

# **TITLE 1**

## **ADMINISTRATION**

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Chapter 2 Saving Clause

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CHAPTER 1

**OFFICIAL CITY CODE**

- 1-1-1 : TITLE
- 1-1-2 : ACCEPTANCE
- 1-1-3 : AMENDMENTS
- 1-1-4 : CODE ALTERATIONS
- 1-1-5 : OFFICIAL NEWSPAPER

1-1-1 : TITLE

This City Code of ordinances shall be known and cited as the TETONIA MUNICIPAL CODE.

- A. This City Code is hereby published by authority of the city council and shall be supplemented to incorporate the most recent legislation of the city as provided in Section 1-1-3 of this Chapter.
- B. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents.

1-1-2 : ACCEPTANCE

This City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title.

1-1-3 : AMENDMENTS

- A. Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code.
- B. All such amendments or revisions by ordinance shall be immediately prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code.

1-1-4 : CODE ALTERATIONS

- A. It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted.
  - 1. Replacement pages may be inserted according to the official instructions when so authorized by the city council.

2. The city clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the city clerk.
- B. Any person having custody of a copy of the City Code shall make every effort to maintain said code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the city clerk.
- C. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the city and shall be returned to the office of the city clerk when directed so to do by order of the city council. (Ord. 2008-2)

1-1-5 : OFFICIAL NEWSPAPER

- A. Pursuant to Idaho Code 50-213 the official newspaper for the City of Tetonia shall be the TETON VALLEY NEWS published and printed in the City of Driggs, Teton County, Idaho. (Ord. 16, 4-1968; Ord. 2008-4)

## CHAPTER 2

### SAVING CLAUSE

- 1-2-1: REPEAL OF GENERAL ORDINANCES
- 1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES
- 1-2-3: COURT PROCEEDINGS
- 1-2-4: SEVERABILITY CLAUSE

#### 1-2-1: REPEAL OF GENERAL ORDINANCES

- A. Repealer: All general ordinances of the city passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections).
- B. Exceptions: The following ordinances are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; fee ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.
- C. Effect Of Repealing Ordinances: The repeal of the ordinances provided in subsection A of this Section, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

#### 1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as the City Code may contain provisions for such matters, in which case, this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

#### 1-2-3: COURT PROCEEDINGS

- A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any sue offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred

or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

- B. Scope Of Section: This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. Actions Now Pending: Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the city herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of the adoption of this City Code.

#### 1-2-4 : SEVERABILITY CLAUSE

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (Ord. 2008-2)

## CHAPTER 3

### DEFINITIONS

- 1-3-1: CONSTRUCTION OF WORDS
- 1-3-2: DEFINITIONS, GENERAL
- 1-3-3: CATCHLINES

#### 1-3-1: CONSTRUCTION OF WORDS

- A. Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. The use of any verb in the present tense shall include the future and past tense when applicable. The word shall is always mandatory and not merely directory.
- B. All words and phrases shall be constructed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.
- C. The word "ordinance" contained in the ordinances of the city has been changed in the content of this City Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the city's ordinances is not meant to amend passage and effective dates of such original ordinances. (2008 Code)

#### 1-3-2: DEFINITIONS, GENERAL

Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

- AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.
- BUSINESS: Includes any trade, profession, calling, activity, operation or enterprise for which a license or permit is required by any ordinance of the City.
- CHAIRMAN: The authorized official who presides at a meeting.

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| CHARGING OFFICIAL: | A city officer or employee with authority to enforce the ordinance for which citations may be issued or a person designated by the charging official to act on his or her behalf.  |
| CITATION:          | An administrative citation issued pursuant to this Code stating that the charging official has determined that there has been a violation of one or more provisions of a city ordinance, which ordinance incorporates this Title in whole or in part.  |
| CITY:              | The City of Teton, Teton County, State of Idaho.   |
| CITY ATTORNEY:     | The individual appointed to act as the City Attorney of the City.  |
| CITY COUNCIL:      | Unless otherwise indicated, the City Council of Teton, Idaho.  |
| CODE:              | The City Code of Teton, Idaho.   |
| COUNTY:            | Teton County, Idaho.   |
| EMPLOYEES:         | Whenever reference is made- in this Code to a City employee by title only, this shall be construed as though followed by the words "of Teton, Idaho".  |
| FEE:               | A sum of money charged by the City for the carrying on of a business, profession or occupation.  |
| GENDER:            | A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.  |
| HIGHWAY:           | Includes public bridges, and may be equivalent to the words "county way", "county road", "common road", and "State road".  |
| INFRACTION:        | A civil public offense, not constituting a crime, punishable by a penalty and for which no incarceration may be imposed  |
| LICENSE:           | The permission granted for the carrying on of a business, profession or occupation. The term "license" includes any certificate, permit or license issued by the City.   |
| LOCATION:          | Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of this City.  |
| MISDEMEANOR:       | Any offense not defined as a felony or infraction under State law.   |
| NUISANCE:          | Anything offensive or obnoxious to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community. |



