

3. Microchipping – No dog shall be released to a person redeeming an impounded dog from the Idaho Falls Animal Shelter unless the dog is currently licensed and microchipped and wearing a collar and license tag.
4. An unaltered (not neutered or spayed) that has been impounded at the Animal Control Shelter on two (2) previous occasions during the previous one (1) year shall be required to be spayed or neutered prior to the owner redeeming the animal. The accrued impound and boarding fees shall be applied towards the cost of spay or neuter of the dog.
  - a. The Bonneville County Board of Commissioners may contract or enter into mutual aid agreements with government or private impound facilities to enforce laws, ordinances and impoundment of dogs.
  - b. Pursuant to Idaho Code 25-2804, Bonneville County residents who redeem or recover a dog from a government or private impound facility are subject to and responsible to pay Bonneville County and/or the impound facility in U.S. currency any and all license fees, pertinent county fine and all costs associated with an impounded dogs release.
5. A dog owner bears sole responsibility to identify and recover an impounded dog. The Sheriff or their authorized representative will make reasonable effort to notify the owner of an impounded dog when an owner's identity can be reasonably be determined.
6. Unclaimed Dogs at Animal Control Shelter – After the time elapsed as stated in this Chapter, excluding weekends and holidays, from the time a dog was taken up and impounded, if the owner has not claimed the dog by personally contacting the Animal Control Shelter personnel, the dog will be deemed abandoned and the owner relinquishes all property rights to the dog
  - a. Any dog not redeemed within five (5) days, may be adopted or sold for the best price attainable, excluding weekends and holidays from the time the dog was taken up and impounded; if the owner, who was not identified; or was unavailable for contact; or did not respond to any attempted contact; and after any type of contact was made, the owner failed to recover the dog from the impound.

- b. In any case dog may be humanely destroyed by euthanasia and the carcass disposed of in any lawful manner. A dog may be humanely destroyed of without waiting for five (5) days in order to prevent a dog's apparent continued suffering to injury, neglect, abuse or illness.

## **SECTION 8 – RABIES VACCINATION**

- A. It shall be unlawful for the owner of any dog in Bonneville County to not have a current rabies vaccination. Vaccinations must begin when the animal has reached the age of four (4) months of age. Every owner, upon request of a Deputy or Animal Control Officer, produce such proof of vaccination.
- B. If a dog has bitten, scratched or otherwise attacked a person, the owner of such dog or any person having knowledge of such incident shall immediately notify the Bonneville County Sheriff's Office and the Health Department. The Animal Control Shelter Director shall have authority to require the owner of any dog which has bitten any person so as to cause an abrasion of the skin, or showing signs of rabies, to subject such dog to impoundment at the regular daily impoundment fee, or to a practicing veterinarian for quarantine enclosure from which the dog cannot escape and is which not accessible to the public and approved by the Animal Control Deputy/Officer; and shall be kept for a minimum period of ten (10) days. If the dog shall be determined to be free of rabies, the dog shall be returned to the owner after applicable impoundment and licensing fees are paid. If the impoundment fee is not paid, the dog can be subject to disposal under the conditions of impoundment herein provided.

Further, it shall be the duty of all practicing veterinarians to report to the Health Department all cases of rabies or suspected rabies with which they come into contact or to which their attention has been directed.

No person shall kill or cause to be killed, any rabid dog, any dog suspected of having been exposed to rabies, or any dog biting a human, except here in provided, nor remove same from Bonneville County without written permission from the Health Department Officer.

## **SECTION 9 – KENNEL LICENSING (COMMERCIAL AND NON-COMMERCIAL)**

### **Commercial Kennel licensing**

A. Idaho Code provides that dog owners who keep their dogs in a kennel, covering fifteen (15) licensed dogs for breeding or commercial purposes shall be entitled to a kennel license. This ordinance provides the kennel requirements and restrictions for all kennels housing four (4) or more dogs and their dependent young.

B. More than one kennel license may be purchased from the Bonneville County Assessor's Office for commercial boarding kennels that house or board more than fifteen (15) dogs that are not owned by the kennel or property owner.

C. This Bonneville County enforcement and zoning ordinances restrict kennel locations as follows:

1. Kennels are currently allowed in Professional Business (PB) zone; Limited Neighborhood Commercial (LNC) zone; Neighborhood Shopping Center (SC-1) zone; Limited Commercial (C-1) zone; Limited Business (HC-1) zone; General Commercial C-2) zone; Manufacturing (M-1 and M-1A) zones; Industrial and Manufacturing (I and M-1,2 and 3 zones) or

(a) May be allowed in Agricultural (A-1) and Grazing (G-1) zones after a final decision from a "Use Hearing" of the Bonneville County Planning Board.

2. Residents who choose to apply for a kennel license must attach a copy of a valid Zoning permit to the approved dog kennel license application before the Assessor's Office can issue a kennel license.

3. An annual kennel license fee covering up to fifteen (15) dogs is \$75.00

(a) The kennel owner is entitled to individual license tags for up to fifteen (15) kenneled dogs. A kenneled dog must wear a collar and attached license tags whenever the dog is outside the confines of the kenneled property.

D. Kennel owners who intermittently board more than fifteen (15) licensed dogs that are not owned by the kennel or property owner or property manager must attach a valid zoning permit to the kennel license application to cover all boarded dogs.

1. Annual commercial Boarding kennel license fee for intermittently boarding more than fifteen (15) licensed dogs that belong to separate owners is \$75.00 for each separate authorized licensed covering up to fifteen (15 ) boarded dogs.

