

## ORDINANCE NO. 287

### AMENDMENT OF ORDINANCE NO. 279

AN ORDINANCE OF THE CITY OF CLARK FORK, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING ENFORCEMENT PROVISIONS OF CLARK FORK CITY ORDINANCE #279; PROVIDING FOR SEVERABILITY AND SAVINGS OF THE ORDINANCE, AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, the City of Clark Fork passed a new Zoning Ordinance (Ordinance #279) on the 9<sup>th</sup> day of September, 2019, repealing previous ordinances regulating zoning within the City of Clark Fork, including Ordinance #216 and #222.

WHEREAS, the City of Clark Fork, having implemented Ordinance #279, has identified policies and procedures for enforcement contained within Ordinance #279 which should be revised to enable more effective review and handling of complaints received by the City.

BE IT ORDAINED by the Mayor and City Council of the City of Clark Fork, Bonner County, Idaho, that the following Ordinance(s) of the City are hereby amended as follows:

Section 1 - **Amendment:** That SECTION 17.0 VIOLATIONS AND PENALITIES of Clark Fork City Ordinance #279 is hereby amended to read as follows:

#### SECTION 17.0 VIOLATIONS AND PENALTIES

- A. **Complaints Regarding Violations:** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint on a City approved complaint form. Such complaint, stating fully the causes and basis thereof, and including any supporting documentation or exhibits which may substantiate such complaint, shall be filed with the City Clerk at the Clark Fork City Hall. The City Clerk shall properly record document receipt of such complaint; and disseminate the same to the Mayor and Council of the City. The Mayor, acting individually or under the direction of the City Council, may take action to order that such complaint be formally investigated by the City or its agents. Should a violation be found to exist, the City may take any action it deems appropriate under the laws of the Clark Fork City Code to abate such violation or otherwise enforce the regulations of this Ordinance. immediately investigate and take action thereon as provided by this Ordinance.
- B. **Penalties:** The City Attorney may, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Ordinance. Penalties for failure to comply with or violations of the provisions of this Ordinance shall be as follows:
1. Failure to comply with the provisions of this Ordinance shall constitute a misdemeanor. Each day such violation exists may be considered a separate offense, subject to the penalty of a fine of one thousand (\$ 1,000.00) dollars, not more than six (6) months incarceration in the County Jail, or both such fine and imprisonment.
  2. In addition to the criminal penalties above, the City of Clark Fork may proceed against the violator by initiating civil legal action in a court of competent jurisdiction. In the event the

City prevails, the violator shall be responsible for all costs including a reasonable sum for attorney's fees.

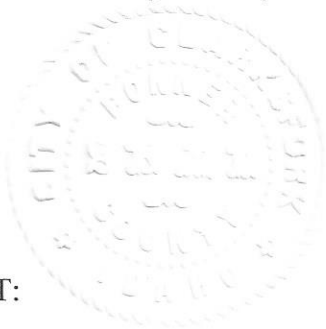
3. Nothing herein contained shall prevent the City Council, any other public official, or private citizen from taking such legal action as may be necessary to restrain or prevent any violation of this Ordinance or the Idaho Code.

**Section 2 - Severability:** This ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity.

**Section 3 - Repealer:** All provisions of the current ordinances of the City of Clark Fork which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 4 - Effectiveness:** This Ordinance and the Amendments contained herein shall be effective upon its passage and publication as provided by law. All other provisions within Ordinance #279 which have not been amended shall remain in full force and effect.

PASSED under suspension of the rules upon which a roll call vote was taken, duly enacted at a convened meeting of the City of Clark Fork City Council as an Ordinance of the City of Clark Fork, Bonner County, Idaho, and APPROVED by the Mayor on the 9<sup>th</sup> day of May, 2022.

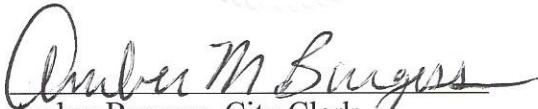


CITY OF CLARK FORK:

By:

  
Russ Schenck, Mayor

ATTEST:

  
Amber Burgess, City Clerk

CITY COUNCIL MEMBERS:

	YES	NO	ABSENT
Stanley Spanski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shari Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jay White	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharon Banning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUMMARY OF ORDINANCE NO. 287  
ORDINANCE NO. 287, AMENDING CITY OF CLARK FORK ORDINANCE # 279

**SUMMARY:** The City of Clark Fork adopted Ordinance Number 287 on May 9, 2022, amending City of Clark Fork's Ordinance #279. This resolution provides changes to Clark Fork Ordinance #279 Section 17.0, *Violations and Penalties*; requiring complaints to be submitted on a City complaint form and providing authority to the Mayor for enforcement; providing for a severability clause; repeals any conflicting provisions; and sets an effective date upon publication of this summary.

The full text of Ordinance No. 287 is available for review at Clark Fork City Hall, 110 3<sup>rd</sup> 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 on May 20, 2022.

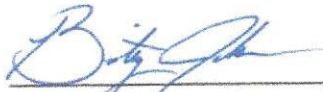
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**CITY ATTORNEY REVIEW:**

The undersigned, City of Clark Fork legal counsel, having reviewed Ordinance No. 287 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. 287 is available for review at Clark Fork City Hall, 110 3<sup>rd</sup> Ave., Clark Fork, Idaho, during regular business hours and on the City of Clark Fork website. This summary shall be filed with the adopted resolution.



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

5/11/22

\_\_\_\_\_  
Date