

ORDINANCE NO. 294

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO ESTABLISHING A GENERAL PENALTY FOR ALL CITY CODE VIOLATIONS, OUTLINING MISDEMEANOR AND INFRACTION PENALTIES, ALLOWING FOR EACH OFFENSE TO BE A SEPARATE AND DISTINCT VIOLATION, REPEALING ALL PRIOR ORDINANCE PENALTY SECTIONS, DECLARING THE ORDINANCE SEVERABLE, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the State of Idaho authorizes municipal corporations to enact ordinances, rules, bylaw, and regulations to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry under Idaho Code § 50-302 as well as Idaho State Constitution Article XII, Section 2; and

WHEREAS, the City of Clark Fork has enacted various ordinances which are not inconsistent with the laws of the State of Idaho; and

WHEREAS, the City of Clark Fork strives to promote the general welfare of the city through the legal enforcement of such ordinances; and

WHEREAS, the City of Clark Fork desires to enact a general penalties ordinance to simplify the enforcement of city ordinance violations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL of the City of Clark Fork, Bonner County, Idaho

Section 1. MISDEMEANOR PENALTY: Any person convicted of a misdemeanor under the ordinances of the City shall be punished by imprisonment of not more than one hundred-eighty (180) days, a fine not to exceed one thousand dollars (\$1,000), or by both such fine and imprisonment, and, in addition thereto, any person so convicted shall pay such costs as the court may assess.

Section 2. INFRACTION PENALTY: Any person convicted of an infraction under the ordinances of the city shall be punishable by a fine of \$300, and, in addition thereto, any person so convicted shall pay such costs as the court may assess.

Section 3. VIOLATIONS, GENERALLY: Any person in violation any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the City for the first time is guilty of an infraction as prescribed by this ordinance. Any person who pleads guilty or is found guilty of a violation or failing to comply with any of the mandatory requirements of any ordinance of the City for a second time within five (5) years is guilty of a misdemeanor as prescribed by this ordinance.

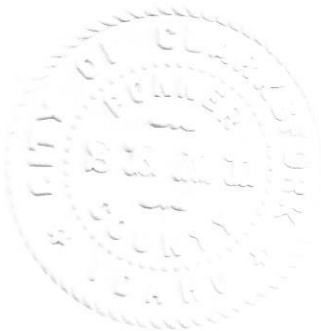
Section 4. SEPARATE OFFENSE: Every day the violation of any ordinance continues shall constitute a separate and distinct offense, punishable by the lawfully appropriate penalty as assigned.

Section 5. REPEAL: All sections of ordinances which prescribe a penalty, namely the penalty sections of Ordinances 13, 17, 19, 25, 26, 65, 89-1, 93, 101, 105, 114, 115, 116, 118, 123, 130, 143, 155, 158, 164, 165, 168, 193, 209, 215, 221, 223, 231, 232, 233, 243, 277, 279, 283, 287, 288, and 291 are hereby repealed and such penalty provisions shall be replaced with those found in Section 3 of this Ordinance.

Section 6. SEVERABILITY: The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect.

Section 7. EFFECTIVE DATE: This ordinance shall go into full force and effect upon passage, public hearing, and publication, as required by law.

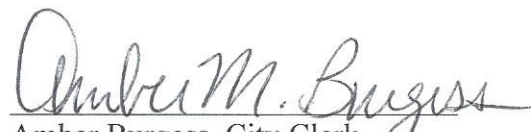
PASSED AND APPROVED by the City Council and the Mayor under suspension of the rules upon which a roll call vote was duly taken and enacted as an Ordinance of the City of Clark Fork at the regular meeting of the Clark Fork City Council held on the 12th day of June, 2023.



CITY OF CLARK FORK, IDAHO


Russell Schenck, Mayor

ATTEST:


Amber Burgess, City Clerk

CITY COUNCIL MEMBERS

Blaine Williams

Shari Jones

Sharon Banning

Jay White

YES NO ABSENT

<u>√</u>	_____	_____
<u>√</u>	_____	_____
<u>√</u>	_____	_____
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SUMMARY OF ORDINANCE NO. 294
ORDINANCE NO. 294, GENERAL PENALTIES ORDINANCE

SUMMARY: The City of Clark Fork adopted Ordinance Number 294 on June 12, 2023, which establishes a general penalty for all city code violations, outlines misdemeanor and infraction penalties, allows for each offense to be a separate and distinct violation, repeals all prior ordinance penalty sections, declares the ordinance severable, and sets an effective date upon publication of this summary.

The full text of Ordinance No. 294 is available for review at Clark Fork City Hall, 110 3rd Ave., Clark Fork, Idaho, during regular business hours and on the City of Clark Fork website. This summary shall be filed with the adopted Ordinance.


Amber Burgess, City Clerk

Publish once in the Bonner County Daily Bee or other newspaper of general circulation for which notice requirements may be satisfied.

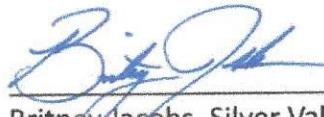
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CITY ATTORNEY REVIEW: The undersigned, City of Clark Fork legal counsel, having reviewed Ordinance No. 294 and the summary for the same, believes the summary is true and complete and that it provides adequate notice to the public of the identity, principal provisions, and effective date of the ordinance.

The full text of Ordinance No. 294 is available for review at Clark Fork City Hall, 110 3rd Ave., Clark Fork, Idaho, during regular business hours and on the City of Clark Fork website. This summary shall be filed with the adopted ordinance.

6/13/23
Date



Britney Jacobs, Silver Valley Law
Attorney for the City of Clark Fork