2. Generally, individual Bonneville County dog license tags are not issued with boarding kennel license. Boarded dogs are generally licensed by their individual owners.

E. For this ordinance, animal hospitals or clinics operated with an accredited veterinary practice, government approved impound facilities or retail pet stores are not considered dog kennels. The above mentioned facilities may be governed by separate zoning ordinances.

#### Non-Commercial Kennel licensing

A. To promote public health and safety, the maximum number of individual licensed dogs that can be kept or boarded on the same premises, property or mobile carrier in the following designated zoned areas shall be:

1. Two (2) licensed dogs and their dependent young in a; Residential (R-1), R-2, R-3 zones; Residence park (RP) zone; manufactured home or travel trailer park – (MH) zone; Recreational – Forestry (RF) zone; Recreational – Agricultural – (RA -1) zone

2. Three (3) dogs and their dependent young in a Residential – Agricultural (RA 2, 3 and 4) zones, and Agricultural (A-1) and Grazing (G-1).

3. A dog kennel that has four (4) or more dogs and their dependent young, covering up to fifteen (15) dogs shall refer to Commercial zoning areas.

B. A dog kennel that has four (4) or more dogs and their dependent young, covering up to fifteen (15) dogs may be allowed in a: Agricultural (A-1) zone or Grazing (G-1) zone if the Bonneville County Planning and Zoning Board approves all aspects related to the kennel after a “Use “ hearing.

C. Applicants for a dog or kennel license may view a current Bonneville County Zoned map by contacting the Bonneville County Planning and Zoning Office in order to determine the number of dogs and/or kennel location that are or is allowed in a particular area.

D. “Grandfather” Clause - Residents who possess or possessed a valid Bonneville County 2017 “non-commercial kennel license” may purchase and maintain individual dog licenses for the 2018 and subsequent annual license years, but only for the natural life of each dog that resided on the designated kennel premises, whether through breeding or not, or movement of the dogs to a different premises will require the dog or premises owner to comply with kennel requirements defined in this or applicable zoning ordinances.

E. Pursuant to Idaho Code 24-2802, the Board of Bonneville County Commissioners authorizes the Bonneville County Assessor, government entities or private vendors to collect the annual individual dog license fee from resident dog owners. Kennel license applications must be submitted to and reviewed by the Bonneville County Assessor's Office. Collected fees will be deposited into the general fund except to allow an agency or entity or authorized representative by the Board of County Commissioners as a vendor for Bonneville County annual dog licenses, may keep \$1.00 (one dollar) to help offset administrative costs.

F. Resident dog owners, and/or if applicable, property, premises or land owners, must pay any and all dog or kennel related fines, infraction penalties, impound or zoning ordinance related costs, and proof of rabies vaccination before the Assessor or authorized representative can issue an individual or kennel dog license.

G. License applications will be considered "pending" until a final administrative finding or legal disposition is issued concerning an applicant's appeal for a license denial or revocation.

1. Zoning appeals must adhere to the Bonneville County zoning appeal process.

2. License appeals to the Board of County Commissioners must adhere to the Idaho Administrative Procedure Act, Idaho Code Title 67 Chapter 52.

#### **SECTION 10 – Cruelty Prohibited**

Pursuant to Idaho Code 25-3504, the Sheriff of Bonneville County intends to enforce the laws in unincorporated areas of Bonneville County or within cities that contract with the Sheriff for law enforcement services concerning the cruelty to animals.

#### **SECTION 11 – At Risk and Dangerous Dogs**

Pursuant to Idaho Code 25-2810, the Sheriff of Bonneville County intends to enforce the laws in unincorporated areas of Bonneville County or within cities that contract with the Sheriff for law enforcement services concerning dogs that bite or injure a person.

The Sheriff of Bonneville County intends to serve and enforce court orders that relate to law, administrative regulation or ordinance pursuant to Idaho Code 25-2811.

#### **SECTION 12 – Dogs in Livestock and Poultry**

Pursuant to Idaho Code 25-2806, the Sheriff of Bonneville County intends to conduct a reasonable investigation concerning any dog that is reported to have killed, worried, or wounded any livestock or poultry.

### **SECTION 13 – Penalties for Violation of this Chapter**

A. Idaho Code violation penalties and civil remedies are found in individual statutes with regards to misdemeanor and felony crimes that may include, but are not limited to;

- a. Idaho Code 25-2810 – At Risk and Dangerous dogs
- b. Idaho Code 25-3504 – Committing cruelty to animals
- c. Idaho Code 25-2806 – Liability for livestock and poultry killed by dogs

B. For purposes of this ordinance, and pursuant to Idaho Code 18-113A, the Board of County Commissioners authorize infraction penalties based upon reasonable cause, for violations of the following provisions of Idaho Code and/or this ordinance from current:

- a. Idaho Statute, and/or
- b. applicable court discretion, and/or
- c. Idaho Supreme Court infraction fee schedule, and/or
- d. Bonneville County Board of County Commissioners infraction fees

C. Each complaint, ordinance violation and/or occurrence supported by reasonable cause may be enforced separately with regards to an infraction fine for:

- 1. Failure to control dog
- 2. Dog or dogs running at large
- 3. Nuisance – a dog's noise, damage, molestation or trespass
- 4. Failure to properly license a dog
- 5. Failure to properly license a kennel
- 6. Exceeding maximum number of dogs in a kennel
- 7. Exceed maximum number of dogs in a zoned area
- 8. Failure to obtain a current rabies vaccination.

