

#50

ORDINANCE NO. 50

AN ORDINANCE OF THE CITY OF MALTA, IDAHO, ESTABLISHING WEED CONTROL REQUIREMENTS; ESTABLISHING A PROVISION ALLOWING FOR THE DESTRUCTION OF WEEDS BY THE CITY OF MALTA; AUTHORIZING THE CITY OF MALTA TO EMPLOY LABOR FOR THE DESTRUCTION OF WEEDS; ESTABLISHING THE ELEMENTS OF A MISDEMEANOR OFFENSE FOR A VIOLATION OF THE REQUIREMENTS; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF MALTA, IDAHO:

WEED CONTROL

SECTION 1

DESTRUCTION OF WEEDS REQUIRED: Every person, either as owner, tenant, lessee, or merely as occupant of any lot, land or premises within the corporate limits of the City, shall at all times and continuously, during the time and dates hereinafter stated, destroy, cut down, weed out and obliterate weeds, noxious weeds, unsightly grasses and growths growing or starting to grow on any lot, land or premises. Furthermore, every person, during the time hereinafter stated, shall keep continuously cut down, weeded out, destroyed and obliterated all weeds, noxious weeds, unsightly grasses and growths from and off all that part or portion of said lots, lands and premises which lie and are situated between the property line of such respective lots, lands or premises so owned, used or occupied by such person, and the street curb line of any street running or lying immediately adjacent or continuous to such lots, lands or premises; that portion of land or premises herein last referred to being the sidewalk around, as well as the parking ground fronting, adjacent or contiguous to any lots land or premises.

All such weeds and noxious weeds, grasses and growths which are deleterious, unsightly and injurious to the public or to the residents or owners of adjacent property within the City shall, at all times continuously be kept weeded out, cut down, obliterated and destroyed between May 31 and October 1 of each and every year.

SECTION 2

DESTRUCTION BY CITY, CHARGES: Every person owning or occupying any lots, lands or premises situated within the corporate limits of the City of Malta shall, within the time fixed by Section 1 hereof, keep continuously destroyed, weeded out, cut down and obliterated all such deleterious, unsightly and injurious weed and noxious weed, grasses and growths in or on any such lots, lands or premises so owned or occupied by such person in the manner prescribed by Section 1 hereof. In the event that such deleterious, unsightly and injurious weeds and noxious weeds, grasses and growths are not so continuously destroyed, weeded out, cut down and obliterated, the Mayor and Council may cause, through its duly authorized personnel, to have such done. The City Clerk is authorized to mail by certified mail, notice to the owner, tenant, lessee or occupant of the land to cut, destroy, and/or remove any such weeds, grasses or deleterious, unhealthful growth or other noxious matter found lying or located on such property. Such notice shall state that a failure to act will result in the City's authorized personnel cutting and weeding out and otherwise destroying the weeds described heretofore in this section. The costs of such cleaning shall be assessed against the owner, tenant, lessee or occupant of such lot, and shall be duly billed. Upon the failure, neglect or refusal of the owner, tenant, lessee or occupant of the lot to remove the weeds in accordance with Section 1 within ten (10) days after the receipt of the written notice, or within ten (10) days after the date of such notice, in the event the same is returned to the City because of the inability to make delivery, then the duly authorized personnel of the City of Malta is hereby empowered to commence cutting, destroying or removing such weeds, grasses or deleterious, unhealthful growth or other noxious matter.

The costs of such removal, destruction or cutting shall be determined by the City Council by resolution duly adopted.

SECTION 3

AUTHORITY TO EMPLOY LABOR: The Mayor and City Council are hereby given the power and authority to employ such labor as is necessary to carry out the provisions of this Ordinance.

The costs of such removal, destruction or cutting shall be a minimum charge of one hundred dollars (\$100.00) for the first hour and fifty dollars (\$50.00) for each hour thereafter or the contractors price for the destruction of weeds in the City.

SECTION 4

PENALTY: Any person violating or failing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not to exceed three hundred dollars (\$300.00).

Each and every day that such person shall fail to comply with the provisions of this Ordinance shall constitute a separate and distinct offense, and each of such separate offenses shall be punishable.

PASSED 7-1-, 2003
APPROVED 7-1, 2003

CITY OF MALTA

By: Lina Loock
Mayor

ATTEST:

Mairlyn Leptke
City Clerk

#50

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

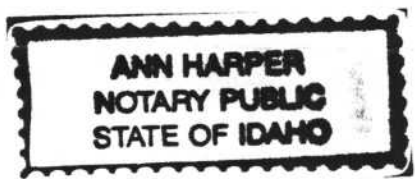
County of Cassia)
) ss
STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 1 consecutive week(s), commencing with the issue dated August 14, 2003 and ending with the issue dated August 14, 2003.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 14th day of August in the year of 2003 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Ann Harper
Notary Public for Idaho
Residing at: Burley, Idaho
My commission expires: 9-14-2007

Cost of Publication 113.19
Affidavit Fee 5.00
Total Cost 118.19

Billed to the City of Melba

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SECTION 2

DESTRUCTION BY CITY, CHARGES:

Every person owning or occupying any lots, lands or premises situated within the corporate limits of the City of Malta shall, within the time fixed by Section 1 hereof, keep continuously destroyed, weeded out, cut down and obliterated all such deleterious, unsightly and injurious weed and noxious weed, grasses and growths in or on any such lots, lands or premises so owned or occupied by such person in the manner prescribed by Section 1 hereof. In the event that such deleterious, unsightly and injurious weeds and noxious weeds, grasses and growths are not so continuously destroyed, weeded out, cut down and obliterated, the Mayor and Council may cause, through its duly authorized personnel, to have such done. The City Clerk is authorized to mail by certified mail, notice to the owner, tenant, lessee or occupant of the land to cut, destroy, and/or remove any such weeds, grasses or deleterious, unhealthful grown or other noxious matter found lying or located on such property. Such notice shall state that a failure to act will result in the City's authorized personnel cutting and weeding out and otherwise destroying the weeds described heretofore in this section. The costs of such cleaning shall be assessed against the owner, tenant, lessee or occupant of such lot, and shall be duly billed. Upon the failure, neglect or refusal of the owner, tenant, lessee or occupant of the lot to remove the weeds in accordance with Section 1 within ten (10) days after the receipt of the written notice, or within ten (10) days after the date of such notice, in the event the same is returned to the City because of the inability to make delivery, then the duly authorized personnel of the City of Malta is hereby empowered to commence cutting, destroying or removing such weeds, grasses or deleterious, unhealthful growth or other noxious matter.

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PASSED 7-1-2003.
APPROVED 7-1-2003

CITY OF MALTA
By: /s/ Tina Looock Mayor

ATTEST:
/s/ Marilyn Lightfoot
City Clerk

Published in the South Idaho Press on August 14, 2003.

\$40,000 annually.
\$401K. million for 45 days

#30

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

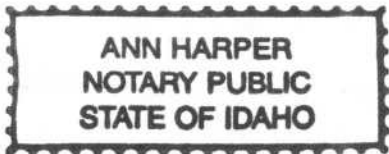
County of Cassia)
) ss
STATE OF IDAHO)

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Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 14th day of August in the year of 2003 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Ann Harper
Notary Public for Idaho

Residing at: Burley, Idaho
My commission expires: 9-14-2007

Cost of Publication 113.19
Affidavit Fee 5.00
Total Cost 118.19

03-343

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