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CHAPTER 1

OFFICIAL COUNTY CODE

SECTION:

1-1-1: Title Acceptance
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1-1-4:

1-1-1: TITLE: Upon the adoption by the board of county commissioners, this county code is hereby declared to be and shall hereafter constitute the official county code of Teton County, state of Idaho. This county code of ordinances shall be known and cited as the *TETON COUNTY CODE* and is hereby published by authority of the board of county commissioners and shall be supplemented to incorporate the most recent legislation of the county as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this county code by title in any legal documents. (2001 Code)

1-1-2: ACCEPTANCE: This county code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the county of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2001 Code)

1-1-3: AMENDMENTS: Any ordinance amending the county code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this county code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers,

and the said ordinance material shall be prepared for insertion in its proper place in each copy of this county code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the county code. (2001 Code)

1-1-4: CODE ALTERATIONS: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this county code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the board of county commissioners. The clerk of the district court shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk. Any person having custody of a copy of the county code shall make every effort to maintain said code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the clerk of the district court. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the county and shall be returned to the office of the clerk of the district court when directed so to do by order of the board of county commissioners. (2001 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

1-2-1: Repeal Of General Ordinances
1-2-2: Public Ways And Public Utility Ordinances
1-2-3: Court Proceedings
1-2-4: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES: All general ordinances of the county passed prior to the adoption of this county code are hereby repealed, except such as are included in this county code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in 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 county; and all special ordinances. (2001 Code)

1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES: No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this county code or by virtue of the preceding section, excepting as the county code may contain provisions for such matters, in which case, this county code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2001 Code)

1-2-3: COURT PROCEEDINGS:

A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. Scope Of Section: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Actions Now Pending: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the county herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the county under any ordinance or provision thereof in force at the time of the adoption of this county code. (2001 Code)

1-2-4: SEVERABILITY CLAUSE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this county code or any part thereof or any portion adopted by reference herein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof, or any portion adopted by reference herein. The board of county commissioners hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2001 Code)

CHAPTER 3

DEFINITIONS

SECTION:

1-3-1: Construction Of Words
1-3-2: Definitions, General
1-3-3: Catchlines

1-3-1: CONSTRUCTION OF WORDS:

A. Whenever any word in any section of this county code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this county code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this county code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

B. The word "ordinance" contained in the ordinances of the county has been changed in the content of this county code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the county's ordinances is not meant to amend passage and effective dates of such original ordinances. (2001 Code)

1-3-2: DEFINITIONS, GENERAL:

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

1-3-2

AGENT:	A person acting on behalf of another with authority conferred, either expressly or by implication.
BOARD:	The board of county commissioners of Teton County, Idaho.
CLERK:	The county recorder, auditor and clerk of the district court of the county of Teton, state of Idaho.
CODE:	The county code of Teton County.
COMMISSIONERS:	The board of county commissioners, Teton County, Idaho.
COUNTY:	The county of Teton, state of Idaho[1].
EMPLOYEES:	Whenever reference is made in this code to a county employee by title only, this shall be construed as though followed by the words "of Teton County".
GENDER:	A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
NUISANCE:	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the county, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
OCCUPANT:	As applied to a building or land, shall include any person who occupies the whole or any part

1. I.C. § 31-125.

1-3-2

	of such building or land whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
OFFICERS:	Whenever reference is made in this code to a county officer by title only, this shall be construed as though followed by the words "of Teton County".
OPERATOR:	The person who is in charge of any operation, business or profession.
OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
STREET:	Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
WRITTEN, IN WRITING:	May include printing and any other mode of representing words and letters, but when the

written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by his proper mark. (2001 Code)

1-3-3: CATCHLINES: The catchlines of the several sections of the county code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2001 Code)

CHAPTER 4

GENERAL PENALTV

SECTION:

1-4-1: General Penalty
1-4-2: Application Of Provisions
1-4-3: Liability Of Officers

1-4-1: GENERAL PENALTY[1]:

A. Infraction: Every offense declared to be an infraction is punishable only by a penalty not exceeding one hundred dollars ($100.00) and no imprisonment.

B. Misdemeanor: Except in cases where a different punishment is prescribed by the ordinances of the county, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not to exceed six (6) months or by a fine not exceeding three hundred dollars ($300.00), or by both such fine and imprisonment, and, in addition thereto, any person so convicted shall pay such costs as the court may assess. (2001 Code)

1-4-2: APPLICATION OF PROVISIONS:

A. Application Of Penalty: The penalty provided in this chapter shall be applicable to every section of this code and ordinance of the county the same as though it were a part of each and every separate section or ordinance. Any person convicted of a violation of this county code or any ordinance of Teton County 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, unless otherwise provided, be deemed guilty of a misdemeanor. A separate offense shall be deemed committed for each day such duty

1. I.C. §§ 18-111, 18-113, 18-113A and 31-714.

or obligation remains unperformed or such act continues, unless otherwise specifically provided in this county code.