The fine will be for all other infractions pursuant to Idaho Code 18-113A as set by Idaho Supreme Court infraction fee schedule.

### **Section 14 – Severability**

A. If any section of this ordinance is unenforceable through court order, the other sections remain valid and in force.

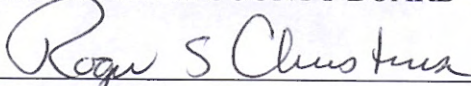
B. Nothing in this ordinance is intended to enlarge or limit the authority of the Sheriff or Prosecuting Attorney of Bonneville County and their respective deputies from enforcing laws and ordinances anywhere in Bonneville County, Idaho.

1. Nothing in this ordinance is intended to prohibit or limit the Sheriff or Prosecuting Attorney of Bonneville County from enforcing and/or prosecuting any violation, under the ordinance or Idaho Code section that the Sheriff and/or Prosecuting Attorney deem appropriate in any situation.

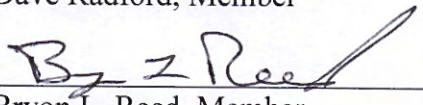
C. A county resident dog owner's receipt showing a paid license fee for an individual dog or kennel license, and/or dog tag, for the current calendar year is required to demonstrate compliance with the dog license fee provision of this ordinance.

Be it ordained by the board of county commissioners of Bonneville County:

BONNEVILLE COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Roger S. Christensen, Chairman

\_\_\_\_\_  
Dave Radford, Member

  
\_\_\_\_\_  
Bryon L. Reed, Member

ATTEST:

  
\_\_\_\_\_  
Penny Manning, County Clerk

Ordinance for Adopting the  
**2015 International Codes**  
ORDINANCE NO. 233-18

AN ORDINANCE OF THE COUNTY OF BONNEVILLE, OF THE STATE OF IDAHO, ADOPTING THE LATEST VERSION OF THE INTERNATIONAL BUILDING CODE; THE INTERNATIONAL ENERGY CONSERVATION CODE; INTERNATIONAL FUEL GAS CODE; INTERNATIONAL MECHANICAL CODE AND INTERNATIONAL FIRE CODE, PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE. December 18, 2018.

**BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF BONNEVILLE COUNTY STATE OF IDAHO:**

**Section 1. Code Adoption:** That the approved editions of the following nationally recognized codes, as adopted by the state of Idaho or the Idaho Building Code Board, are adopted as the official building codes of the County of Bonneville,  
2015 Edition International Building Code, including all rules promulgated by the Board to provide equivalency with the provisions of the American with Disabilities Act accessibility guidelines and the federal Fair Housing Act accessibility guidelines  
2015 Edition International Energy Conservation Code  
2015 Edition International Fuel Gas Code  
2015 Edition International Mechanical Code  
2015 Edition International Fire Code including amendments by Idaho State Fire Marshall and including Appendices B, C, D, E and F.

**Section 2. Amendments to Adopted Codes:**

That in all codes adopted by Bonneville County, references to the International Plumbing shall be interpreted to reference the plumbing code adopted by the Idaho Plumbing Board. All references to the National Electrical Code or NFPA 70 shall be interpreted to reference the electrical code adopted by the Idaho Electrical Board. Bonneville County does not adopt or enforce provisions of either the plumbing or electrical codes.

That all amendments made by the Idaho Building Code Board and the Idaho State Fire Marshall's Office are included.

That the following amendments shall be applicable to the adopted building codes:

**A. To the 2015 International Building Code:**

1. Section 101.4.4 is hereby deleted.
2. Section 101.4.7 Existing buildings. Modify this section as follows, 'Repair, alteration, change of occupancy, addition to or relocation of existing buildings shall be governed by this code or the International Residential Code as applicable.'
3. Section 102.6 Existing structures. Remove reference to the International Existing Building Code and the International Property Maintenance Code.
4. Section 102.6.2 Buildings previously occupied. Remove references to the International Existing Building Code and the International Property Maintenance Code.
5. Section 105.2 Work exempt from permit. Change #2 to read, 'Fences not over 6 feet high.' Change #9 to read, 'Prefabricated swimming pools accessory to group R-3 occupancy that are less than 48 inches in depth and installed entirely above ground.'
6. Section 109.2 Schedule of permit fees. Add the following sentence, 'Fees shall be set by the Board of County Commissioners under separate action.'
7. Delete Section 113.2 Limitations on authority and replace it with, '113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed pursuant to the criteria set forth in Section 104.11 of the International Building Code, 2015 Edition. The Board shall have authority to waive requirements of this code.'
8. Delete Section 305.2.3 and replace with Section 305.2.3 Twelve or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve or fewer children receiving such day care shall be classified as Group R-3 occupancy, or shall comply with the International Residential Code.
9. Delete Section 308.3.4 and replace it with, '308.3.4 Eight or fewer persons receiving custodial care. A facility with eight or fewer persons receiving custodial care shall be classified as Group R-3, or shall comply with the International Residential Code.'



