

CITY OF STANLEY, IDAHO ORDINANCE No. 225

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO: AMENDING TITLE 10, "VEHICLE AND TRAFFIC" OF THE STANLEY CITY CODE AS FOLLOWS: AMENDING CHAPTER 10.08 PARKING AND TRAFFIC PLAN, SECTION 10.08.060 RESIDENTIAL PARKING PERMIT: DEFINING ELIGIBILITY FOR PERMIT; REPEALING SECTION 10.08.070 PARKING FOR PEOPLE WITH DISABILITIES; AMENDING SECTION 10.08.080 PUBLIC PARKING LOTS, USE REGULATIONS: ADDING A PROVISION PROHIBITING OFFERING VEHICLES FOR SALE; AMENDING CHAPTER 10.12 SNOWMOBILES, SECTION 10.12.020 OPERATION REQUIREMENTS: ALIGNING WITH IDAHO CODE; AMENDING SECTION 10.12.030 REGULATIONS FOR OPERATION OF SNOWMOBILES: AMENDING WHERE SNOWMOBILE OPERATION IS ALLOWED AND PROHIBITED; ALSO, AMENDING TITLE 12, "STREETS, SIDEWALKS, AND PUBLIC PLACES" OF THE STANLEY CITY CODE AS FOLLOWS: REPEALING CHAPTER 12.04 MUNICIPAL AIRPORT; AMENDING CHAPTER 12.16 TREES ON PUBLIC PROPERTY: CHANGING THE NAME OF THE CHAPTER; AMENDING CHAPTER 12.16 TREES ON PUBLIC PROPERTY, SECTION 12.16.050 DEFINITIONS: RENUMBERING SECTION TO 12.16.010 AND REMOVING SOME DEFINITIONS; REPEALING SECTION 12.16.010 ADMINISTRATOR; REPEALING SECTION 12.16.020 TREE COMMITTEE; REPEALING SECTION 12.16.040 PERMIT REQUIRED FOR ACTION TO TREES; AMENDING SECTION 12.16.060 TRIMMING AND PRUNING TREES: MAKING MORE CONCISE; REPEALING SECTION 12.16.070 UNLAWFUL TO ABUSE TREES; REPEALING SECTION 12.16.080 HEDGES AND SHRUBBERY; AMENDING SECTION 12.16.090 VIOLATION; PENALTY: RENUMBERING THIS SECTION TO 12.16.040; AMENDING CHAPTER 12.20 CITY CEMETERY, SECTION 12.20.040 OWNERSHIP REVERTS TO CITY: PLOT USE REQUIREMENTS; AND AMENDING SECTION 12.20.090 REGULATIONS FOR PLOT USE: REQUIRE PLACING A MARKER POST INTERNMENT.

WHEREAS, The City Council of the City of Stanley finds it necessary to update its City Code to clarify certain procedures, to remove unnecessary provisions, and to add new provisions in furtherance of the health, safety and welfare of the City of Stanley.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STANLEY, IDAHO, AS FOLLOWS:

Section 1: That Title 10, Chapter 10.08, Section 10.08.060 of the Stanley Municipal Code is hereby amended as follows:

10.08.060: RESIDENTIAL PARKING PERMIT:

A. A permit may be issued without charge to a vehicle owner who resided next to a public right-of-way with restricted parking and vehicle owners who reside on a lot with physical characteristics that do not and cannot provide for any parking of vehicles on the lot. ~~Issuance Of Permit: Upon application, without charge, the City Council is authorized~~

and directed to issue temporary residential parking permits authorizing exceptions to the requirement in subsection of this chapter. Temporary residential parking permits for motor vehicles may be issued to:

—1. ~~Vehicle owners who reside on a public right-of-way with restricted parking and vehicle owners who reside on a lot with physical characteristics that do not and cannot provide for any parking of vehicles on the lot.~~

—2. ~~A temporary residential parking permit may be issued to those vehicle owners identified in subsection A1 of this section for the purpose of and use by overnight guests of the permit holder. Temporary residential parking permit holders may park overnight, in the same location, on the public right-of-way for up to one hundred twenty (120) consecutive hours.~~

—3. ~~The temporary residential parking permit shall be affixed to the inside bottom left corner of the windshield of the vehicle, or hang from the rear view mirror, and shall be clearly visible at all times.~~

—4. ~~Unless otherwise specifically provided, a temporary residential parking permit shall not authorize the holder to park in violation of any other law or provision of this chapter regulating the stopping, standing or parking of vehicles in the City, nor exempt the holder from the observance of any traffic regulation.~~