B. Imposition Of Penalty: In all cases where the same offense is made punishable or is created by different clauses or sections of this county code, the prosecuting officer may elect under which to proceed; but not more than one 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.

C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this county code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2001 Code)

1-4-3: LIABILITY OF OFFICERS: No provision of this county code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the board of county commissioners to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2001 Code)

CHAPTER 5

BOARD OF COUNTY COMMISSIONERS

SECTION:

1-5-1 : Board Established; Election And Terms Of Office
1-5-2: Qualifications
1-5-3: Bond
1-5-4: Organization; Meetings
1-5-5: Powers And Duties

1-5-1: BOARD ESTABLISHED; ELECTION AND TERMS OF OFFICE: There is hereby established a board of county commissioners which shall consist of three (3) members, one from each district in the county. At the general election in 1936, two (2) members were elected for a term of two (2) years and one member for a term of four (4) years; at each biennial election thereafter, one member is to be elected for a term of two (2) years and one for a term of four (4) years, it being further provided that at the general election in 1936, the commissioner from county commissioner district No. 1 shall be elected for a term of four (4) years, and that the four (4) year term shall be allotted thereafter in rotation to district Nos. 2, 3 and 1[1]. (2001 Code)

1-5-2: QUALIFICATIONS: No person shall be elected to the board of county commissioners, unless such person has attained the age of twenty one (21) years at the time of the election, is a citizen of the United States and shall have resided in the county one year next preceding his election and in the district which he represents for a period of ninety (90) days next preceding his election[2]. (2001 Code)

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1. I.C. §§ 31-701,31-703.
2. I.C. § 34-617.

1-5-3: BOND: Each county commissioner shall execute an official bond in the sum of five thousand dollars ($5,000.00)[1]. (2001 Code)

1-5-4: ORGANIZATION; MEETINGS:

A. Officers:

1. Chairman: The members of the board of county commissioners shall, at their first regular meeting on the second Monday of January next after their election, elect a chairman from their number.

2. Clerk[2]: The county auditor is .ex officio clerk of the board of county commissioners. The clerk of the board of county commissioners shall have the duties as set out in Idaho Code section 31-708, as amended. (2001 Code)

B. Meetings:

1. Regular Meetings: The regular meetings of the Board of County Commissioners will be held on the second and fourth Mondays of each month. These regular meetings will begin at 8:30 A.M. and will be held in the Commissioners' Meeting Room of the Courthouse unless notice is otherwise given.

In addition, Public Hearings conducted by the Board will be held on the Thursday following the second Monday of each month beginning at 5:30 P.M. Public Hearings will be held in the Teton County Courtroom unless otherwise noticed.

When meeting date falls on a holiday, the meeting will be held on the day after the holiday but not on a Saturday or Sunday.
(Ord. 92-2, 12-14-1992; amd. 2001, amd. 2007)

2. Adjourned Meetings: Adjourned meetings may be provided for, fixed and held for the transaction of business, by an order duly entered of record, in which must be specified the character of business to be transacted at such meetings, and none other than that specified must be transacted.

3. Special Meetings: If, at any time after the adjournment of a regular meeting, the business of the county requires a meeting of the board of county commissioners, a special meeting may be ordered by a majority of the board. The order must be entered of record, and five (5) days' notice thereof must, by the clerk, be given to each member not joining in the order. The order must specify the business to be transacted, and none other than that specified must be transacted at such special meeting.

1. I.C. § 31-2015.
2. See subsection 1-6A-2A of this title.

4. Public Meetings[1]: All meetings of the board of county commissioners must be public, and the books, records and accounts must be kept at the office of the clerk of the district court, open at all times for public inspection, free of charge.

C. Quorum; Procedures: A majority of the board constitutes a quorum. The chairman must preside at all meetings of the board of county commissioners, and in case of his absence or inability to act, the members present must, by an order, select one of their number to act as chairman temporarily. Any member of the board or the clerk may administer oaths to any person concerning any matter submitted to the board or connected with its powers or duties. (2001 Code)

1-5-5: POWERS AND DUTIES: The board of county commissioners shall have those powers and duties set out in Idaho Code section 31-801 et seq., as amended. (2001 Code)

1. I.C. § 67-2433.

CHAPTER 6

COUNTY OFFICERS AND EMPLOYEES

ARTICLE A. CLERK OF THE DISTRICT COURT

SECTION:

1-6A-1: Office Established; Election And Term
1-6A-2: Bonds
1-6A-3: Duties As Auditor And Recorder

1-6A-1: OFFICE ESTABLISHED; ELECTION AND TERM: There is hereby established the office of the clerk of the district court who shall be ex officio auditor and recorder and ex officio clerk of the board of county commissioners[1]. The clerk of the district court shall be elected by the qualified voters of the county at the time and in the manner prescribed by law for the election of members of the legislature[2] and shall hold office for a term of four (4) years[3]. (2001 Code)

1-6A-2: BONDS:

A. Clerk Of The District Court: The clerk of the district court shall execute an official bond in the penal sum of five thousand dollars ($5,000.00) with two (2) sufficient sureties, to be approved by the district judge, conditioned that such person will faithfully perform the duties of such office and at all times account for and pay over all monies in his or her hands as clerk, and the penalty of such bond may, at any time, be increased by the district judge. The county clerk may require a bond from any deputy clerk[4].