10. Delete Section 308.4.2 and replace it with, 'Section 308.4.2 Eight or fewer persons receiving medical care. A facility with eight or fewer persons receiving medical care shall be classified as Group R-3, or shall comply with the International Residential Code.'
11. Delete Section 308.6.4 and replace it with, '308.6.4 Eight or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as Group R-3, or shall comply with the International Residential Code.'
12. Delete section 310.5.1 Care facilities within a dwelling and replace it with, '310.5.1 Care facilities within a dwelling. Care facilities within a dwelling unit are permitted to comply with the International Residential Code as follows:
  - a. Care facilities for 8 or fewer individuals over the age of 12.
  - b. Care facilities for children under age 12 for less than 24 hours.
13. Delete section 310.5.2.
14. After Section 420.5 add the following exception:

"Exception: Group R-3 single family dwellings and duplexes used exclusively as dwelling units in accordance with Idaho State Law SB218."
15. To Table 504.3 delete footnote d and modify footnote h to read, 'New Group R-1, R-2 and R-4 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.'
16. To Table 504.4 delete footnote d and modify footnote h to read, 'New Group R-1, R-2 and R-4 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.'
17. To Table 506.2 delete footnote d and modify footnote h to read, 'Fire sprinklers shall not be required in R-2 occupancies with less than three dwelling units or R-3 occupancies.'
18. Section 903.2.8. Add the following exception; 'Group R-3 1 and 2 family dwellings and care facilities for mentally and physically impaired individuals in R-3 Occupancies with occupant loads less than 8 and in accordance with Idaho State Law.'
19. Modify Section 903.2.8.4 Care facilities as follows, 'Care facilities in single family dwellings where eight or fewer individuals are being cared for shall not be required to have fire suppression systems.'
20. Section 903.2.9 modify #5 to read, '#5. A Group S-1 fire area used for the storage of upholstered furniture or mattresses where the fire area exceeds 5,000 square feet.'
21. Section 903.3.1.2.1 Balconies and decks. Replace the first sentence with, 'When fire sprinkler protection is provided in Group R occupancies, sprinkler protection shall be extended to exterior balconies, decks and ground floor patios of dwelling units and sleeping units where the building is of Type V construction and there is a roof or deck above such balconies, decks and ground floor patios.'
22. Delete Delete Section 903.3.1.3 and replace with, '903.3.1.3 NFPA 13D sprinkler systems. When installed in Group R-3 dwelling units, fire sprinklers shall be permitted to be installed throughout in accordance with NFPA 13D or Section 2904 of the International Residential Code.'
23. To Section 903.3.5.2 Residential combination services. Replace NFPA 13R with, 'NFPA 13R, NFPA 13D or IRC Section 2904, whichever is used to design the system.'
24. To Section 906.1 delete the exception to item #1.
25. Delete Section 907.1 and replace it with, '907.1 General. This section covers the application, installation, performance and maintenance of fire alarm systems and their components. When fire alarm systems not required by the International Building Code or the International Fire Code are installed, the notification devices shall meet the minimum design and installation requirements for systems which are required by these codes.'
26. 1612.3 Amend this section as follows, 'Bonneville County Flood Plain Ordinance 208-02 is hereby adopted by reference and declared to be part of this section.'
27. Delete footnote (e) from Table 2902.1 and replace it with, 'e. For business and mercantile occupancies with an occupant load of less than thirty, a service sink is not required.'
28. Add footnote (f) to Table 2902.1, 'f. Drinking fountains are not required in any occupancy with a design occupant load of 30 or less.'
29. In Chapter 35 all references to NFPA standards are to reference the most recent addition.

**B. To the 2015 International Energy Conservation Code:**

1. Table R402.1.2. To the row for Climate Zone 6 modify the values as noted herein: Wood Frame Wall R-Value 20 or 13 + 5, Mass Wall R-Value 15/19.
2. Table R402.1.4. To the row for Climate Zone 6 modify the equivalent U-Factors as noted herein: Frame Wall U-Factor 0.057.

**C. To the 2015 International Fuel Gas Code:**

1. Section 103.2 Appointment shall be modified to read: The Chief Appointing Authority of the jurisdiction shall appoint the code official.

2. Section 106.6.2 Fee Schedule shall read: Mechanical permit fees shall be set in accordance with Section 54-5017 of the Idaho Code.

3. Section 109.1 Application for Appeal. A person shall have the right to appeal a decision of the Code Official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted. The application shall be filed on a form obtained from the Code Official within 20 days after the notice was served.

4. Section 303.3 Prohibited Locations. Delete Items 2, 3 and 4.

5. Section 505.1.1 Delete the exception and replace with: 'Exceptions: 1. An interlock between the cooking appliance(s) and the exhaust hood system shall not be required where heat sensors or other approved methods automatically activate the exhaust hood system when cooking operations occur. 2. An interlock between the cooking appliance and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems.'

6. Delete Section 621.2.

7. Modify Section 621.4 Prohibited locations as follows: Unvented room heaters shall not be installed within occupancies in Use Groups A, B, E, I, M and R. The location of unvented room heaters shall also comply with IFGC Section 303.3.

8. Delete Section 621.7 and 621.7.1

**D. To the 2015 International Mechanical Code:**

1. Section 106.5.2 Fee Schedule shall read: Mechanical permit fees shall be set in accordance with Section 54-5017 of the Idaho Code.

2. Section 303.3 Prohibited Locations: Delete Item 2, 3 and 4.

3. Section 504.8.1 Add, 'Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 928 gauge) ducts and fittings are not available.'

4. To Section 507.1.1 add the following exception: Exception: An interlock between the cooking appliance and the exhaust hood shall not be required for appliances that are of the manually operated type and are factory-equipped with standing pilot burner ignition systems.

