

CITY OF DOVER, IDAHO

CITY OF DOVER ZONING REGULATIONS (TITLE 12)
AMENDMENT TO CHAPTER 6, STANDARDS OF ALL ZONE DISTRICTS, & DEFINITIONS
NUISANCES

ORDINANCE NO. 158

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 12 (DOVER ZONING REGULATIONS), CHAPTER 6, STANDARDS OF ALL ZONE DISTRICTS, SECTION 7, NUISANCES, AND APPENDIX D, DEFINITIONS, TO: PROVIDE AN INTENT STATEMENT AND DEFINITIONS FOR JUNK AND JUNK YARD; CLARIFY REQUIREMENTS FOR SOLID WASTE CONTAINMENT; PROHIBIT JUNK YARDS AND THE ACCUMULATION OF JUNK; AND TO PROVIDE FOR A SAVINGS CLAUSE, SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, the Constitution of the State of Idaho, Article XII, Section 2, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of Dover to adopt ordinances establishing land use standards, procedures, and uses; and

Whereas, Idaho Code §50-334 authorizes cities to determine what is a public nuisance and to prevent, remove, abate, and recover the costs for enforcement of nuisance violations; and

Whereas, Idaho Code §49-208 empowers cities to establish procedures for the abatement and removal of abandoned, junk, dismantled, or inoperative vehicles or their parts from private or public property; and

Whereas, the City of Dover City Council has initiated an amendment to Title 12, as authorized by Dover City Code 12-9-2, to create zoning regulations to address the abatement of nuisances, junk or abandoned vehicles, and to allow the City to recover the costs for enforcement; and

Whereas, the Dover Planning and Zoning Commission conducted a duly noticed public hearing on the proposed ordinance, in accord with the Local Land Use Planning Act, Title 67, Chapter 65, on May 3, 2018 and October 15, 2018, and did make a recommendation to the Dover City Council to approve; and

Whereas, Dover City Council conducted a public hearing on the proposed amendment on December 13, 2018, in accord with Title 67, Chapter 65 of Idaho Code.

Now therefore,

Be it ordained by the Mayor and City Council of the City of Dover, Bonner County, Idaho as follows:

Section 1. Adoption.

Part A:

Amending Chapter 6, Standards of All Zone Districts, Section 7, Nuisances

Title 12 (Zoning Regulations) of Dover City Code, Chapter 6, Standards of All Zone Districts, Section 7, Nuisances, is hereby amended and renumbered to read as follows:

12-6-7: NUISANCES:

The intent of this section is to prevent or eliminate public nuisances promptly and to defray taxpayer costs of enforcement. Anything that is injurious to health, morals, safety, welfare, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance and is subject to action by the city. All potential nuisances and hazards shall be mitigated by appropriate means. Public nuisances shall include, but are not limited to, the following:

- A. Noise, Vibration: No activity shall create excessive levels of noise or vibration beyond its property line. Between the hours of eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. the next morning, there shall be no loud, excessive, disruptive, or annoying sounds produced by voices, instruments, electronic devices, machinery, animals, or other means that disturbs the peace, quiet, and comfort of any reasonable person of normal sensitivities. To be considered loud, the sound must be plainly audible one hundred fifty feet (150') or more from the source.
- B. Light, Glare, Heat: No activity shall direct light, glare, or heat beyond its property line. Welding equipment and other sources of intense light or glare shall be shielded from the view of neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or wall.
- C. Electrical Interference: No activity shall create electrical interference that adversely affects other uses.
- D. Dust, Smoke, Pollution: No activity shall generate dust, smoke, odors or other airborne pollutants that travel beyond its property line, except as permitted by state and federal air quality standards.
- E. Solid Waste: All solid waste shall be stored in enclosures or containers and shall not:
 - 1. Attract rodents animals or insects, bears or other vermin, or be susceptible to spillage; by dogs, cats or other animals;
 - 2. Generate odors or liquid runoff beyond the property line; or liquid runoff; or
 - 3. Permit blowing of paper and other lightweight the overflow or dispersal of any waste.
 - 4. Be left unscreened in certain areas. Screening: All commercial, industrial, and high density residential solid waste handling areas and containers shall be effectively screened from the public view by enclosure in a building, location on the property, or construction of a sight-obscuring fence or wall.
- F. Junk, junk yard. No junk, as defined by Appendix D of this title, shall be kept, accumulated, or stored within the public right-of-way, public property, or in the open on private property. Junk yards are prohibited in all zoning districts.

Part B:

Section 12-13-4, Appendix D, Definitions, is hereby amended with the addition of the definitions of "Junk" and "Junk Yard," to read as follows:

12-13-4: APPENDIX D; DEFINITIONS:

JUNK: Includes, but is not limited to, manufactured goods, appliances, fixtures, scrap metal, salvaged building materials, agricultural or yard wastes, plastics, garbage, furniture, rags, clothing and accessories, paper, or paper products, glass, machinery or vehicle parts, inoperable or unlicensed vehicles, construction wastes, or any other personal property, whether of value or valueless, that is demolished, discarded, dismantled or partially dismantled, dilapidated, or deteriorated so that it cannot be used for its original intended use.

JUNK YARD: An area, structure, building, or enclosure where junk is accumulated or stored, placed in transit, baled, packaged, sold, or exchanged.

Section 2. Saving Clause.

All ordinances repealed by this ordinance, shall remain in force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violated said ordinances prior to the effective date of this Ordinance.

Section 3. Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 4. Effective date.

This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper for the City of Dover.

This ordinance passed under suspension of rules and duly enacted as an ordinance of the City of Dover, Idaho on this 13th day of December, 2018, upon the following roll call vote:

ROLL CALL:

Council Member Brockway	<u>AYE</u>
Council Member Goodvin	<u>AYE</u>
Council Member Evans	<u>NAY</u>
Council Member Strand	<u>AYE</u>

Approved by the Mayor this 13th day of Dec., 2018.

Annie Shaha
City of Dover Mayor Annie Shaha

Michele Hutchings
Attest: Michele Hutchings, City Clerk

APPROVAL OF ORDINANCE SUMMARY

Publication of this ordinance by summary in the official newspaper is hereby approved by the Dover City Council on this 13th day of December, 2018, upon the following vote:

Council Member Brockway	<u>AYE</u>
Council Member Goodvin	<u>AYE</u>
Council Member Evans	<u>NAY</u>
Council Member Strand	<u>AYE</u>

Approved by Mayor Annie Shaha this 13th day of Dec., 2018.

Annie Shaha
City of Dover Mayor Annie Shaha

Michele Hutchings
Attest: Michele Hutchings, City Clerk