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1. See subsection 1-5-4A2 of this title.
2. I.C. § 34-614.
3. Const. Idaho, art. 5, § 16.
4. I.C. § 31-2015.

B. County Recorder: The county recorder shall execute an official bond in the sum of not less than five thousand dollars ($5,000.00} nor more than twenty thousand dollars ($20,000.00} to be fixed by the board of county commissioners and to cover the duties and liabilities as recorder, auditor and clerk of the board of county commissioners[1]. (2001 Code}

1-6A-3: DUTIES AS AUDITOR AND RECORDER[2]:

A. County Auditor: The duties of the county auditor shall be as set forth in Idaho Code section 31-2301 et seq., as amended.

B. County Recorder: The duties of the county recorder shall be as set forth in Idaho Code section 31-2401 et seq., as amended. (2001 Code}

1. I.C. § 31-2015.
2. See subsection 1-5-4A2 of this title.

CHAPTER 6

COUNTY OFFICERS AND EMPLOYEES

ARTICLE B. COUNTY TREASURER

SECTION:

1-6B-1: Office Established; Election And Term
1-6B-2: Bonds
1-6B-3: Duties

1-6B-1: OFFICE ESTABLISHED; ELECTION AND TERM: There is hereby established the office of county treasurer who shall serve as ex officio county tax collector. The treasurer shall be elected for a term of four (4) years as provided by law[1]. (2001 Code)

1-6B-2: BONDS:

A. County Treasurer: The county treasurer shall execute an official bond in an amount double the probable amount of money that may, at any time, come into his hands as such treasurer, to be fixed by the board of county commissioners; provided, if surety bond be given as provided in Idaho Code section 41-2707, as amended, the bond need not exceed twenty five percent (25%) of the probable amount that may be on hand at any one time, but in no case to be less than ten thousand dollars ($10,000.00)[2].

B. Tax Collector: The official bond of the tax collector shall be not less than two thousand dollars ($2,000.00) nor more than fifty thousand dollars ($50,000.00) to be fixed by the board of county commissioners[3]. (2001 Code)

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1. Canst. Idaho, art. 18, § 6.
2. I.C. § 31-2015.
3. I.C. § 31-2015.

1-6B-3

1-6B-3: DUTIES:

A. Duties As County Treasurer: The duties of the county treasurer shall be as set forth in Idaho Code section 31-2101 et seq., as amended.

B. Duties As Tax Collector: The duties of the county tax collector in relation to the collection of revenue are prescribed in Idaho Code title 63, as amended. (2001 Code}

CHAPTER 6

COUNTY OFFICERS AND EMPLOYEES

ARTICLE C. COUNTY ASSESSOR

SECTION:

1-6C-1 Office Established; Election And Term
1-6C-2: Bond
1-6C-3: Duties

1-6C-1: OFFICE ESTABLISHED; ELECTION AND TERM: There is hereby established the office of county assessor who shall be elected for a term of four (4) years as provided by law[1]. {2001 Code)

1-6C-2: BOND: The county assessor shall execute an official bond in the sum of five thousand dollars ($5,000.00)[2]. (2001 Code)

1-6C-3: DUTIES: The county assessor shall perform the duties prescribed in Idaho Code, title 63, as amended, relating to revenue[3]. (2001 Code)

1. Const. Idahoart. 18, § 6.
2. I.C. § 31-2015.
3. I.C. § 31-2501.

CHAPTER 6

COUNTY OFFICERS AND EMPLOYEES

ARTICLE D. COUNTY PROSECUTING ATTORNEY

SECTION:

1-6D-1: Office Established; Election And Term
1-6D-2: Qualifications
1-6D-3: Bond
1-6D-4: Powers And Duties

1-6D-1: OFFICE ESTABLISHED; ELECTION AND TERM: There is hereby established the office of county prosecuting attorney who shall be elected for a term of four (4) years as provided by law[1]. (2001 Code)

1-6D-2: QUALIFICATIONS: No person shall be elected to the office of prosecuting attorney, unless he has attained the age of twenty one (21) years at the time of his election, is admitted to the practice of law within this state, is a citizen of the United States and a qualified elector within the county[2]. (2001 Code)

1-6D-3: BOND: The county prosecuting attorney shall execute an official bond in the sum of two thousand dollars ($2,000.00)[3]. (2001 Code)

1-6D-4: POWERS AND DUTIES: The county prosecuting attorney shall have those powers and duties set out in Idaho Code, title 31, chapter 26, as amended. (2001 Code)

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1. Const. Idaho, art. 18, § 6.
2. I.C. § 34-623.
3. I.C. § 31-2015.