**E. To the 2015 International Fire Code:**

1. Section 109.4 replace [SPECIFY OFFENSE] with the word 'misdemeanor' and delete the rest of that sentence.

2. Delete Section 111.4

3. To Section 903.2.8 Add the following exception:

Exception: All townhouses, single family homes and multiple family dwellings up to two (2) units by Idaho State Law SB218.

4. Delete Section 903.2.8.1

5. Delete Section 903.2.8.4 and replace it with, '903.2.8.4 Care facilities. Care facilities housing eight or fewer residents in single family dwellings shall not be required to have automatic fire sprinklers. If automatic fire sprinklers are installed, they shall be in accordance with 903.3.1.3.

6. Section 906.1 delete item #4.

7. Delete Section 5704.2.9.6.1 and replace it with 'Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above ground tanks shall be prohibited in zones as established by Bonneville County Zoning and Building Ordinance as follows, A-1 Agricultural density plat, R-1, R-1.5, R-2, R-3, RA-1, RA-2, RA-3, RA-4, MH, R-P, LNC, SC-1, C-1 and P-B. Above ground storage of Class I and II flammable and combustible liquids in these zones shall be limited to the amounts necessary for maintenance and operation of equipment in accordance with Section 5704.3.4.4 of the International Fire Code.

8. Section 5706.2 replace the text with, 'Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms, construction sites, earth-moving projects and gravel pits shall be in accordance with Sections 5706.2.1 through 5706.2.8.1.

9. Delete Section 5706.2.4.4 and replace it with, '5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks shall be prohibited in zones as established by Bonneville County Zoning and Building Ordinance as follows, A-1 Agricultural density plat, R-1, R-1.5, R-2, R-3, RA-1, RA-2, RA-3, RA-4, MH, R-P, LNC, SC-1, C-1 and P-B. Above ground storage of Class I and II flammable and combustible liquids in these zones shall be limited to the amounts necessary for maintenance and operation of equipment in accordance with Section 5704.3.4.4 of the International Fire Code.

Exception: Private use on farms, construction sites, gravel pits and earth-moving projects as outlined in Section 5706.2.'

10. Delete Section 5806.2 and replace it with, '5806.2 Limitations. The storage and use of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in zones as established

by Bonneville County Zoning and Building Ordinance as follows, A-1 Agricultural density plat, R-1, R-1.5, R-2, R-3, RA-1, RA-2, RA-3, RA-4, MH, R-P.'

11. Delete Section 6104.2 and replace it with, '6804.2 Maximum capacity within established limits. Storage of liquefied petroleum gas shall be restricted to an aggregate capacity of 2,000 gallons water capacity in zones as established by Bonneville County Zoning and Building Ordinance as follows, A-1 Agricultural density plat, R-1, R-1.5, R-2, R-3, RA-1, RA-2, RA-3, RA-4, MH, R-P, LNC, SC-1, C-1 and P-B.

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy and proximity to other buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and the capabilities of the local fire department.

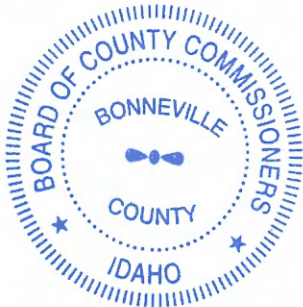
**Section 3. Exemptions:** Agricultural buildings are exempt from the building codes adopted herein but shall remain subject to placement requirements established by zoning regulations. Qualification as an agricultural building will be determined upon adherence to the definition of agricultural building in Section 202 of the IBC and the property on which the building is sited has been determined by the Bonneville County Assessor to be land actively devoted to agriculture per Section 63-604 of the Idaho Code.

**Section 4. Severability:** This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

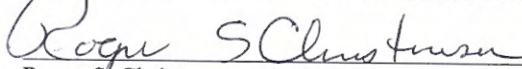
**Section 5. Repeal of Conflicting Provisions:** All provisions of the current Code or ordinances of the County of Bonneville which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

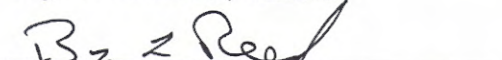
**Section 6. Effective Date:** This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the County Commissioners of Bonneville County as an ordinance of Bonneville County on the 18<sup>th</sup> day of December 2018.




BONNEVILLE COUNTY COMMISSIONERS

  
Roger S. Christensen, Chairman

  
Bryan Reed, Member

\_\_\_\_\_  
Dave Radford, Member

ATTEST:

  
\_\_\_\_\_  
County Clerk  
Published: December 25, 2018

**ORDINANCE NO. 234-19**

**BONNEVILLE COUNTY, IDAHO**

**RIGHT OF WAY ROADSIDE DISTURBANCE ORDINANCE**

**ORDINANCE NO. 234-19, AN ORDINANCE OF BONNEVILLE COUNTY, IDAHO, ENACTING RULES AND REGULATIONS FOR THE PROTECTION OF RIGHT OF WAY AND ROADSIDE FROM WEEDS AND OTHER ELEMENTS WHICH DISTURB THE ROADWAYS AND INTERFERE WITH THE USE OF ROADWAYS, INCLUDING USE FEES, PENALTIES, SEVERABILITY, AND EFFECTIVE DATE THEREOF.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, THAT:

WHEREAS, it is the desire of Bonneville County to limit the spread of weeds, protect the right of way, protect road bases, and provide for revegetation following construction involving roadsides, and

WHEREAS, the majority of new invasions of noxious and invasive weeds occur along road ways due to some sort of disturbance, and

WHEREAS, most disturbances along the right of way (hereinafter "ROW") are caused by developments or utility work along the site, and

WHEREAS, those receiving authorization to disturb Bonneville County Right of Way (ROW) are required to obtain permits from the Bonneville County Road and Bridge Department,

NOW, THEREFORE, be it hereby ordained by the Board of County Commissioners of Bonneville County:

**Section 1 - Authorization:** All persons or entities (hereinafter "Permittee"), prior to working in the Right of Way in Bonneville County, shall obtain from the Bonneville County Weed Department a permit to disturb the ground.

