

CITY OF MERIDIAN ORDINANCE NO. 22-2003

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE AMENDING MERIDIAN CITY CODE SECTION 1-1-3, REGARDING REPEAL OF GENERAL ORDINANCES; AMENDING MERIDIAN CITY CODE SECTION 1-2-2, REGARDING APPLICATION OF PENALTY; AMENDING MERIDIAN CITY CODE SECTION 1-5-1, REGARDING CORPORATE SEAL; AMENDING MERIDIAN CITY CODE SECTION 1-6-4(A)(3), REGARDING DESIGNATED POSITIONS IN THE MAYOR’S OFFICE; AMENDING MERIDIAN CITY CODE SECTION 1-7-10, REGARDING PROCEDURE FOR REQUEST FOR RECONSIDERATION; DELETING FROM MERIDIAN CITY CODE SECTION 3-4-1 DEFINITIONS OF SUBDIVISION MODEL HOMES AND SUBDIVISION REAL ESTATE SALES OFFICES; ADDING A NEW PROVISION OF MERIDIAN CITY CODE, SECTION 3-4-6(F), REGARDING TIME LIMITS FOR PROMOTIONAL SALES UNITS; REPEALING MERIDIAN CITY CODE SECTION 3-4-9, REGARDING TEMPORARY USE PERMITS FOR SUBDIVISION MODEL HOMES; MERIDIAN CITY CODE SECTION 3-4-10, REGARDING TEMPORARY USE PERMITS FOR SUBDIVISION REAL ESTATE SALES OFFICES; REPEALING TITLE 3, CHAPTER 10, MERIDIAN CITY CODE, REGARDING ADULT ENTERTAINMENT; REPEALING MERIDIAN CITY CODE SECTIONS 3-11-2, 3-11-3, AND 3-11-5, REGARDING MOBILE HOME PARK PERMITS; REPEALING MERIDIAN CITY CODE SECTION 4-2-5, REGARDING INTERFERING WITH CITY EMPLOYEE OR OFFICIAL’S ENTRY ONTO PRIVATE OR PUBLIC PROPERTY TO ENFORCE CITY CODE; AMENDING MERIDIAN CITY CODE SECTION 5-3-9(A), REGARDING CITY EMPLOYEE AUTHORIZED TO GRANT EXEMPTION FROM IDEQ BURNING RESTRICTIONS; REPEALING MERIDIAN CITY CODE SECTIONS 5-3-10 AND 6-2-9, SEVERABILITY CLAUSES; AMENDING MERIDIAN CITY CODE SECTION 6-4-1, REGARDING CURFEW; REPEALING MERIDIAN CITY CODE SECTION 6-4-2, REGARDING MINORS’ POSSESSION AND SMOKING OF CIGARETTES; AMENDING MERIDIAN CITY CODE SECTION 7-1-6(A), REGARDING SPEEDING IN PARKS AND ALLEYS; AMENDING MERIDIAN CITY CODE SECTION 7-1-8(A), REGARDING U-TURNS; AMENDING MERIDIAN CITY CODE SECTION 7-1-12, REGARDING NEGLIGENT DRIVING; REPEALING MERIDIAN CITY CODE SECTION 8-1-7, SEVERABILITY CLAUSE; AMENDING MERIDIAN CITY CODE SECTION 8-2-12, REGARDING CITY COUNCIL DUTY TO ACT; REPEALING MERIDIAN CITY CODE SECTION 9-1-19(E), REGARDING EPA WATER TESTING CHARGE INCORPORATED INTO RATES; REPEALING MERIDIAN CITY CODE SECTION 9-1-23, REGARDING CITY COUNCIL AUTHORITY TO AMEND WATER REGULATIONS AND RATES; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Meridian’s 2021–2025 Strategic Plan includes the goal of updating ordinances and simplifying processes in order to improve effectiveness and provide premier services to our citizen, and one of the enumerated strategies supporting this goal is to “perform a complete review of all ordinances, codes and policies in the City of Meridian to assess their value and relevance to the community”; and

WHEREAS, the follow provisions of Meridian City Code are of no current value or relevance because they are outdated, superfluous, redundant, in conflict with subsequently adopted laws, or present unnecessary complications for City operations or services provided to the community; and

WHEREAS, the City Council of the City of Meridian finds that it is in the best interest of the people and City of Meridian to implement the following updates to Meridian City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

Section 1. That Meridian City Code section 1-1-3 shall be amended as follows:

1-1-3. - Repeal of general ordinances.

All general ordinances of the City passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in section 1-1-5 ~~the following sections~~), and excluding the following ordinances which 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; 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.

Section 2. That Meridian City Code section 1-2-2 shall be amended as follows:

1-2-2. - Application of ~~provisions~~ penalty.

A. ~~*Acting in violation of Code. 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.

~~B. 2.~~ *Failure or omission to act as mandated by Code.* Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this 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 (1) 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.

Section 3. That Meridian City Code section 1-5-1(C) shall be amended as follows:

1-5-1. - Corporate seal.

* * *

C. *City Clerk custodian of seal.* The City Clerk shall be the custodian of the corporate seal of the city and shall affix said seal's imprint upon all ~~official documents, records,~~ ordinances, resolutions, proclamations, licenses, ~~and warrants~~ and certified copies of records.

Section 4. That Meridian City Code section 1-6-4 shall be amended as follows:

1-6-4. - Designated positions in the Mayor's office.

A. *Designated positions in the Mayor's office.* The following designated positions in the Mayor's office shall have job descriptions that are approved by Human Resources:

1. Chief of Staff;
2. Executive Assistant to the Mayor;
3. Community Relations ~~Specialist~~ Specialist and Policy Advisor; and
4. Programs and Events Specialist.

Section 5. That Meridian City Code section 1-7-10 shall be amended as follows:

1-7-10. - Procedure for request for reconsideration.

~~A.~~ Pursuant to Idaho Code section 67-6535(2)(b) ~~(Local Land Use Planning Act)~~, the following procedure, regarding a request for reconsideration of a City Council land use decision, ~~the following procedure~~ must be strictly followed:

~~1. A.~~ After ~~final approval of the City Council~~ approves its findings of facts, conclusions of law, decision, and order, ~~any~~ the applicant or an affected person, as defined by ~~Idaho Code the Local Land Use Planning Act (Idaho Code sections 67-6501 et seq.,~~ may request reconsideration ~~of the final decision of the City Council,~~ in accordance with the provisions of this section.

~~2. B.~~ Such request must be in writing and filed by personal service to the City Clerk within fourteen (14) days of the final ~~approval decision.~~ Failure to timely or personally serve the City Clerk shall ~~be deemed a failure to request reconsideration be a valid basis for summary denial of the request without consideration by City Council.~~ The party filing the request for reconsideration shall provide a copy of the request to the City Community Development Department and the City Attorney's Office.

~~3. C.~~ The request must identify specific deficiencies in the ~~decision~~ matter for which reconsideration is sought.

~~4. D.~~ If the request is timely and properly filed, by the applicant or an affected person, and ~~meets the requirement of identifying~~ identifies specific deficiencies ~~in the land use decision,~~ the City Clerk shall schedule the ~~request to be considered~~ reconsideration at a regularly scheduled meeting of the City Council.

5. E. The City Clerk shall provide to the party filing the request for reconsideration, and to the applicant, notice of the date, time, and place of the meeting at which City Council will consider the request.

6. F. In considering the request for reconsideration, City Council shall ~~take no~~ not receive or consider new evidence or testimony, but shall confine its decision to the record ~~as it relates to the written request~~ supporting the final decision.

G. Following ~~consideration of the request~~ reconsideration, the Council ~~may~~ shall affirm, reverse, or modify its decision, or ~~Council may~~ direct a new public hearing on the ~~decision~~ matter.

1. If City Council reverses or modifies its decision, Council shall enter new findings of facts, conclusions of law, decision, and order regarding the reversed or modified decision. In this event, exhaustion of administrative remedies for the purpose of judicial review shall include City Council's reconsideration of the new, final decision.

2. If City Council holds a new public hearing on the matter, Council shall enter new findings of facts, conclusions of law, decision, and order following such hearing. In this event, exhaustion of administrative remedies for the purpose of judicial review shall include seeking City Council's reconsideration of the new, final decision.

7. H. Within sixty (60) days of the City Clerk's receipt of the request for reconsideration, the City Attorney shall prepare, and the City Clerk shall provide to the party requesting reconsideration, a written decision on the request for reconsideration.

Section 6. That the following definitions shall be deleted from Meridian City Code section 3-4-1:

Subdivision model home means a dwelling which serves as an exhibit or example of dwellings constructed or to be constructed within the subdivision in which such model home is located. Where a dwelling is both a subdivision model home and a subdivision real estate sales office, this definition shall apply.

Subdivision real estate sales office means a structure from which lots and/or dwellings are sold, rented, or offered for sale or rent, where such structure is located in the subdivision containing such real estate. Where a structure is both a subdivision model home and a subdivision real estate sales office, the definition of "subdivision model home" shall apply.

Section 7. That enumerated provisions of Meridian City Code section 3-4-6 shall be amended as follows:

3-4-6. - Temporary uses—Standards for promotional sales units.

* * *

F. Time period. Promotional sales units shall be limited to a period of time not to exceed one hundred sixty (160) days, whether such days are consecutive or not, per property, per calendar year. The location of a promotional sales unit on a site for any portion of a day, whether or not the permanent proprietor is open for business, shall constitute one (1) day for purposes of this subsection.

~~F. G.~~ *Penalty.* A violation of this section shall be an infraction punishable by a penalty of one hundred dollars (\$100.00). In addition to such penalty, any person violating, allowing, or causing any provision of this section shall be subject to any and all other applicable administrative, criminal, and/or civil penalties. Each day upon which a violation of this section occurs and/or continues may be deemed a separate and distinct violation.

~~G. H.~~ *Enforcement.* Peace officers and/or Code Enforcement Officers shall be empowered to enforce the provisions of this section. An officer may call upon the services of the planning, fire, parks and recreation or other appropriate city departments to assist in the enforcement of the provisions of this section. An officer may investigate any use or activity which he or she reasonably believes violates the provisions of this section. If an officer reasonably believes that a provision of this section has been violated, the officer may issue a citation to the person responsible for the violation or upon the owner or lawful possessor of the real property at or upon which the violation occurred. Such citation shall be served in accordance with the provisions of the Idaho Infraction Rules, which are incorporated herein by this reference.

Section 8. That Meridian City Code section 3-4-9 shall be repealed.

Section 9. That Meridian City Code section 3-4-10 shall be repealed.

Section 10. That Title 3, Chapter 10, Meridian City Code shall be repealed.

Section 11. That Meridian City Code sections 3-11-2, 3-11-3, and 3-11-5 shall be repealed.

Section 12. That Meridian City Code section 4-2-5 shall be repealed.

Section 13. That Meridian City Code section 5-3-9 shall be amended as follows:

- A. *Grant by City Clerk.* The City Clerk shall grant exemptions from this chapter if it is determined by the ~~City Clerk~~ Fire Chief or Designee that:
1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
 2. Using alternative heating would cause an unreasonable economic hardship.
- B. *Denial of exemption; hearing.* Any person denied an exemption under this chapter shall be provided, at the option of the applicant for the exemption, a hearing before the Mayor and City Council.
- C. *Noneligibility for exemption.* Any building constructed after the effective date hereof shall not be eligible for an exemption from this chapter.

Section 14. That Meridian City Code section 5-3-10 shall be repealed.

Section 15. That Meridian City Code section 6-2-9 shall be repealed.

Section 16. That Meridian City Code section 6-4-1 shall be amended as follows:

6-4-1. - Curfew.