CHAPTER 6

COUNTY OFFICERS AND EMPLOYEES

ARTICLE E. COUNTY SHERIFF

SECTION:

1-6E-1: Office Established; Election And Term
1-6E-2: Bond
1-6E-3: Powers And Duties

1-6E-1: OFFICE ESTABLISHED; ELECTION AND TERM: There is hereby established the office of county sheriff who shall be elected for a term of four (4) years as provided by law[1]. (2001 Code)

1-6E-2: BOND: The county sheriff shall execute an official bond in the sum of ten thousand dollars ($10,000.00}[2]. (2001 Code)

1-6E-3: POWERS AND DUTIES: The county sheriff shall have those powers and duties as set out in Idaho Code, title 31, chapter 22, as amended. (2001 Code)

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1. Canst Idaho, art. 18, § 6.
2. I.C. § 31-2015.

CHAPTER 6

COUNTY OFFICERS AND EMPLOYEES

ARTICLE F. COUNTY CORONER

SECTION:

1-6F-1: Office Established; Election And Term
1-6F-2: Bond
1-6F-3: Powers And Duties

1-6F-1: OFFICE ESTABLISHED; ELECTION AND TERM: There is hereby established the office of county coroner who shall be elected for a term of two (2) years as provided by law[1]. (2001 Code)

1-6F-2: BOND: The county coroner shall execute an official bond in the sum of one thousand dollars ($1,000.00)[2]. (2001 Code)

1-6F-3: POWERS AND DUTIES: The county coroner shall have those powers and duties as set out in Idaho Code section 31-2801 et seq., as amended. (2001 Code)

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1. Canst. Idaho, art. 18, § 6.
2. I.C. § 31-2015.

CHAPTER 7

INITIATIVE AND REFERENDUM

SECTION:

1-7-1: Purpose Requirements
1-7-2: Procedures; Form
1-7-3: Removal Of Signatures
1-7-4: Verification Of Petitions
1-7-5: Conduct Of Election
1-7-6: Form Of Ballot
1-7-7:

1-7-1: PURPOSE: This chapter is passed pursuant to the laws of the state of Idaho and in accordance with the authority vested in the board of county commissioners to provide for direct legislation by the people of the county through initiative and referendum. (Ord. 021494, 2-14-1994)

1-7-2: REQUIREMENTS: In order for an initiative or referendum to be placed on the ballot in the county, the following requirements must be met:

A. Petitioners: Petitioners for initiative or referendum shall be legal voters equal to six percent (6%) of the qualified electors in the county;

B. Filing Of Petition: Petitions for referendum shall be filed not more than sixty (60) days following the final adoption of the ordinance to be subject to referendum;

C. Ballot: A ballot to vote on the proposed initiative or referendum shall be provided during the next scheduled election following the certification of the petitions; provided, that the clerk of the district court has sufficient time to prepare the initiative or referendum for the electors at the time of the election. If sufficient time is not

available, the election shall be held on the following scheduled election. (Ord. 021494, 2-14-1994; amd. 2001 Code)

1-7-3: PROCEDURES; FORM:

A. Filing Of Petition: A petition for county initiative or referendum shall be instituted by filing with the clerk of the district court, a verified written petition requesting such initiative or referendum. The petition must be signed by qualified electors of the county equal in number to not less than six percent (6%} of the qualified electors registered to vote at the last general election held in said county.

B. Initiative Petition:

1. Form: The initiative petition shall be in substantially the following form:

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

/NIT/ATIVE PETITION

TO THE HONORABLE CLERK OF THE DISTRICT COURT FOR THE COUNTY OF TETON

We, the undersigned, citizens and qualified electors of the County of Teton, respectfully demand that the following proposed Teton County Ordinance, to-wit: (setting out full text of ordinance proposed) shall be submitted to the electors of Teton County for their approval or rejection at the next regular election to be held on the ___ day of _____ --' A.D., 20__, and each for himself or herself says: I have personally signed this petition; I am a qualified elector of the County of Teton; my residence and post office are correctly written after my name.

Signature, Name (Printed), Mailing Address (Post Office), Residence and Date

(Here follow twenty numbered lines for signatures.)

1-7-3

2. Time For Gathering Signatures: Except as provided in section 34-1804, Idaho Code, petitions for an initiative shall be circulated and signatures obtained beginning upon the date that the petitioners receive the official ballot title from the clerk of the district court and extending eighteen (18) months from that date or April 30 of the year that an election on the initiative will be held, whichever occurs earlier. The last day for circulating petitions and obtaining signatures shall be April 30 in the year an election on the initiative will be held.