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| OFFENSE:             | Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.  |
| OFFICERS, OFFICIALS: | Any elected or appointed person employed by the City, unless the context clearly indicates otherwise. Whenever reference is made in this Code to a City officer or official by title only, this shall be construed as though followed by the words "of Tetonia, Idaho".  |
| OWNER:               | As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.  |
| PERSON:              | Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.  |
| PERSONAL PROPERTY:   | Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein. |
| REASONABLE TIME:     | In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.                       |
| RETAILER:            | Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.   |
| ROAD:                | Includes public bridges, and may be equivalent to the words "county way", "county road", "common road" and "State road".   |
| STATE:               | The State of Idaho.  |
| STREET:              | Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks and intersections.   |
| TENANT:              | As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.  |
| TIME COMPUTED:       | The time within which an act is to be done as provided in any ordinance or in any resolution or order of the City, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a legal holiday,   |

then the last day shall be the day next following such Sunday or legal holiday which is not a Sunday or legal holiday. When time is expressed in hours, Sunday and all legal holidays shall be excluded.

**VIOLATION:**

A violation of an ordinance for which the charging official has authority to issue a citation.

Shall be construed to mean any seven (7) day period.

**WEEK:**

The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

**WHOLESALER:**

**WRITTEN, IN WRITING:**

May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.

**1-3-3: CATCHLINES**

The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (Ord. 2008-2, amd. Ord. 2020-03 4/15/20)

## CHAPTER 4

**GENERAL PENALTY**

- 1-4-1 : GENERAL PENALTY
- 1-4-2 : APPLICATION OF PROVISIONS:
- 1-4-3 : LIABILITY OF OFFICERS:

## 1-4-1 : GENERAL PENALTY

- A. Misdemeanor: Unless specifically provided elsewhere, any person convicted of a violation of any section or provision of this Code deemed a misdemeanor may be fined in a sum not to exceed one thousand dollars (\$1,000.00) for any offense and may be confined in the County Jail for a period of not more than six (6) months. Either or both such fine and imprisonment may be imposed; and in addition thereto, any person so convicted shall pay such costs as the court may assess.
- B. Infraction: When the offense is designated as an infraction by any section or provision of this Code or by State law, it is punishable only by a penalty not exceeding three hundred dollars (\$300.00) and no incarceration may be imposed.
- C. Civil Fine: The city may enforce the requirements of this code through the imposition of civil monetary penalties to be imposed in accordance with the city fee and fine schedule as established by resolution of the Tetonia city council which may be updated from time to time.
- D. Federally Mandated Programs: Any city which is participating in a Federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1,000.00), or imprisonment for criminal offenses not to exceed six (6) months or to include both a fine and imprisonment for criminal offenses.
- E. Separate Offense: A separate offense shall be deemed committed for each day during on or which a violation occurs or continues.  
(Ord. 2020-03 4/15/20)

## 1-4-2 : APPLICATION OF PROVISIONS:

## A. Application of Penalty Provisions:

- 1. The penalty provided in this chapter shall be applicable to every section of this Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed or where any action which is of a continuing nature is forbidden or is declared to be unlawful shall be deemed guilty of a misdemeanor unless otherwise provided. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such

act continues unless otherwise specifically provided in this Code.

2. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

B. One Recovery For Same Offense: In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. (Ord. 2020-03 4/15/20)

1-4-3 :      LIABILITY OF OFFICERS

No provision of this City Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (Ord. 2008-2)



CHAPTER 5

**MAYOR AND CITY COUNCIL**

- 1-5-1: MAYOR
- 1-5-2: CITY COUNCIL
- 1-5-3: COMPENSATION
- 1-5-4: MEETINGS
- 1-5-5: ADHERENCETORULESANDPROCEDURES
- 1-5-6: RULES

1-5-1: MAYOR

The mayor shall be the chief administrative official of the City, who presides over all meetings of the city council and shall possess such powers and discharge such. duties as are prescribed by the laws of the State of Idaho.