B.—~~Temporary Residential Parking Permit Violations: It is unlawful for any No person(s) to represent that he or she is entitled to a temporary residential parking permit when he or she is not so entitled, to fail to surrender a permit to which he or she is are no longer entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it. A parking permit may be used by overnight guests of the permit holder in subsection A in the same location not to exceed 5 days.~~

C.—~~Revocation Of Temporary Residential Parking Permit: The City Council is authorized to revoke the temporary residential parking permit of any permittee found to be in violation of this section, and upon written notification, the permittee shall surrender such the permit to the City Council. Failure to surrender a temporary residential parking permit so revoked, when so requested, shall constitute a violation of subsection B of this section. The City Council is authorized to revoke the residential parking permit of any permittee found to be in violation of City parking regulations.~~

Section 2: That Title 10, Chapter 10.08, Section 10.08.070 of the Stanley Municipal Code is hereby repealed.

Section 3: That Title 10, Chapter 10.08, Section 10.08.080 of the Stanley Municipal Code is hereby amended as follows:

10.08.080: PUBLIC PARKING LOTS; USE REGULATIONS:

A. No boats, campers or trailers shall be left detached from towing vehicles.

B. No person shall use any portion of ~~such a~~ public parking lot in a manner as to endanger the person or property of another.

C. No person shall use any portion of ~~such a~~ public parking lot for the principal purpose of advertising a private business.

D. No person shall distribute, throw or affix any literature, handbills or fliers in ~~such a~~ public parking lot or on any vehicle parked in ~~such a~~ public parking lot.

E. The offering of vehicles for sale is prohibited.

Section 4: That Title 10, Chapter 12, Section 10.12.020 of the Stanley Municipal Code is hereby amended as follows:

10.12.020: OPERATOR'S REQUIREMENTS:

A. ~~It shall be unlawful for any~~ No person shall operate a snowmobile on the streets of the city unless the driver holds a valid driver's license issued by the state or, if a person is under the legal age to hold a driver's license, they shall be accompanied by an adult with a valid driver's license.

B. No snowmobile shall be operated within the city without a registration number or dealer license issued by the state ~~as provided by chapter 338 of the Idaho sessions laws of 1969.~~ as required by Idaho Code Section 67-7103.

Section 5: That Title 10, Chapter 12, Section 10.12.030 of the Stanley Municipal Code is hereby amended as follows:

10.12.030: REGULATIONS FOR OPERATION OF SNOWMOBILES:

A. Operation of snowmobiles on the streets of the city ~~shall be limited to direct ingress and egress to and from the places of business or residences of the city.~~ only for accessing designated snowmobile trails and routes. Use of city streets for recreational operation of snowmobiles is prohibited.

B. No snowmobile shall be operated within the city limits after two thirty o'clock (2:30) A.M. and before six thirty o'clock (6:30) A.M.

C. All snowmobiles shall make a complete stop before entering upon any part or crossing any part of the highway or street regardless of the existence of a stop sign, and the operator shall yield right of way to all oncoming traffic.

D. ~~It shall be unlawful to~~ No person shall operate a snowmobile in violation of any motor vehicle traffic ordinance of the city.

E. No person shall operate a snowmobile within the city limits at any speed in excess of twenty (20) miles per hour, ~~except within the boundaries of the city airport.~~

F. No person shall operate a snowmobile carelessly or heedlessly, or without due caution and circumspection, and at a speed or in a manner as to endanger or be likely to endanger any person or property.

G. All snowmobiles shall be operated only in single file on the far right edge of the right hand lane of the street.

H. ~~It shall be unlawful to~~ No person shall operate or park a snowmobile on any portion of the premises known as the Stanley School, the Stanley city park, ~~or the portion of Wall Street located south of Critchfield Avenue.~~ Airport road, and on the airport property of the Idaho Transportation Department, Division of Aeronautics, except on designated snowmobile trails.

I. ~~It shall be unlawful to~~ No person shall drive, operate or park a snowmobile on any sidewalk or boardwalk within the city.

J. ~~It shall be unlawful to~~ No person shall drive or operate a snowmobile while under the influence of intoxicating or controlled substances, as defined and regulated by Idaho Code title 18.

K. No snowmobile shall carry passengers or weights in excess of the capacity recommended by the manufacturer thereof.

Section 6: Repeal. That Title 12, Chapter 12.04 of the Stanley Municipal Code is hereby repealed.

Section 7: That Title 12, Chapter 12.16 of the Stanley Municipal Code is hereby amended as follows:

**TREES ON PUBLIC PROPERTY TREES AND OTHER VEGETATION
IMPACTING PUBLIC PROPERTY**

Section 8: Repeal. That Title 12, Chapter 12.16, Section 12.16.010 of the Stanley Municipal Code is hereby repealed.