3. Time Of Submission Of Signatures: The person or organization under whose authority the measure is to be initiated shall submit the petitions containing signatures to the clerk of the district court for verification pursuant to the provisions of section 34-1807, Idaho Code. The signatures required shall be submitted to the clerk not later than the close of business on May 1 in the year an election on the initiative will be held, or eighteen (18) months from the date the petitioner receives the official ballot title from the secretary of state, whichever is earlier.

4. Verification Of Signatures: The clerk of the district court shall, within sixty (60} calendar days of the deadline for the submission of the signatures, verify the signatures contained in the petitions, but in no event shall the time extend beyond the last day of June in the year an election on the initiative will be held.

5. Time For Filing: Initiative petitions with the requisite number of signatures attached shall be filed with the clerk of the district court not less than four (4) months before the election at which they are to be voted upon.

C. Referendum Petition:

1. Form: The petition for referendum on any ordinance passed by the county commissioners shall be in substantially the same form with appropriate title and changes, setting out in full the text of the act to be referred to the people for their approval or rejection.

2. Time For Filing: Referendum petitions with the requisite number of signatures attached shall be filed with the clerk of the district court not more than sixty (60} days after the final passage of the ordinance on which the referendum is demanded.

3. Election: All elections on measures referred to the people of the county shall be had at the biennial regular election.

1-7-3

4. Effective Date: Any measure so referred to the people shall take effect and become a law when it is approved by a majority of the votes cast thereon, and not otherwise.

D. Examination By Clerk: Before or at the time of beginning to circulate any petition for initiative or referendum, the person or organization under whose authority the initiative or referendum petition is to be circulated, shall send or deliver to the clerk of the district court a copy of such petition duly signed by at least twenty (20) qualified electors. The clerk shall immediately examine the petition and specify the form and kind and size of paper on which the petition shall be printed and circulated for further signature. All petitions for initiative or referendum and sheets for signatures shall be printed on a good quality bond or ledger paper, in the form and manner as approved by the clerk. To every sheet of petitioners' signatures shall be attached a full and correct copy of the measure so proposed by initiative petition; but such petition may be filed by the clerk in numbered sections for convenience in handling. Every sheet of petitioners' signatures upon referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded, and may be filed in numbered sections in like manner as initiative petitions. Not more than twenty (20) signatures on one sheet shall be counted.

E. Approval By Clerk: The clerk of the district court shall indicate, in writing, on the initiative or referendum petition that he has approved it as to form and the date of such approval. The clerk shall inform the person or organization under whose authority the petition is to be circulated, in writing, that the petition must be perfected with the required number of certified signatures within sixty (60) days following approval as to form. Any petition that has not been perfected with the required number of certified signatures within the sixty (60) days allowed shall be declared null and void_

F. Verification Of Petition And Signature Sheets: Any person who circulates any petition for an initiative or referendum shall be a resident of the county and at least eighteen (18) years of age. Each and every sheet of every such petition containing signatures shall be verified on the face thereof in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon, as a part thereof:

STATE OF IDAHO)
) SS
COUNTY OF TETON)

I, , being first duly sworn, say that I am a resident of the State of Idaho, County of Teton, and at least eighteen (18} years of age, that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name, post office address and residence correctly, that each signer is a qualified elector of the State of Idaho, and a resident of the County of Teton.

Signature---------
Post Office Address _____

Subscribed and sworn to before me this day of ____ ___, 20___.

Notary Public

Notary seal

Residing at _____

(Ord. 021494, 2-14-1994; amd. 2001 Code)

1-7-4: REMOVAL OF SIGNATURES:

A. Prior To Presentation To Clerk: The signer of any initiative or referendum petition may remove his or her own name from the petition by crossing out, obliterating or otherwise defacing his or her own signature at any time prior to the time when the petition is presented to the clerk of the district court for signature verification.

B. After Presentation But Prior To Verification: The signer of any initiative or referendum petition may have his or her name removed from the petition at any time after presentation of the petition to the clerk of the district court but prior to verification of the signature, by presenting or submitting to the clerk a signed statement that the signer desires to have his name removed from the petition. The statement shall contain sufficient information to clearly identify the signer. The clerk shall immediately strike the signer's name from the petition, and adjust the total of certified signatures on the petition

accordingly. The statement shall be attached to, and become a part of the initiative or referendum petition. (2001 Code)

1-7-5: VERIFICATION OF PETITIONS: All petitions with attached signature sheets shall be presented to the clerk of the district court, and a cursory examination of the petitions shall be made to determine whether the petitions apparently contain the necessary number of signatures.

A. Insufficient Signatures: If the total number of signatures on the petition is not sufficient to satisfy the number required by subsection 1-7-3A of this chapter, all petitions with attached signature sheets shall be retained by the clerk who shall notify, in writing, the person filing the petition of the number of signatures needed, and further signatures may be gathered.

B. Rejection Of Signatures: If the cursory examination of the signature sheets reveals:

1. Erasures on any signature;

2. Illegible or undecipherable signatures;

on the sheet;
3. Signatures not properly identified by all of the information required

4. Duplicate signatures;

5. Signatures of persons who have requested, in writing, to have their names removed from the petition[1];

the officer making such cursory examination shall summarily reject such signatures and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the rejecting officer. If the total number of signatures not rejected is not sufficient to satisfy the number required by subsection 1-7-3A of this chapter, all petitions with attached signature sheets shall be retained by the officer who shall notify, in writing, the person filing the petition of the number of signatures needed, and further signatures may be gathered.

1. I.C. § 34-18038.

C. Approved Petitions: All initiative or referendum petitions presented to the clerk of the district court found to apparently contain the necessary number of signatures, after the examination provided for above, shall be filed with the clerk and become public records of the county not to be returned. The county clerk shall examine each signature purported to be that of a qualified elector of the county, and compare each such signature with the registration documents available to the clerk. The clerk shall summarily reject all signatures as listed in subsection B of this section, and all which are not the signatures of qualified electors; and such rejected signatures shall not be counted. Each rejected signature shall be drawn through with ink and initialed by the rejecting officer.

D. Approved Signatures: The county clerk shall certify each signature found to comply with all of the requirements of this chapter by an appropriate mark before each signature.

E. Required Signatures Obtained: The county clerk shall total the number of certified signatures, and if found to total the number of signatures required by subsection 7-1-3A of this chapter, shall proceed as provided. The county clerk may take not to exceed ten (10) days after filing of the petition to complete his examination.

F. Defective Petitions: In the event that a petition filed with the county clerk does not contain the required number of certified signatures, the county clerk shall inform the person or organization under whose authority the petition was circulated that the petition is defective for lack of certified signatures, and specify the number of additional signatures required to make the petition valid. The petition must be perfected within thirty (30) days of the date that the clerk finds the petition defective for lack of certified signatures. If the petition is not perfected within the thirty {30) day period, the clerk shall declare the petition null and void.

G. Notice To Petitioner: In the event that a petition filed with the clerk is found by the clerk to contain the required number of certified signatures, the clerk shall promptly, by certified mail, inform the petitioner that the initiative or referendum petition is in proper form. (Ord. 021494, 2-14-1994; amd. 2001 Code)

1-7-6: CONDUCT OF ELECTION: In the event that the petition contains the proper number of registered voters, and complies in all other respects to the requirements of this chapter, an election shall be

called by the clerk of the district court as provided in subsection 1-7-2C of this chapter. (Ord. 021494, 2-14-1994; amd. 2001 Code)

1-7-7: FORM OF BALLOT:

A. Initiative Election: In the event of an initiative election, the title shall be given, followed by a statement by the prosecuting attorney giving the purpose of the proposed initiative. Provisions will be made for electors to vote "yes" or "no" on the proposal.

B. Referendum Election: In the event of a referendum election, the ballot presentation shall follow substantially the same form.

C. Board Of Canvassers: The board of county commissioners will act as a board of canvassers as provided in section 31-804 of the Idaho Code. In the event a majority of the electors vote "yes" to an initiative, the county clerk shall immediately, after the completion thereof, proclaim the results, from which date the ordinance shall be in full force and effect. In the event a majority of the electors vote "no" to a referendum, the ordinance in question will immediately become null and void. (Ord. 021494, 2-14-1994)

CHAPTER 8

POLICIES

ARTICLE A. TEMPORARY NONMEDICAL ASSISTANCE TO INDIGENTS[1]

SECTION:

1-8A-1: Nonmedical Assistance
1-SA-2: Definitions
1-8A-3: Limitations
1-8A-4: Procedure
1-8A-5: Determination Of Assistance

1-8A-1: NONMEDICAL ASSISTANCE: Pursuant to the mandate of Idaho law, the county shall provide temporary nonmedical assistance to indigent persons in temporary situations only where no alternatives exist. County assistance in this area shall not be provided on a continuing basis. (Ord. 081098, 8-10-1998)

1-8A-2: DEFINITIONS: The terms used herein shall be defined as set out in Idaho Code section 31-3403, except as otherwise set out below:

TEMPORARY: One instance of assistance in each area of assistance provided during the county fiscal year. (Ord. 081098, 8-10-1998)

1-8A-3: LIMITATIONS:

A. Food: The county will provide food assistance by issuance of a combination of food vouchers and commodities, which assistance shall be provided not more than once the current fiscal year.

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1. I.C. § 31-3401 et seq.

B. Shelter: The county will provide shelter assistance by paying a rent or mortgage payment in an amount not to exceed four hundred fifty dollars ($450.00}, which assistance shall be provided not more than once the current fiscal year.

C. Utilities: The county will provide utilities assistance, including electricity, water and gas, in a total amount not to exceed one hundred twenty five dollars ($125.00), which assistance shall be provided not more than once the current fiscal year.