**Section 2 - Remediation Plan:** As part of the permitting process, Permittee shall choose one of the following programs to ensure the proper revegetation or that proper invasive weed control takes place to maintain proper vegetation after construction within the ROW.

- (A) If there is less than 15% of the ROW disturbed then the Permittee will be assessed a fee of \$0.02 per linear foot of disturbed landscape, payable to Bonneville Weed Department which the Bonneville County Weed Department will control unwanted weeds within the disturbed

site. This will generally be the case when utility conduit is placed by boring, ripping, pulling cable, or dragline type of installation.

Or

- (B) If there is between 15% and 30% of the ROW disturbed the Permittee will reseed the site by the use of incorporating approved grass seed into or over the disturbed area. More information on seeding methods, seed types, and where to obtain seed can be found on our Bonneville County Weed Control Website. This will generally be the case for any open trenching that is performed.

Or

- (C) Greater than 30% of the ROW is disturbed the Permittee shall make sure that 4 inches of top soil exists, or shall import that amount of top spoil necessary to constitute 4 inches of top soil, and will then reseed the site by means of seed drilling (Conventional or No-til) or hydroseeding, or Erosion Control Blankets of the disturbed area utilizing approved grass seed. More information on seeding methods, seed types, and where to obtain seed can be found on our Bonneville County Weed Control Website or in Appendix I. This is will generally be the case when complete excavation occurs within the ROW.

Or

- (D) Due to the nature of this project being a Curb and Gutter or other special circumstance this project is exempt from this permitting process.

**Section 3 - Seeding Options:** In those circumstances where one of the options in Section 2 above require seeding, Permittee shall incorporate approved grass seed into or over the disturbed area as required by the Bonneville County Weed Department but not by means of less than by dragging a harrow or similar tool over the soil, topdressing seed with a spreader, and then dragging a chain over the site. This should be followed by a roller to ensure adequate seed to soil contact. Additional requirements may be Seed varieties which are pre-approved and accepted by the Bonneville County Weed Department must be used including Non-Irrigated Pasture Blend of seed should be acceptable including but not limited to a combinations up to 20lbs , 80-90% germination rate, Noxious weed free combinations of three or more species approved by the County such as Vavilov II wheatgrass, Siberian wheatgrass, Sodar wheatgrass, Crested wheatgrass, Idaho fescue , or Hard fescue.

**Section 4 - Violations:** Failure of Permittee to complete Remediation, shall result in no additional permits being granted to Permittee to work in right of way until the remediation has been completed or all costs to Bonneville County for remediation have been paid.

**Section 5 - Penalties:**

Any person or entity in violation of this ordinance, shall be guilty of an infraction, and upon



conviction, shall be punished as provided under the definition of an infraction conviction in Idaho Code.

**Section 6 - Severability:**

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a Court of competent jurisdiction, the remaining portions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

**Section 7 - Repeal of Conflicting Provisions:**

All provisions of the current Codes or Ordinances of Bonneville County, Idaho, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 8 - Effective Date:** This ordinance shall be effective on upon its passage and publication as provided by law.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, AS AN ORDINANCE OF BONNEVILLE COUNTY, on the 22<sup>nd</sup> day of January, 2019.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on the 22<sup>nd</sup> day of January, 2019.



Roger S Christensen  
Roger Christensen, Commissioner

Dave Radford  
Dave Radford, Commissioner

Byron Reed  
Byron Reed, Commissioner

ATTEST:

Penny Manning  
Clerk, Board of Bonneville County Commissioners

## **ORDINANCE NO. 235-19**

### **BONNEVILLE COUNTY LIGHTING DISTRICT NOS. 102, 103, 104, 105, 106, 107, 108, 109, 110 BONNEVILLE COUNTY, IDAHO**

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AN ORDINANCE DESCRIBING AND CREATING BONNEVILLE COUNTY LIGHTING DISTRICT NOS. 102, 103, 104, 105, 106, 107, 108, 109, 110 INCLUSIVE, AS FOLLOWS LIGHTING DISTRICT NO. 102 (CROW CREEK ESTATES, DIVISION NOS. 4, 5 & 6); LIGHTING DISTRICT NO. 103 (BERKLEY PARK, DIVISION NOS. 1, 2, 3, & 4); LIGHTING DISTRICT NO. 104 (GREEN VALLEY ESTATES, DIVISION NOS. 5 & 6); LIGHTING DISTRICT NO. 105 (ROCK RIVER ESTATES, DIVISION NO. 3); LIGHTING DISTRICT NO. 106 (NORTH SPRINGS, DIVISION NO. 2); LIGHTING DISTRICT NO. 107 (WOLF CREEK SUBDIVISION, DIVISION NO. 1) LIGHT DISTRICT NO. 108 (THE AVENUES, DIVISION NO. 1); LIGHTING DISTRICT NO. 109 (BEACH'S CORNER COMMERCIAL PARK); LIGHTING DISTRICT NO. 110 (ANDERSEN BUSINESS DEVELOPMENT, DIVISION NO. 1 & 2) ALL IN THE COUNTY OF BONNEVILLE, STATE OF IDAHO: DESCRIBING THE BOUNDARIES OF SAID LIGHTING DISTRICT; DESCRIBING THE PURPOSES OF SUCH LIGHTING DISTRICT FOR IMPOSING AND COLLECTING FEES FOR THE MAINTENANCE AND OPERATION OF A SECURITY LIGHTING SYSTEM IN THE LIGHTING DISTRICT; PROVIDING FOR PAYMENTS FOR THE OPERATION AND MAINTENANCE OF SUCH SECURITY LIGHTING SYSTEM TO ROCKY MOUNTAIN POWER COMPANY PURSUANT TO PROVISIONS OF SCHEDULE 12, ADOPTED BY THE IDAHO PUBLIC UTILITIES COMMISSION AS MAY BE AMENDED FROM TIME TO TIME; PROVIDING THAT SUCH FEES AS ASSESSED SHALL BE FOR THOSE SERVICES PROVIDED BY THE COUNTY WHICH WOULD OTHERWISE BE PROVIDED BY AD VALOREM TAX REVENUES; PROVIDING THAT THE FEES COLLECTED PURSUANT TO THE PROVISIONS OF THIS ORDINANCE SHALL BE REASONABLY RELATED TO BUT SHALL NOT EXCEED THE ACTUAL COST OF THE SERVICES BEING RENDERED; PROVIDING FOR THE ASSESSMENT OF FEES AGAINST EACH LOT AND PARCEL WITHIN THE LIGHTING DISTRICT FOR THE PAYMENT OF SUCH COSTS OF OPERATION AND MAINTENANCE; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the County of Bonneville, State of Idaho, has created Development Agreement Residential Security Lighting System for the purpose of the installation and construction of a security lighting system within the various subdivisions of the County; and

WHEREAS, subsequent to the installation and construction, the security lighting system shall require the payment of costs and fees for the operation and maintenance thereof; and

WHEREAS, Bonneville County Lighting District No. 102, 103, 104, 105, 106, 107, 108, 109, 110 shall contract with the Rocky Mountain Power Company for the maintenance and operation of such security lighting system with the fees to be charged as authorized by Schedule 12 adopted by

the Idaho Public Utilities Commission as may be modified from time to time; and

WHEREAS, if service fees were not charged such costs would be paid from the ad valorem taxes on property within the County of Bonneville; and

WHEREAS, it is not appropriate or equitable to pay the costs of one district for the benefit of that district from all property within the County; and

WHEREAS, the County may assess fees upon services provided which would otherwise be provided by ad valorem tax revenues; and

WHEREAS, such fees shall be reasonably related to but not exceed the actual cost of the services being rendered; and

WHEREAS, the County Commissioners have caused notice to be given to each owner within the proposed lighting district of the intent to create a lighting district and impose fees and charges for the services rendered therein and such notice was mailed to all property owners on the property tax rolls of the County within such proposed district more than fifteen (15) days prior to the date and time scheduled for the hearing upon the creation of such district; and

WHEREAS, the Board of County Commissioners caused the notice of the hearing of the intent to create the proposed lighting district to be published in the *Post Register*, the official newspaper of the County, with the first publication thereof being more than fifteen (15) days prior to the date and time set for the hearing upon the notice of intention to create such district and it was published for two (2) weeks on the same day of each week; and

WHEREAS, a public hearing has been held with no protests to the creation of such lighting district;

NOW THEREFORE, be it hereby ordained by the Board of County Commissioners of the County of Bonneville;

**Section 1.**      **Bonneville County Lighting District No. 102** (Crow Creek Estate, Division Nos. 4, 5, & 6.

That there is hereby created Bonneville County Lighting District No. 102 (Crow Creek Estates, Division Nos. 4, 5, & 6) to be comprised of the following described real property, Bonneville County, Idaho:

**Crow Creek Estates, Division No. 4:**

Sandy Drive, from 2920 E to 3002 E

Which includes:

Lots 9 through 16 Block 6

Lots 2 through 11 Block 7



**Crow Creek Estates, Division No. 5:**

Lucina Avenue, from 2732 N to 2890 N  
Melinda Court, from 2698 N to 3008 N  
Larson Drive, from 2818 E to 2891 E

Which includes:

Lots 18 through 35 Block 7  
Lots 8 through 12 Block 8

**Crow Creek Estates, Division No. 6:**

Larson Drive, from 2892 E to 2988 E

Which includes:

Lots 1 through 7 Block 8  
Lots 12 through 17 Block 7

**Section 2. Bonneville County Lighting District No. 103** (Berkley Park,  
Division Nos. 1, 2, 3, & 4)

That there is hereby created Bonneville County Lighting District No. 103 to be comprised  
of the following described real property, Bonneville County, Idaho:

**Berkley Park, Division No. 1:**

Ventura Avenue, from 3369 N to 3584 N.  
Madina Street, from 4034 E to 4098 E  
Ola Vista Avenue, from 3397 N to 3579 N  
Marlin Avenue, from 4111 E to 4174 E  
Barcelona Avenue, from 3471 N to 3577 N

Which includes:

Lots 1 through 10 Block 1  
Lots 1 through 9 Block 2  
Lots 1 through 7 Block 3  
Lots 1 through 3 Block 4

**Berkley Park, Division No. 2:**

Marlin Avenue, from 4186 E to 4353 E  
Florian Avenue, from 3340 N to 3460 N  
St. Arbor Lane, from 4245 E to 4386 E

Which includes:

Lots 8 through 25 Block 3  
Lots 1 through 10 Block 5  
Lots 1 through 3 Block 6  
Lot 1 Block 7

**Berkley Park, Division No. 3:**

Marlin Avenue, from 4374 E to 4377 E  
St. Arbor Lane, from 4371 E to 4386 E.  
Apolena Avenue, from 3362 N to 3560 N  
Cordoba Lane, from 4357 E to 4441 E  
Baldwin Avenue from 3440 N to 3739 N  
Holtom Lane, from 4471 E to 4476 E  
Arcadia Avenue from 4440 E to 4443 E

Which includes:

Lots 11 through 14 Block 5  
Lots 4 through 6 Block 6  
Lots 2 through 22 Block 7  
Lots 1 through 7 Block 8  
Lot 1 Block 9  
Lots 1 through 7 Block 10

**Berkley Park, Division No. 4**

Ventura Avenue, from 3540 N to 3584 N  
Ola Vista Avenue, from 3504 N to 3579 N  
Barcelona Avenue, from 3503 N to 3577 N  
Cordoba Lane, from 4183 E to 4441 E  
Catalina Avenue, from 3610 N to 3615 N

Which includes:

Lots 11 through 13 Block 1  
Lots 10 through 16 Block 2  
Lots 4 through 11 Block 4  
Lots 15 through 24 Block 5  
Lots 8 through 10 Block 8  
Lots 1 through 5 Block 11

**Section 3.**     **Bonneville County Lighting District No. 104** (Green Valley Estates,  
Division Nos. 5 & 6)

That there is hereby created Bonneville County Lighting District No. 104 to be comprised  
of the following described real property, Bonneville County, Idaho:

**Green Valley Estates, Division No. 5:**

Florian Avenue, from 3001 N to 3105 N  
Kodiak Lane, from 3029 N to 3110 N  
Waverly Road, from 2967 N to 3117 N  
Bobbin Broke Lane, from 4328 E to 4443 E  
Lindale Avenue, from 4474 E to 4477 E

Which includes:

Lots 11 through 13 Block 2  
Lots 8 through 19 Block 8  
Lots 1 through 8 Block 9  
Lots 1 through 8 Block 10  
Lots 1 through 2 Block 11

**Green Valley Estates, Division No. 6:**

Florian Avenue, from 3121 N to 3279 N  
Kodiak Lane, from 3127 N to 3203 N  
Waverly Road, from 3124 N to 3250 N  
Ellington Way, from 4347 E to 4451 E

Which includes:

Lots 20 through 26 Block 8  
Lots 9 through 16 block 9  
Lots 9 through 14 Block 10  
Lots 3 through 15 Block 11

**Section 4. Bonneville County Lighting District No. 105** (Rock River Estates, Division No 3)

That there is hereby created Bonneville County Lighting District No. 105 to be compromised of the following described real property, Bonneville County, Idaho:

**Rock River Estates, Division No. 3:**

Bristol Drive, from 4124 N to 4364 N  
Snowcrest Avenue, from 3678 E to 3687 E

Which includes:

Lots 14 through 24 Block 2  
Lots 2 Block 5  
Lots 6 through 10 Block 8

**Section 5. Bonneville County Lighting District No. 106** (North Springs, Division No 2)

That there is hereby created Bonneville County Lighting District No. 106 to be compromised of the following described real property, Bonneville County, Idaho:

**North Springs, Division No. 2:**

Carmen Creek lane, from 4541 E to 4557 E  
Gemmet Creek Drive, from 4551 E to 4558 E  
Quinn Creek Drive, from 1412 N to 1603 N

Which includes:

Lots 2 through 13 Block 1

Lots 6 through 8 Block 2

**Section 6.**     **Bonneville County Lighting District No. 107** (Wolf Creek Subdivision, Division No. 1)

That there is hereby created Bonneville County Lighting District No. 107 to be comprised of the following described real property, Bonneville County, Idaho:

**Wolf Creek Subdivision, Division No. 1:**

Koda Way, from 3519 E to 3559 E

Daydream Lane, from 4646 N to 4783 N

Gager Drive, from 3501 E to 3563 E

Which includes:

Lots 1 through 12 Block 1

Lots 1 through 7 Block 2

Lot 1 Block 3

**Section 7.**     **Bonneville County Lighting District No. 108** (The Avenues, Division No. 1)

That there is hereby created Bonneville County Lighting District No. 108 to be comprised of the following described real property, Bonneville County, Idaho:

**The Avenues, Division No. 1:**

Booner Street, from 4281 E to 4487 E

Oakbrook Road, from 1968 N to 2035 N

Mesa Canyon Drive, from 1955 N to 2033 N

Which includes:

Lot 1 Block 2

Lot 1 Block 3

Lots 1 through 8 Block 4

Lot 1 Block 6

Lot 16 Block 9

Lots 2 through 9 Block 11

**Section 8.**     **Bonneville County Lighting District No. 109** (Beach's Corner Commercial Park)

That there is hereby created Bonneville County Lighting District No. 109 to be comprised of the following described real property, Bonneville County, Idaho: