitted Event.

...

8-9-20: NOTICE TO ABATE NUISANCE:

...

(C) Such notice shall be in writing and shall clearly state that the property contains a public nuisance and that the owner(s), occupant(s), or controller(s) shall abate the nuisance within twenty (20) business days; that the owner, occupant, or person in control of the property given the notice may, within forty-eight (48) hours of receipt of the notice, deliver in writing to the City Clerk his or her objections to abatement of the nuisance and request an appeal hearing before the Board of Adjustment upon payment of a fee for the appeal in an amount established from time to time by the Council.

...

8-9-23: ADOPTION OF ANSI A300 and ANSI Z133.1:

(A) There is hereby adopted as an official code for the maintenance of trees, shrubs and other woody plants that certain standard maintenance practice as published in ANSI Standard A300 (Part I)-2001, as published by the American National Standards Institute, Inc. and approved on May 22, 2001.

(B) There is hereby adopted as an official code, that certain safety standard for planting and maintenance of trees in proximity to utility lines, known as ANSI Z133.1, as published by the American National Standards Institute, Inc., May 22, 2001 Edition.

One (1) copy of ANSI A300 and of ANSI Z133.1 shall be filed with and maintained in the office of the City Clerk, for use and examination by the public.

...

8-10-3 NOTICE TO ABATE NUISANCE.

...

(C) Such notice shall be in writing and shall clearly state that the property contains a public nuisance and that the owner(s), occupant(s), or controller(s) shall abate the nuisance within twenty (20) calendar days; that the owner, occupant, or person in control of the property given the notice may, within five (5) business days following receipt of the notice, deliver in writing to the City Clerk his or her objections to abatement of the nuisance and request an appeal hearing before a panel comprised of three (3) members of the Board of Adjustment upon payment of a fee for the appeal in an amount established from time to time by the Council.

...

SECTION 9. Title 9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

9-1-2: APPLICABILITY OF STATE LAWS: All traffic and motor vehicle laws of the State of

Idaho codified in Title 49, Idaho Code, and any rules and regulations promulgated by the Idaho Department of Law Enforcement pursuant thereto, shall apply to the operation of all vehicles upon the streets and alleys of the City, except to the extent such laws or regulations are expressly inconsistent with the provisions of this Code. The City Clerk shall keep at least one (1) copy of this Chapter available for public use and examination in his or her office at all times.

...

SECTION 10. Title 10 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

10-4-3 GENERAL PROVISIONS

...

B. Basis for Special Flood Hazard Areas The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for City of Idaho Falls, Bonneville County, Idaho, dated April 1982, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this Chapter. The FIS and the FIRM are on file at the office of the City Clerk.

SECTION 11. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 12. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 13. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 14. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2021.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

DRAFT

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE, AMENDING NUMEROUS CITY CODE PROVISIONS TO STANDARDIZE REFERENCES TO THE CITY CLERK, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK

IDHW - Idaho Strong

**THE EFFECTS OF THE PANDEMIC ARE BEING FELT
ACROSS IDAHO.**

**YOU ARE NOT ALONE.
HELP IS AVAILABLE.**

**WE PROVIDE
INFORMATION, RESOURCES, AND EMOTIONAL SUPPORT.**

ARE YOU INTERESTED IN:

- **UNDERSTANDING COMMON REACTIONS TO DISASTERS LIKE THE COVID-19 PANDEMIC?**
- **TALKING TO SOMEONE ABOUT YOUR SITUATION?**
- **GETTING RESOURCES IN YOUR LOCATION?**
- **LEARNING HOW TO MANAGE YOUR STRESS?**

**MOVE FORWARD
AGAIN WITH
HELP FROM US.**

**SERVICES ARE FREE AND
CONFIDENTIAL.**

#IDAHOSTRONG

**CALL YOUR LOCAL COVID-19
COMMUNITY RESOURCE SPECIALIST.**

SHANNON FOX 986-200-9402
**BINGHAM, BONNEVILLE, BUTTE, CLARK, CUSTER,
FREMONT, JEFFERSON, LEMHI, MADISON, TETON
COUNTIES**



**COVID HELP NOW LINE
986-867-1073**



IDAHO DEPARTMENT OF
HEALTH & WELFARE



COVID Help Now Line

Call or Text 986-867-1073 or Toll Free 866-947-5186
8am to 8pm Mountain Time, 7 days a week
www.ioem.idaho.gov/covidhelpnow

Idaho's COVID Help Now is:

Available via phone, text, or chat. Callers may also leave a message during off hours and receive a return call the following day.

- It is anonymous. Responders do not classify, label, or diagnose people, and no records or case files are kept.
- It is accessible to hearing and speech impaired via TTY and TRS services.
- It can help you understand your current situation.
- It provides language assistance and interpreter services.
- It can help reduce your stress and provide emotional support.
- It can help you with your immediate crisis needs and connect you with community resources.
- It can help you identify coping strategies.



IdahoStrong



StrongIdaho



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