1-5-2 : CITY COUNCIL

- A. The City of Tetonía shall have four council members.
- B. Members of city council are the legislative and policy making branch of the City of Tetonía.
  - 1. Members shall attend all city council meetings unless lawfully excused by the mayor or the remaining majority of the council.
  - 2. Perform all duties required by law or as may be assigned by the mayor. Ord. 14, 9-6-1967; Ord. 2008-2)

1-5-3 : COMPENSATION

Compensation shall be fixed by ordinance published at least seventy-five (75) days before any general city election, which ordinance shall be effective for all said officials commencing on January 1 following said election and continuing until changed pursuant to 50-203 Idaho Code.

1-5-4 : MEETINGS

- A. Regular: The regular meetings of the Tetonía city council shall convene at city hall on the 2<sup>nd</sup> Monday of each month at the hour of o'clock (7) P.M.; provided, that if such meeting date shall occur on a legal holiday, the meeting shall be on the next secular day following.
- B. Special Meetings:
  - 1. Special meetings of the city council may be called by the mayor or the council president at any time. No formal action may be taken by the city council at a special meeting unless a quorum is present.
  - 2. A copy of the call for each special meeting must be transcribed in the journal of its proceedings so as to become a part of the minutes of such special meeting.

- C. Change In Meeting Time: Any change in the foregoing time of meetings may be made by resolution duly adopted and passed by the city council. (Ord.2008-2)

1-5-5 : ADHERENCE TO RULES AND PROCEDURES

The rules of procedure and order of business, as prescribed in the succeeding rules, shall be adhered to by the city council, unless they shall be temporarily suspended by a three-fourths (3/4) vote; and at such vote the yeas and the nays shall be recorded.

1-5-6 : RULES

- A. At all meetings of the city council a majority of council members shall constitute a quorum to do business.
- B. The chairman shall be the mayor and in his absence, the chairman shall be the president of city council or as agreed upon by the council members present.
  - 1. A president of city council shall be elected at the first city council meeting of each new calendar year.
  - 2. All questions relating to the priority of business shall be settled by the chairman without debate by the members of the city council.
  - 3. At the hour herein provided for city council meetings, with a quorum present, the city council shall be called to order by the chairman.
- C. The city clerk shall attend all regular and special meetings of the city council.
  - 1. The city clerk shall keep a true record of the proceedings thereof and enter in full all ordinances, resolutions and orders in the journal of proceedings of said meetings.
  - 2. In the absence of the city clerk, the chairman shall appoint from among the members of the city council there present a city clerk pro tempore, who shall have the same rights, privileges, powers and duties as the city clerk would have if present.
- D. Order of Business:
  - 1. Roll call.
  - 2. Reading of minutes of previous meeting.
  - 3. Claims and bills.
  - 4. Reports of officers.
  - 5. Reading petitions, memorials or other communications.
  - 6. Reports of standing committees.
  - 7. Reports of special committees.
  - 8. Unfinished business.
  - 9. Introduction and first reading of ordinances.
  - 10. Second reading, consideration of ordinances.
  - 11. Third reading and final vote on ordinances.

12. Motions, resolutions and miscellaneous business.

13. Adjournment.

- E. Record of Vote: On the passage or adoption of every ordinance, resolution, order or appointment of a city officer to enter into a contract by the city council, the yeas and nays shall be called and recorded.
- F. Majority Vote Required: To pass or adopt any ordinance, resolution, order; to appoint a city officer; or, the appropriation or payment of money shall be by a majority vote of the whole number of members elected to the city council. The mayor shall break a tie vote.
- G. Readings of an Ordinance: Ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days, unless three-fourths (3/4) of the members of the city council temporarily suspend the rule. Ordinances shall contain no subject, which shall not be clearly expressed in its title, and no ordinance or sections thereof shall be amended or revised, unless the ordinance or section so amended shall be repealed.
- H. All claims against the City shall be itemized, the day and date that such labor was performed or material furnished must be given. All claims must be presented to the city council in writing, verified by the oath of the claimant or his agent that the same is correct, reasonable and just and no claim or demand shall be audited or allowed unless presented and verified as herein provided. (Ord. 2008-2)