Section 9: Repeal. That Title 12, Chapter 12.16, Section 12.16.020 of the Stanley Municipal Code is hereby repealed.

Section 10: Repeal. That Title 12, Chapter 12.16, Section 12.16.040 of the Stanley Municipal Code is hereby repealed.

Section 11: That Title 12, Chapter 12.16, Section 12.16.050 of the Stanley Municipal Code is hereby amended as follows:

12.16.050-12.16.010: DEFINITIONS:

For the purpose of this chapter whenever the following words are used, the intent and meanings shall be interpreted as follows:

CITY PROPERTY: Real property dedicated, deeded or leased to the city or otherwise under the physical control of the city, including, but not limited to, public rights of way and city parks.

HEDGES AND SHRUBBERY SHRUBS: Any plant of more than two feet (2') but less than eight feet (8') in height.

OWNER: The legal owner or owners of the real property adjacent to a public street in the city of Stanley, Idaho.

PARKWAY: ~~That portion of a street between a roadway and a sidewalk.~~

PERSON: Any individual, firm, partnership, limited liability company, association, corporation, group or combination acting as a unit.

ROADWAY: That portion of a street improved, designed or ordinarily used by the public for vehicular travel.

SIDEWALK: That portion of a street improved, designed or ordinarily used by the public for pedestrian travel.

STREET: The entire width between the boundary lines of a public right of way dedicated or deeded to the city for use of the public for purposes of vehicular travel, whether or not maintained by the city and whether or not open for vehicular traffic.

TREES: Any plant which at maturity would exceed a height of more than eight feet (8').

Section 12: That Title 12, Chapter 12.16, Section 12.16.060 of the Stanley Municipal Code is hereby amended as follows:

12.16.060; 12.16.020: TRIMMING AND PRUNING TREES:

~~—A. Trees on or within the city property shall at all times be so trimmed and pruned that there shall be at least seven and one-half feet (7½') of clear space between the surface of the sidewalk or parkway, as the case may be, and the overhanging branches and leaves, and so that there is at least thirteen feet (13') of clear space between the surface of the roadway and the overhanging branches and leaves.~~

~~—B. The branches or leaves of any tree or shrub which overhang shall be pruned to prevent branches and leaves from protruding within seven and one-half feet (7½') of the surface of a sidewalk, and so that they do not overhang any sidewalk, parkway or roadway street in such a manner as to create that creates a hazard to, or impediment to, the progress or vision of any person traveling or parking on any street, or sidewalk or roadway, or that which covers, endangers, or impairs the view of any traffic control device by a person operating a motor vehicle on a street roadway, including any branches or leaves within the restricted areas mentioned in subsection A of this section, are hereby declared to be a public nuisance, whether or not within the restricted areas mentioned in subsection A of this section.~~

~~—C. Each owner of property abutting on a street shall at all times shall keep pruned and trimmed all trees on his property pruned and trimmed which abut this property so as at all times to prevent such branches and leaves from protruding within the restricted area mentioned in subsection A of this section and from constituting a public nuisance under subsection B of this section. Each owner of property shall be responsible for pruning their trees and shrubs and shall also treat or remove any tree or plant so diseased or insect ridden as to constitute a hazard to trees or plants in public places.~~

~~D. Any tree which shall endanger or damage the usefulness of any street, roadway, sidewalk, parkway or public sewer or water line, whether growing on private property or on a parkway, is hereby declared to be a public nuisance, and each owner of property abutting on a street shall at all times keep trimmed and pruned all trees, including the pruning and trimming of branches, leaves and roots, growing on his property which abut this property so as to prevent such trees from damaging or endangering the usefulness of any street, sidewalk, roadway, parkway, or public sewer or water line.~~

Section 13: Repeal. That Title 12, Chapter 12.16, Section 12.16.070 of the Stanley Municipal Code is hereby repealed.

Section 14: Repeal. That Title 12, Chapter 12.16, Section 12.16.080 of the Stanley Municipal Code is hereby repealed.

Section 15: That Title 12, Chapter 12.16, Section 12.16.090 of the Stanley Municipal Code is hereby amended.

12.16.090 12.16.040: VIOLATION; PENALTY:

Any person violating any provisions of this chapter for a first and second offense within a five (5) year time period shall be deemed guilty of an infraction punishable as provided in

Section 1.08.020 of this code. A third and subsequent convictions within a five (5) year time period shall be deemed a misdemeanor punishable as provided in Section 1.08.010 of this code.

Section 16: That Title 12, Chapter 12.20, Section 12.20.040 of the Stanley Municipal Code is hereby amended as follows:

12.20.040: OWNERSHIP REVERTS TO CITY:

A. If an attempt is made to use the plots, or if any part of them is used for any purpose other than for interment purposes as set forth in this chapter, the plots will automatically revert to the city and the city may reenter the property and hold the same for resale.

B. If a plot is not used for interment or placing a memorial within one (1) year of the date of death of the named on the certificate or if the heirs(s) has not applied to the City for a transfer of ownership, the plot will revert to the City. The City will follow the provisions in Idaho Code 27-301 to make attempts to contact heirs. The executor of the will or estate may request an additional year to make use of the plot or transfer ownership. This provision shall apply to all purchased plots that do not have any interments or memorials.

C. In the event said plot(s) are not used for interment purposes within fifty (50) years from the date of purchase, any such plot shall revert to the city. The City will follow all provisions in Idaho Code 27-301. The fifty (50) year period may be extended upon written application by the purchaser, or current owner, and approval of the city prior to the expiration of the fifty (50) years. For plots purchased prior to the enactment of this chapter, the date of plot certificate issuance shall be used as the purchase date.

Section 17: That Title 12, Chapter 12.20, Section 12.20.090 of the Stanley Municipal Code is hereby amended as follows:

12.20.090: REGULATIONS FOR PLOT USE:

A. Death Certificate: A death certificate must be filed with the city clerk prior to any interment or placement of grave marker.

B. Number Of Interments: Generally only one body may be interred per plot. However, multiple interments as provided herein may be allowed for members of a plot owner's immediate family, heirs, or assigns, subject to presentation of proof in writing to the city that the owner gave permission for the additional interment. No such additional use of an owner's grave plot shall be permitted without documentation of this written permission. A maximum of two (2) interments shall be allowed in any given plot; provided, however that such multiple interments may consist solely of one of the following combinations:

1. One body plus one cremains if a burial plot; or two (2) cremains;
2. Two (2) cremains if a burial or memorial plot.

C. Method Of Interment: Mechanical equipment may be used for purposes of interment, provided that said equipment can safely be used without disturbing or driving over any plots other than the one receiving the interment. For some plots, excavation will need to be done by hand in order to satisfy this requirement. Occupied plots may not be used for any storage of dirt, stones, headstones or any other materials.

D. Prohibited Structures: No person shall erect or maintain any fence, corner post, hedge or boundary of any kind other than of low rock or stone. No person shall grade the ground or land of any plot in the cemetery except with written permission of the city. No piling of dirt is permitted. Finished grave shall be level with surrounding grounds.

E. Shrubs And Trees: No trees, shrubs or vegetation other than grass or flowers shall be planted or grown on cemetery plots. Plantings in other areas of the cemetery may be made only with the explicit permission of the city and only in locations specified by the city. "Shrubs and trees" are defined as any plant that develops a woody type root, including roses, azaleas, etc. Pruning, removing or transplanting of any trees, shrubs or plants on the cemetery grounds may only be done by city personnel or with written permission of the city.

F. Animals: No dogs or other animals are permitted to run at large upon the grounds.

G. Ornaments And Flower Arrangements: The city has the authority to remove all floral arrangements, weeds, trees, shrubs, plants, herbage of any kind or any items placed on a plot from the cemetery as soon as, in the judgment of the city maintenance personnel, they become unsightly, dangerous, detrimental or diseased. The city shall not be liable for floral pieces, baskets or frames in which or to which such floral pieces are attached.

H. Monument Specifications: It is unlawful for any person to erect any monument or marker that exceeds thirty inches (30") in height from ground level. Footstone markers are allowed but they shall not exceed ground level. A monument or marker shall be placed within six (6) months of the internment. After death a monument may be placed without internment and be considered use of the plot.

I. Subdivision Of Plots: The subdivision of plots is not allowed and no one shall be interred in a plot ~~not without~~ having any interest therein except by written consent of the city and of all parties interested in such plot.

Section 18: Repealer: All ordinances, policies or parts thereof, which are in conflict herewith, are hereby repealed.

Section 19: Severability: Should any part or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared be unconstitutional or invalid.

Section 20: Effective Date: This ordinance shall be in full force and effective from the date of passage and publication according to law.

Section 21: Codification: The City Clerk is directed to forward the signed and approved ordinance to the codifier for codification.

APPROVED by the Mayor and City Council of the City of Stanley on this 31 day
of July, 2025.

Steve Botti
Steve Botti, Mayor

ATTEST: Marsha Fink
City Clerk

