

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF ALBION, IDAHO
ORDINANCE NO. 2016-05-02**

AN ORDINANCE WHEREBY THE CITY OF ALBION, IDAHO ADOPTS AMENDMENTS TO ALBION CITY CODE, TITLE 7, CHAPTER 3, REGARDING STREETS, SIDEWALKS, AND PUBLIC WAYS, NAMELY: ADD A NEW SECTION 7-3-1-1 OWNER'S DUTY TO REPAIR OR REPLACE SIDEWALK; RENUMBERING CURRENT SECTIONS 7-3-1-1 THROUGH 7-3-1-4, RESPECTIVELY AS SECTIONS 7-3-1-2 PERMIT REQUIRED; 7-3-1-3 CITY TO FURNISH LINES AND GRADES; 7-3-1-4 MATERIAL SPECIFICATION AND ADDITIONALLY ADDING SPECIFICATIONS FOR CONCRETE SIDEWALKS, BASE FOR ANY SIDEWALK, ASPHALT SIDEWALK SPECIFICATIONS, CURB AND GUTTER SPECIFICATIONS AND STANDARD DRAWING, AND MINIMUM SPECIFICATIONS FOR DISABILITY GUIDELINES; OLD 7-3-1-4 ORDER FOR REPAIR OR DESTRUCTION IS REPEALED; 7-3-1-5 IS AN ADDED SECTION FOR REPAIR; NOTICE TO OWNER; TIME LIMIT FOR WORK; WHICH PROVIDES FOR (A) NOTICE TO OWNER. (B) SERVICE OF NOTICE UPON OWNER. (C) TIME LIMIT FOR WORK; FAILURE TO REPAIR; COST ASSESSMENT; LIEN. (D) PROTESTS TO ORDER; FILING AND HEARING. (E) LEVIES AND SPECIAL ASSESSMENTS; SPECIAL FUND. AND (F) PAYMENT; LIEN DISCHARGE; PENALTY FOR NON-PAYMENT; OLD SECTION 7-3-1-5 IS RENUMBERED AS 7-3-1-6; OLD SECTION 7-3-1-6 IS RENUMBERED AS 7-3-1-7 AND THIS SECTION HAS MINOR AMENDMENTS AND IT'S SECTION (C) REGARDING CLERK TO PUBLISH COPY OF CERTIFICATE IS REPEALED. A NEW SECTION 7-3-6 FAILURE TO REMOVE; ASSESSMENT; LIEN; COLLECTION IS ADDED; OLD SECTION 7-3-6 IS RENUMBERED AS 7-3-7; PROVIDING FOR STANDARD DRAWING A-1; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR REPEAL OF ALBION ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and the City Council of the City of Albion, Idaho, that the following codes and provisions are hereby adopted for the City of Albion, State of Idaho:

FIRST: That Title 7, Chapter 3 of the Albion City Code for Streets, Sidewalks, and Public Ways, be and hereby is amended as set forth in the attached seven (7) pages, which are incorporated by reference as though fully set forth herein.

SECOND: The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

THIRD: This ordinance specifically repeals any ordinance of the City of Albion that is in conflict herewith.

FOURTH: This ordinance shall take effect and be in full force from and after passage, approval and publication, as by law provided.

PASSED this 3rd day of May, 2016, by the City Council of the City of Albion, Idaho, on roll call vote, as recorded in the minutes of the Council.

APPROVED this 3rd day of May, 2016, by the Mayor of the City of Albion, Idaho.

CITY OF ALBION, IDAHO

By: 
SHARON HARDY-MILLS, Mayor

Attest:

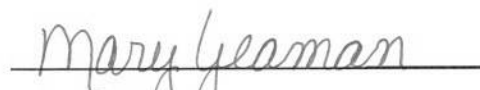

MARY YEAMAN, Clerk

CERTIFICATION

I, Mary Yeaman, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2016-05-02, adopted by the Mayor and City Council of Albion, Idaho, on the 3rd day May, 2016 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 3rd day of May, 2016.

Clerk of the City of Albion, Idaho


Mary Yeaman, Clerk

SUMMARY OF ORDINANCE

City of Albion Ordinance No. 2016-05-02

ARTICLE 1: SUMMARY OF PROVISIONS:

An ordinance whereby the City of Albion, Idaho adopts amendments to Albion City Code, Title 7, Chapter 3, regarding Streets, Sidewalks, and Public Ways, namely:

1. Add a new Section 7-3-1-1 on owner's duty to repair or replace sidewalk; and
2. Renumbering current Sections 7-3-1-1 through 7-3-1-4, respectively as Sections 7-3-1-2 Permit Required; 7-3-1-3 City to Furnish Lines and Grades; 7-3-1-4 Material Specification and additionally adding specifications for concrete sidewalks, base for any sidewalk, asphalt sidewalk specifications, curb and gutter specifications and standard drawing, and minimum specifications for disability guidelines; and
3. Old Section 7-3-1-4 Order for Repair or Destruction is repealed; and
4. Section 7-3-1-5 is an added section for Repair; Notice to Owner; Time Limit for Work; which provides for (a) notice to owner. (b) service of notice upon owner. (c) time limit for work; failure to repair; cost assessment; lien. (d) protests to order; filing and hearing. (e) levies and special assessments; special fund. and (f) payment; lien discharge; penalty for non-payment; and
5. Old Section 7-3-1-5 is renumbered as 7-3-1-6; and
6. Old Section 7-3-1-6 is renumbered as 7-3-1-7 and this section has minor amendments and it's section (c) regarding clerk to publish copy of certificate is repealed; and
7. A new Section 7-3-6 Failure to Remove; Assessment; Lien; Collection is added; and
8. Old Section 7-3-6 is renumbered as 7-3-7; and
9. Providing for standard drawing a-1; and
10. Providing for severability of provisions; and
11. Providing for repeal of Albion ordinances in conflict herewith; and
12. Providing an effective date.

ARTICLE 2: FULL TEXT AVAILABILITY

The full text of the City of Albion Ordinance No. 2016-05-02 adopting the amending provisions as above summarized is available at the Albion City Office, 225 South Main Street, Albion, Idaho.

A copy of this Ordinance No. 2016-05-02 will also be provided to any citizen, upon personal request during usual City Office business hours, Monday through Friday, excepting City recognized holidays.

ARTICLE 3: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

DATED this 13th day of September, 2016.

CITY OF ALBION, IDAHO

By: 
SHARON HARDY-MILLS, MAYOR

ATTEST:
MARY YEAMAN, CITY CLERK

By: 
MARY YEAMAN, CITY CLERK

CITY ATTORNEY'S STATEMENT
Summary of Albion City Ordinance 2016-05-02

I, the undersigned City Attorney for Albion, Idaho hereby certify that the foregoing Summary of Ordinance 2016-05-02, an Ordinance of the City of Albion, Idaho adopting various amendments to Albion City Code, Title 7, Chapter 3, regarding Streets, Sidewalks and Public Ways regulations is a true and complete summary of said ordinance, as is required by Idaho Code section 50-901A, and provides adequate notice to the public of said provisions.

DATED this 13th day of September, 2016.

City Attorney for Albion, Idaho

Kerry D. McMurray