- A. *Age and hour restrictions.* It shall be unlawful for any person under the age of eighteen (18) years to be or to remain, and it shall be unlawful for any parent, guardian, or other person having the care and custody of any person under the age of eighteen (18) years to permit such person to be or to remain, in or upon any street, alley, public ground, public place or any place open to the public or exposed to public use within the corporate limits of the city between the hours of 12:00 midnight and 5:00 a.m.
- B. *Exceptions.* The provisions of subsection (A) of this section shall not apply to any person who is accompanied by his or her parents, guardian, or other adult person having the care and custody of him or her, nor to any person who is in the performance of any errand or duty directed by his or her parents, guardian, or other adult person having the care and custody of him or her, nor to any person who is actually at the time engaged in legitimate employment for profit, nor to any person who is engaged in activity protected by the First Amendment of the United States Constitution.
- ~~C. *Underage violator deemed juvenile delinquent.* Any person under the age of eighteen (18) years violating this section shall be deemed a juvenile delinquent under the laws of the State of Idaho.~~
- ~~D. *Penalty for parent or guardian.* Any parent, guardian, or other adult person having the care and custody of any person under the age of eighteen (18) years who shall violate the provisions of this section, upon conviction thereof, shall be subject to penalty as provided in section 1-2-1 of this Code.~~
- C. Penalty. Penalties for a violation of this section shall be as set forth in Idaho Code section 20-549.

Section 17. That Meridian City Code section 6-4-2 shall be repealed.

Section 18. That Meridian City Code section 7-1-6(A) shall be amended as follows:

- A. ~~*Parks and alleys-Alleys.* In any public park, or in any alley, fifteen (15) miles per hour. The term "alley" shall mean a minor public way providing secondary access at the back or side of a property for vehicle or pedestrian traffic.~~

Section 19. That Meridian City Code section 7-1-8 shall be amended as follows:

7-1-8. - U-turns.

A. *Restrictions.*

1. No U-turn or turn reversing the direction of travel shall be made.
 - ~~a. At any intersection in which "No U Turn" signs are erected, or~~
 - ~~b. In a designated "no passing" zone; or~~
 - ~~a.e.~~ Within a "school zone" as defined by this Code; or
 - ~~b.d.~~ At any place other than at an intersection, unless there be sufficient space to make such turn without backing or impeding traffic, and of not less than five hundred (500)

feet of roadway with a clear and unobstructed view by drivers from either direction, a proper signal is made, and said turn can be performed safely.

c. In a manner which impedes traffic.

2. For the purposes of this section "safely" shall mean that the party making the U-turn or turn reversing the direction of travel shall be responsible to establish that this maneuver can be made with due care to drivers and pedestrians at, adjacent to, or upon the roadway and with due care in regards to the current conditions of the roadway and driving conditions. ~~It shall be unlawful to impede traffic with this driving maneuver.~~

Section 20. That Meridian City Code section 7-1-12 shall be amended as follows:

7-1-12. - Negligent driving.

It shall be unlawful for any person to operate a motor vehicle ~~in a negligent manner over and along the highways, streets or alleys of this city. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a motor vehicle in the following manner-~~

A. ~~The engaging in any motor vehicle speed contest or exhibition of speed; and/or~~

B. ~~Excessive, unreasonable, rapid acceleration of a motor vehicle; and/or~~

C. ~~The operation of a motor vehicle~~ where the operator has less than full control of the speed and direction of movement of the vehicle. The collision by a vehicle with any stationary object shall be prima facie evidence of a violation of this section.

Section 21. That Meridian City Code section 8-1-7 shall be repealed.

Section 22. That Meridian City Code section 8-2-12 shall be amended as follows:

8-2-12. - ~~Validity.~~ City Council duties.

A. ~~Validity of remaining portions.~~ Should any section, subsection, paragraph, sentence, clause or phrase of this chapter, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this chapter.

B. ~~Failure of Commission to act.~~ If in an instance the commission fails to act or carry out its responsibilities according to the regulations contained herein, the Council shall assume all the duties of the commission as herein specified in relation to the application concerned.

Section 23. That Meridian City Code section 9-1-19(E) shall be repealed.

Section 24. That Meridian City Code section 9-1-23 shall be repealed.

Section 25. That all City of Meridian ordinances, or parts thereof, that are in conflict with this ordinance are hereby repealed.

Section 26. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this 1st day of November, 2022.

APPROVED by the Mayor of the City of Meridian, Idaho, this 1st day of November, 2022.

APPROVED:

Robert E. Simison, Mayor

ATTEST:

Chris Johnson, City Clerk