CHAPTER 6

**OFFICERS AND EMPLOYEES**

- 1-6-1: CITY CLERK
- 1-6-2: CITY TREASURER
- 1-6-3: OATH AND BOND

1-6-1: CITY CLERK

- A. City Seal; Public Records: The city clerk shall be the keeper of the city seal and shall affix it to all instruments and papers which by law or ordinance are required to be attested by the seal of the cities. He shall have the custody and safely keep all public records, documents, ordinances and orders of the city council and such other papers and documents in which the city I is interested as may be delivered into his custody for safekeeping.
- B. Attendance At Meetings: It shall be the duty of the city clerk to attend all meetings of the city council, keep minutes of all its proceedings and record the same in a book to be provided by the city council and to be kept in his office.
- C. Financial Responsibilities:
  - 1. Countersign Warrants:
    - a. He shall countersign all warrants drawn on the city treasurer and deliver the same when called for by proper parties.
    - b. He shall draw and countersign all warrants on the city treasurer for compensation of officers upon their request; provided he shall not in any case draw or sign a warrant for any such compensation that is not at the time of signing such warrant, shown to be clearly due such officer. He shall do and perform such other duties as may from time to time be enjoined upon him by ordinance or resolution of the city council.
  - 2. Statement Of Receipts And Expenditures: He shall also at the close of each fiscal year, and oftener if required by the city council make out and lay before them a full and complete statement of receipts and expenditures and all the fiscal affairs of the city I during such year, and cause the same to be published in some newspaper published in the city I.
  - 3. Ex Officio Collector: The city clerk shall be ex officio collector of the city I and shall in such capacity receive all monies due the city I from any source whatsoever and shall issue proper receipts therefore to the officers or persons entitled thereto. He shall, upon the first Monday of each month, deliver to the city treasurer any/all such sums of money received by him as such collection during the previous months, together with the statement of the different accounts upon which the several sums were received and shall take the city treasurer's receipt for the gross amount so deposited with the city treasurer.
  - 4. Ex Officio Auditor:
    - a. The city clerk shall be ex officio city auditor and as such auditor, shall be the general accountant of the city I and shall be constantly acquainted

with the condition of the city treasury and each demand thereon and shall furnish the city council any desired information as to the condition of such treasury, or any funds thereof, whenever requested so to do by the city council or any committee or member thereof.

- b. The city clerk as such Auditor shall keep according to some established system of bookkeeping, all accounts between the city I and its officers or other persons; and shall keep an official record of all demands on the treasury allowed by him, showing the number, date, amount, name of original holders on which account allowed and out of what fund payable.
5. **Furnish Copies; Charge Fees:** Upon demand and payment of such fees therefore as a county recorder for the State might receive for similar services, the city clerk shall furnish any person applying therefore a copy of any records, papers or documents of any kind in his possession, which copy shall be certified under his hand and Seal of office. All of such fees shall be duly accounted for and paid to the city treasurer in the same manner as other receipts of the city clerk, and paid in and accounted for.
  6. **Purchase Necessary Supplies:** The city clerk shall buy all account books, stationery, receipt books, blanks, etc., that shall be necessary for the use of the city I or its officers whenever they shall be ordered by the city council.

#### 1-6-2: CITY TREASURER

- A. **Receive And Keep Money:** The city treasurer shall, upon the first Monday of each month, receive from the city clerk and safely keep all monies belonging to the city I, received by the city clerk during the preceding month. He shall keep a true and correct account thereof, stating from whom and on what account received and shall give the city clerk a receipt therefore.
- B. **Separate Accounts:** He shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. He shall pay from the treasury all sums as he may be authorized so to do by warrants duly signed by the chairman of the city council and countersigned by the city clerk; providing such warrants distinctly states on its face for what the money is appropriated, to whom payable and on what fund drawn, and not otherwise. Such warrants shall be his vouchers therefore.

#### 1-6-3: OATH AND BOND

- A. **Oath:** All officers of the city I, whether elected or appointed, shall before entering upon the duties of their respective offices, take and subscribe the constitutional oath of office.
- B. **Bond:** The city clerk and city treasurer shall, before entering upon the duties of their office, execute a bond with good and sufficient sureties, to be approved by the city council, payable to the city I, conditioned for the faithful performance of the duties of office and the payment of all monies received by such officer according to law and the ordinances of the city I.
  1. **Amount Specified:** The amount for which the respective officers shall give bond as stated in subsection B of this section shall be as follows:

TITLE 1 ADMINISTRATION

City Clerk      \$25,000.00

City Treasurer \$ 25,000.00

2. Filing of Bonds: All bonds given by the officers of the city shall be filed in the office of the city clerk, except the bond of the city clerk, which shall be filed with the city treasurer. (Ord. 2008-2)



CHAPTER 7

**ELECTIONS**

1-7-1 : ELECTION OF MAYOR

1-7-2 : ELECTION OF CITY COUNCIL

1-7-3 : HOURS OF POLLING PLACES FOR CITY ELECTIONS:

1-7-1 : ELECTION OF MAYOR

- A. Qualifications: Any person shall be eligible to hold the office of mayor who is a qualified elector of the city at the time of his election and remains a qualified elector during his term of office.
- B. Term of Office: The term of office for mayor shall be four years. (Ord. 2008-2; Ord. 14, 9-6-1967)

1-7-2 : ELECTION OF CITY COUNCIL

- A. Qualifications: Any person shall be eligible to hold the office of councilman who is a qualified elector of the city at the time of his election and remains a qualified elector during his term of office.
- B. Term of Office: The term of office for a councilman shall be four years.
  - 1. Two councilmen shall be elected every two years.
- C. Vacancies, Appointment: A vacancy on the council shall be filled by appointment made by the mayor, with the consent of the council, which appointee shall serve only until the next general city election. (Ord. 2008-2; Ord. 14, 9-6-1967)
- D. Installation: Council members elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: The incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one item of which shall be the election of a member as president of the council.

1-7-3 : HOURS OF POLLING PLACES FOR CITY ELECTIONS:

The polls for all general and special city elections shall be open from twelve o'clock (12:00) noon, Mountain Time, and remain open until eight o'clock (8:00) P.M., Mountain Time. (Ord. 2008-2)



CHAPTER 8

**INITIATIVES AND REFERENDUMS**

- 1-8-1 : CREATION OF RIGHT
- 1-8-2 : NUMBER OF PETITIONERS REQUIRED
- 1-8-3 : FORM OF PETITION
- 1-8-4 : TIME FOR FILING PETITIONS FOR REFERENDUMS
- 1-8-5 : PRINTING PETITION AND SIGNATURE SHEETS; TIME LIMIT FOR FILING
- 1-8-6 : VERIFICATION OF SIGNATURE SHEETS
- 1-8-7 : EXAMINATION AND CERTIFICATION OF SIGNATURES
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- 1-8-12 : CANVASS OF RETURNS
- 1-8-13 : PROHIBITED ACTS; PENALTIES

1-8-1 : CREATION OF RIGHT

The people of this city shall have the right to enact ordinances through the initiative process, and to repeal ordinances through the referendum process, according to the procedures set forth herein.

1-8-2 : NUMBER OF PETITIONERS REQUIRED

There shall be attached or appended to the initiative or referendum petition the signatures of the legal voters of the city equal to at least twenty percent (20%) of the total number of voters registered to vote at the last general election held in the city for the election of officers.

1-8-3 : FORM OF PETITION

The initiative petition shall be in substantially the following form:

*Initiative Petition to the Mayor and Council of the City of Tetonía, Idaho: "We the undersigned citizens and legal voters of the City of Tetonía, respectfully demand that the following proposed ordinance, to-wit: (setting out full text of measure proposed) shall be submitted to the legal voters of the City of Tetonía, for their approval or rejection at an election to be called in accordance with Chapter 9, Title 1 of the Tetonía Code and each for himself says: I have personally signed this petition; I am a legal voter of the City of Tetonía; and my residence address is correctly written after my name."*

*(Signature)(Printed Name)(Street Address)*

*(Here follow numbered lines for signatures)*

The petition for referendum on any ordinance passed by the city council shall be in substantially the same form with appropriate title and changes, setting out in full the text of the ordinance to be referred to the people for their approval or rejection.



1-8-4 : TIME FOR FILING PETITIONS FOR REFERENDUMS

Referendum petitions with the requisite number of signatures attached shall be filed with the city clerk not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum.

1-8-5 : PRINTING PETITION AND SIGNATURE SHEETS; TIME LIMIT FOR FILING

- A. Before or at the time of beginning to circulate any petition for initiative or referendum, the person(s) or organization(s) under whose authority the petition is to be circulated shall send or deliver to the city clerk a copy of such petition duly signed by at least twenty (20) electors eligible to sign such petition. The city clerk shall immediately examine the petition and specify the form and kind and size of paper on which the petition shall be printed and circulated for further signatures. All petitions and sheets for signatures shall be printed on a good quality bond or ledger paper, on pages eight and one-half inches (8 1/2") in width by thirteen inches (13") in length, with a margin of one and three-fourths inches (3/4") at the top for binding, and the sheets for signatures shall have numbered lines thereon from 1 to 20 for signatures. The petition shall be prepared in sections, with each section numbered consecutively. Each section of a petition must have a printed copy of the petition as the first page(s), and each section shall have attached to it not more than ten (10) sheets for signatures.
- B. The city clerk shall indicate in writing on the petition that he has approved it as to form. The city clerk shall inform the person(s) or organization(s) under whose authority the petition is to be circulated, in writing, that the petition must be filed with the city clerk with the required number of certified signatures within seventy five (75) days following the date of approval as to form. Any petition that has not been filed with the city clerk with the required number of certified signatures within the seventy five (75) days allowed shall be declared null and void ab initio in its entirety.

1-8-6 : VERIFICATION OF SIGNATURE SHEETS

Each and every signature sheet of each petition containing signatures shall be verified on the face thereof in substantially the following form by the person who circulated said sheet of the petition, by his or her affidavit, as a part thereof:

STATE OF IDAHO)

:ss

County of Teton)

*I, , swear, under penalty of perjury, that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signature sheet correctly, and that the person was eligible to sign this petition.*

Signature

*Street Address*

*SUBSCRIBED AND SWORN to before me this day of, 20 .*

*Notary Public*

My Commission Expires:

1-8-7: EXAMINATION AND CERTIFICATION OF SIGNATURES

- A. All petitions with attached signature sheets shall be presented on the same day to the city clerk, who shall make a cursory examination of them to determine whether the petitions apparently contain the necessary number of signatures.
1. If the total number of signatures on the petitions is not sufficient to satisfy the number required by section 1-9-2 of this chapter, all petitions with attached signature sheets shall be retained by the city clerk who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered, if within the time limit of section 1-9-5 of this chapter.
  2. If the cursory examination of the signature sheet reveals:
    - a. Erasures on any signature;
    - b. Illegible or indecipherable signatures;
    - c. Signatures not properly identified by all of the information required on the sheet;
    - d. Duplicate signatures; or
    - e. Signatures of persons who have requested in writing to have their names removed from the petition, then the city clerk shall summarily reject such signatures and they shall not be counted.
  3. Each rejected signature shall be drawn through with ink and initialed by the city clerk. If the total number of signatures not rejected is not sufficient to satisfy the number required by section 1-9-2 of this chapter, all petitions with attached signature sheets shall be retained by the city clerk who shall notify in writing the person filing the petition of the number of signatures needed, and further signatures may be gathered, if within the time limit of section 1-9-5 of this chapter.
- B. All petitions presented to the city clerk found to apparently contain the necessary number of signatures, after the cursory examination provided above, shall be filed with the city clerk and become public records of the city not to be returned. The city clerk shall examine each such signature purported to be that of a registered elector of the city, and compare each such signature with the registration documents available to the city clerk. The city clerk shall summarily reject all signatures which are not the signatures of a registered elector of the city; and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the city clerk. The city clerk may take up to ten (10) days after filing of the petition to complete his examination. Weekends and legal holidays shall not be counted in the ten (10) day period. The

city clerk shall certify each signature found to comply with all of the requirements of this chapter by an appropriate mark following each signature. The city clerk may delegate all or a portion of the duties set forth in this subsection to the county clerk of Teton County.

- C. The city clerk shall total the number of certified signatures, and if found to total at least the number of signatures required by section 1-9-2 of this chapter, action on the petition shall proceed as provided in section 1-9-9 of this chapter.

1-8-8 :        REMOVAL OF SIGNATURES

- A. The signer of any 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.
- B. The signer of any 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 verification of the signature, 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 of certified signatures on the petition accordingly. The statement shall be attached to, and become a part of, the initiative or referendum petition. The city clerk shall notify the person filing the petition that a name has been voluntarily removed from the petition and further signatures may be gathered, if necessary, if within the time limit of section 1-9-5 of this chapter.

1-8-9 :        SUFFICIENCY OF PETITION; NOTIFICATION; ELECTION

- A. In the event that a petition filed with a city clerk is found by the city clerk to contain the required number of certified signatures, the city clerk shall promptly, by certified mail, inform the petitioners, and shall also notify the city council at its next meeting, that the initiative or referendum petition is in proper form.
- B. An election shall be ordered by the city clerk to be conducted citywide. The election date for an initiative or referendum shall be the nearest date to: a) the first Tuesday in February, b) the fourth Tuesday in May, c) the first Tuesday in August, or d) the Tuesday following the first Monday in November, that is more than forty five (45) days after the city clerk orders an election to be held. (Code 2008)

1-8-10 :      FORM OF BALLOT

The city attorney shall prepare a ballot for an initiative or referendum election in one of the following ways:

- A. If the full text of the ordinance or proposed ordinance to be voted upon does not exceed seven hundred fifty (750) words in length, it may be set out in full on the election ballot; or
- B. If the full text of the ordinance or proposed ordinance to be voted upon exceeds seven hundred fifty (750) words in length and the city council votes not to have it

printed at length on the election ballot the city attorney shall prepare a short title and description of the ordinance or proposed ordinance which shall clearly and impartially state its purpose and effect, which short title and description shall be printed on the election ballot.

1-8-11: CONDUCT OF ELECTION

Initiative or referendum elections shall be conducted and the results thereof canvassed and certified in all respects as near as practicable, in like manner as general elections, except as otherwise provided.

1-8-12 : CANVASS OF RETURNS

The mayor and city council shall meet within five (5) days after said election to canvass the votes cast at such election, and the city clerk shall immediately announce the results. Weekends and legal holidays shall not count in the five (5) day period. Any initiative measure approved by a majority of the votes cast shall be in full force and effect from the date of such announcement. Any ordinances proposed to be repealed by a referendum which receives a majority of the votes cast shall be repealed, effective on the date of such.

1-8-13 : PROHIBITED ACTS; PENALTIES

A person is guilty of a misdemeanor who:

- A. Signs any name other than his own to any initiative or referendum petition;
- B. Knowingly signs his name more than once on the same initiative or referendum petition;
- C. Knowingly signs his name to any initiative or referendum petition if he is not a registered city elector;
- D. Wilfully or knowingly circulates, publishes or exhibits any false statement concerning the contents, purport or effect of any initiative or referendum petition for the purpose of obtaining any signature to any such petition or for the purpose of persuading any person to sign any such petition;
- E. Presents to any officer for filing any initiative or referendum petition 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;
- F. Circulates or causes to circulate any initiative or referendum petition, knowing the same to contain false, forged or fictitious names;
- G. Makes any false affidavit concerning any initiative or referendum petition or the signatures appended thereto;
- H. Fails to allow a person to remove his or her name from the petition;
- I. Offers, proposes, attempts, or threatens in any manner or form for any pecuniary reward or consideration:

TITLE 1 ADMINISTRATION

1. To sell, hinder or delay any initiative or referendum petition or any part thereof or any signatures thereon;
2. To desist from beginning, promoting or circulating any initiative or referendum petition;
3. To use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimation of any person or business interest. (Ord. 2008-2)

CHAPTER 9

**IDENTITY THEFT PREVENTION PROGRAM**

- 1-9-1: PURPOSE
- 1-9-2: DEFINITIONS
- 1-9-3: IDENTIFYING RED FLAGS
- 1-9-4: PROCEDURES TO DETECT RED FLAGS
- 1-9-5: PROCEDURES TO PREVENT AND MITIGATE IDENTITY THEFT
- 1-9-6: PROGRAM ADMINISTRATION
- 1-9-7: PERIODIC UPDATING OF THE PROGRAM

1-9-1: PURPOSE

- A. In order to help combat identity theft, Congress enacted section 114 of the Fair and Accurate Transaction Act of 2003 (FACTA). In accordance with the rules adopted by the Federal Trade Commission to implement FACTA, the City of Tetonia, as a utility provider that allows its customers to pay for utility services after the services have been received, is required to adopt an Identity Theft Prevention Program to protect its utility customers.
- B. The following policies and procedures are for the purpose of detecting, preventing and mitigating identity theft. The policies and procedures take into account the size and complexity of the City's utility operations and account systems, and the nature and scope of the City's utility activities.

1-9-2 : DEFINITIONS

For the purpose of this Program, the following definitions will apply:

- COVERED ACCOUNT:**
- 1. Any account the City offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and,
  - 2. Any other account the City offers or maintains for which there is a reasonable foreseeable risk to customers or to the safety and soundness of the City from Identity Theft.

**IDENTIFYING INFORMATION:** Any name or number that may be used alone, or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government-issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing number.

1-9-3 : IDENTIFYING RED FLAGS

The following are identified as Red Flags, which are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

- A. Alerts, notifications or warnings from a consumer reporting agency, including but not limited to the following examples:
  - 1. A fraud or active duty alert included with a consumer report;
  - 2. A notice of credit freeze from a consumer reporting agency in response to a request by the City for consumer report;
  - 3. A notice of address discrepancy from a consumer reporting agency as defined in §334.82(b) of the Fairness and Accuracy in Credit Transactions Act.
  - 4. A consumer report that indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
    - a. A recent and significant increase in the volume of inquiries;
    - b. An unusual number of recently established credit relationships;
    - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
    - d. An account that was closed for cause or identified for abuse of account privileges by a creditor.
- B. Suspicious documents.
  - 1. Documents provided for identification appear to have been altered or forged.
  - 2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
  - 3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
  - 4. Other information on the identification is not consistent with readily accessible information that is on file with the City, such as a signature card or recent check.
  - 5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.
- C. Suspicious personal identifying information.
  - 1. Personal identifying information provided is inconsistent when compared against external information sources used by the City. For example:
    - a. The address does not match any address in the consumer report; or
    - b. The Social Security Number (SSN) has not been issued, or the number is listed on the Social Security Administration's Death Master File.
  - 2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

3. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the City. For example:
  - a. The address on an application is fictitious, a mail drop, or a prison; or
  - b. The phone number is invalid, or is associated with a pager or answering service.
4. The SSN provided is the same as that submitted by other persons opening an account or other customers.
5. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.
6. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
7. Personal identifying information provided is not consistent with personal identifying information that is on file with the City.
8. The person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report in the event that the City elects to include as part of the account application the requirement for the applicant to provide the answer to a challenge question to be used to verify the identity of the customer when asking for information.

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D. Unusual use of, or suspicious activity related to, the covered account.

1. A new account is used in a manner commonly associated with known fraud patterns. For example:
  - a. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
2. The City is notified that the customer is not receiving paper account statements.

E. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the creditor.

1. The City is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that the City has opened a fraudulent account for a person engaged in identity theft.

F. Incidents of identity theft that the City has experienced.

1. The customer's behavior, or the information provided by the customer, is consistent or similar to that of other customers that the City has experienced as having been relating to incidents of identity theft.
2. Other patterns of behavior that the City experiences from time-to-time that have been used in identity theft.

1-9-4 : PROCEDURES TO DETECT RED FLAGS

A. Verify identity.



1. Utility customers will be required to provide sufficient information to identify them as the owner of the property for which the utility services are to be provided.
2. Utility accounts will not be transferred into the name of a new customer without obtaining the same verification as required for the initial service request.
3. Utility accounts must be in the name of the property owner and not in the name of the tenant, unless allowed by City ordinance and there is a written agreement signed by both the tenant and the property owner that the property owner will be jointly responsible for payment of the account.
4. If the mailing address for the account is not the same address as the property receiving the services, the customer must provide verification that the mailing address is valid.

1-9-5: PROCEDURES TO PREVENT AND MITIGATE IDENTITY THEFT

1. Any time a Red Flag is identified relating to a covered account, the information will be provided to the persons assigned to administer this Program (Program Administrator). The Program Administrator will review the information and determine, in consultation with the City Attorney when appropriate, which of the following steps shall be followed:
  - a. Continued monitoring of the account for evidence of identity theft;
  - b. Contact the customer at the address where the services are being received to verify the information and/or identity of the customer;
  - c. Change any passwords or other security devices, if any are used by the City, that would permit access to accounts;
  - d. Refuse to establish the account in the name of the person requesting the account be opened or the name on the account be changed;
  - e. Close an existing account;
  - f. Reopen an account with a new number;
  - g. Notify law enforcement; or
  - h. Determine that no response is warranted under the particular circumstances.

1-9-6: PROGRAM ADMINISTRATION

- A. Program Administrator: The City Treasurer or the City Clerk shall serve as the Program Administrator.
- B. Duties of Program Administrator:
  1. Developing, implementing and updating this Program;
  2. Administration of this Program;
  3. Ensuring that the City's utility staff are appropriately trained;
  4. Reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft;
  5. Determining the steps or prevention and mitigation should be taken in particular circumstances; and

6. Considering period changes to the Program.

C. Staff Training and Reports:

1. City utility staff responsible for implementing this Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags and the responsive steps to be taken when a Red Flag is detected.
2. Staff should prepare a report at least annually for the Program Administrator, including but not limited to the following:
  - a. An evaluation of the effectiveness of the Program with respect to opening accounts;
  - b. An evaluation of existing covered accounts;
  - c. An evaluation of service provider arrangements;
  - d. Significant incidents involving identity theft and response; and
  - e. Recommendations for changes to the Program.

D. Service Provider Arrangements: In the event that the City engages a service provider to perform an activity in connection with one or more accounts, the City will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies designed to detect, prevent, and mitigate the risk of identity theft.

1. Require, by contract, the service provider to have such policies and procedures in place; and
2. Require, by contract, the service provider review this Program and report any Red Flags to the Program Administrator.

1-9-7 : PERIODIC UPDATING OF THE PROGRAM

A. This Program will be reviewed by the Program Administrator at least annually to determine if the Program needs to be amended to reflect changes in risks to customers and to determine the soundness of the Program to protect City covered accounts from identity theft. The review shall include at least the following:

1. Additions or modifications to the Red Flags, based on the following:
  - a. The City's experience with identity theft;
  - b. New information regarding Red Flags from other sources, including but not limited to, credit reporting agencies and law enforcement.
2. Changes in methods of identity theft.
3. Changes in methods to detect, prevent and mitigate identity theft.
4. Changes in business arrangements.
5. Changes in types of accounts offered.
6. Changes in the City's utility business arrangements with other entities.

B. If the Program Administrator determines that updates to this Program are warranted, the Program Administrator will make recommendations for changes to the City Council. The City Council may accept, modify or reject those recommended changes to this Program.