D. Burials/Cremations: The county will provide burials and/or cremations assistance in an amount not to exceed one thousand five hundred dollars ($1,500.00}.

E. Exceptions: The county will not pay first month's rent or utilities to enable a person establish residency in the county. (Ord. 081098, 8·10·1998)

1·8A·4: PROCEDURE: The procedure to be followed for the application, hearing, granting and denial of requests for nonmedical indigency aid, shall be as set out by Idaho Code section 31·3401 et seq. (Ord. 081098, 8·10·1998)

1·8A·5: DETERMINATION OF ASSISTANCE: The county commissioners hereby designate the Teton County health and welfare director to make determinations of nonmedical assistance within the above guidelines and immediate assistance up to two hundred dollars ($200.00). (Ord. 081098, 810-1998)

CHAPTER 8

POLICIES

ARTICLE B. FAIR HOUSING

SECTION:

1-8B-1: Discrimination Prohibited
1-8B-2: Policy
1-8B-3: County Assistance
1-8B-4: Publication
1-8B-5: Minimum Program

1-8B-1: DISCRIMINATION PROHIBITED: Discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex, or national origin is prohibited by title VIII of the 1968 Civil Rights Act[1]. (Res. 010896, 1-8-1996)

1-8B-2: POLICY: It is the policy of the county to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, or national origin. The fair housing amendments act of 1988 expands coverage to include disabled persons and families with children. (Res. 010896, 1-8-1996)

1-8B-3: COUNTY ASSISTANCE: Within available resources, the county will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national origin, disability, or familial status to seek equity under federal and state laws by filing a complaint with the U.S. department of housing and urban development, office of fair housing and equal opportunity, compliance division. (Res. 010896, 1-8-1996)

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1. Federal fair housing law.

1-88-4: PUBLICATION: The county shall publicize this policy and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the federal fair housing law and amendments and any applicable state or local laws or ordinances. (Res. 010896, 1-8-1996; amd. 2001 Code)

1-8B-5: MINIMUM PROGRAM: Such program will at a minimum include:

A. Printing and publicizing of this policy and other applicable fair housing information through local media and community contacts;

B. Distribution of posters, flyers, and any other means that will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and

C. Preparation of an analysis of impediments to fair housing choice and actions to mitigate such impediments. (Res. 010896, 1-8-1996)

CHAPTER 9

ALTERNATE FORM OF NOTICE

SECTION:

1-9-1: Title Purpose
1-9-2: Authority
1-9-3: Applicability
1-9-4: Alternate Form
1-9-5:

1-9-1: TITLE: The title of this chapter shall be *ALTERNATE FORM OF NOTICE ORDINANCE.* (Ord. 060898, 6-8-1998)

1-9-2: PURPOSE: The purpose of this chapter is:

A. To provide for an alternate form of notice when notice is required to two hundred (200) or more property owners or purchasers of record.

B. To establish, by ordinance, alternate forms of procedure which will provide adequate notice in lieu of posted or mailed notice. (Ord. 060898, 6-8-1998)

1-9-3: AUTHORITY: This chapter is authorized pursuant to Idaho Code subsection 67-6511(b). (Ord. 060898, 6-8-1998)

1-9-4: APPLICABILITY: This chapter, providing for alternate forms of notice, shall only apply in cases when notice is required to two hundred (200) or more property owners or purchasers of record. (Ord. 060898, 6-8-1998)

1-9-5

1-9-5: ALTERNATE FORM: It is hereby determined that in such cases when notice is required to two hundred (200) or more property owners or purchasers of record, alternative notice may be given by publishing said notice for a period of two (2) weeks in a newspaper of general circulation and by posting of the notice at three (3) public places in the county for no less than ten (10) days. Such notice shall be deemed sufficient pursuant to Idaho Code subsection 67-6511 (b). (Ord. 060898, 6-8-1998)

Title 1
ADMINISTRATION

Chapter 10
PROCEDURES GOVERNING THE IMPOSITION OF ADMINISTRATIVE FINES

1-10-1. Findings and Scope of Chapter
1-10-2. Definitions
1-10-3. Issuance and Service of Citations
1-10-4. Notice to Owner of Real Property
1-10-5. Determination of the Amount of the Administrative Fine When the Citation is Issued
1-10-6. When Fines Due; Payment of Fine; Late Payment Fee; Notices by Charging Official
1-10-7. Remedies Available to County for Non-Payment of Fines; Liens
1-10-8. Right to Appeal
1-10-9. Appeal Procedure; Appointment of Hearing Officer
1-10-10. Qualifications of Hearing Officer
1-10-11. Hearing Procedures
1-10-12. Requirement to Exhaust Administrative Remedies
1-10-13. Determination of the Hearing Officer

1-10-1. FINDINGS AND SCOPE OF CHAPTER

(A) Teton County ("County") has a significant interest in encouraging compliance with its laws. To that end, County Codes often include a variety of remedies, including the right of the County to issue citations to violators and to require such persons to pay an administrative fine.

(B) Moreover, the imposition of administrative fines is not intended to be punitive in nature, but is instead intended to compensate the public for the injury and damage caused by the prohibited conduct. The fines are intended to be reasonable and not disproportionate to the damage or injury to the County and the public caused by the prohibited conduct.

(C) The Board of County Commissioners ("Board") adopts this Chapter to provide standard procedures for the imposition, enforcement, collection, and administrative review of administrative citations and fines.

(D) The procedures set forth in this Chapter are adopted pursuant to Idaho Code § 31-714 which gives the Board the authority to enforce ordinances with such fines or penalties as the Board may deem proper.

(E) The determination by the County to impose, enforce, collect and provide administrative review of administrative fines pursuant to this Chapter is solely at the County's discretion and is only one option available to the County to seek redress for the violation of its ordinances. By adopting this Chapter, and subsequent legislation incorporating the procedures in this Chapter, the Board does not intend to limit the ability of the County to use any other remedy, civil or criminal, which may be available in a particular case. The County may use the procedures set forth in this Chapter as an alternative to, or in conjunction with, any other available remedy.

1-10-2. DEFINITIONS

The following definitions shall apply to this Chapter:

"Charging official" means a County officer or employee with authority to enforce the ordinance for which citations may issue or a person designated by the charging official to

act on his or her behalf.

"Citation" means an administrative citation issued pursuant to this Chapter stating that the charging official has determined that there has been a violation of one or more provisions of a County ordinance, which ordinance incorporates this Chapter in whole or in part.

"Fine" means the dollar amount of an administrative or civil penalty that the person cited is required to pay for violation of an ordinance as set forth by the charging official in the citation.

"Person" means a natural person, firm, association, organization, partnership, business trust, company, corporation, limited liability company, joint venture, or club, or its manager, lessee, agent, servant, officer or employee.

"Serve" or "service" means either personal delivery or deposit in the United States Mail, first class, in a sealed envelope postage prepaid. Service shall include a declaration under penalty of perjury setting forth the date of personal delivery or, for service by mail, the date of deposit in the mail. Service by personal delivery shall be deemed complete on the date of the delivery. Service by mail shall be deemed complete on the date of deposit in the mail.

"Violation" means a violation of an ordinance for which the charging official has authority to issue a citation.

1-10-3. ISSUANCE AND SERVICE OF CITATIONS

(A) When a charging official determines that a violation of an ordinance has occurred, the charging official may issue and serve a citation on any person responsible for the violation.

(B) Where there is a nexus between the violation and real property located in the County as set forth in Section 1-10-4, the charging official may also provide notice of the citation to the owner of the real property as provided in 1-10-4. The County may not impose a lien on the property under Section 1-10-7(b) unless the charging official provides this notice.

(C) The citation shall contain the following information:

(1) The name of the person to whom the citation is issued;

(2) Identification of the provision or provisions of the ordinance violated. The charging official may issue a single citation for multiple violations of an ordinance or for violation of multiple provisions of an ordinance;

(3) A description of the condition or circumstances constituting the violation(s), including the address or location and date of the violation;

(4) The amount of the fine imposed for each violation;

(5) The date by which the fine must be paid, the procedure for making payment (including to whom payment must be made and acceptable forms of payment), and the consequences of the failure to pay;

(6) The date the citation is issued and the name and signature of the charging official.

1-10-4. NOTICE TO OWNER OF REAL PROPERTY

(A) Where there is a nexus between the violation and real property located in the County, the charging official may provide notice of the citation to the owner of the real property that unpaid fines for the citations may become a lien on the property. If the charging official gives this notice, the official shall do so within ten (10) County business days of service of the notice on the person cited. If notice is given to the owner of real property it shall be served as follows:

(1) Post one copy of the citation in a conspicuous place upon the building or real property;

(2) Mail a certified copy to the owner of record according to the County tax rolls.

(B) For purposes of this Chapter, there is a nexus between a violation and real property where an activity or condition on the real property has caused, contributed to, or been a factor in the violation.

(C) The County may not impose a lien on the property under 1-10-7(b) unless the charging official provides notice to the property owner as set forth in this Section.

1-10-5. DETERMINATION OF THE AMOUNT OF THE ADMINISTRATIVE FINE WHEN THE CITATION IS ISSUED

In addition to or in lieu of criminal penalties, the following fines may be assessed:

(A) $300.00 for a first violation of the ordinance (and each additional day that is part of the same incident);

(B) $500.00 for a second violation of the same ordinance within one year of the date of the first violation; and

(C) $1,000.00 for each additional violation of the same ordinance within one year of the date of a second or subsequent violation.

1-10-6. WHEN FINES DUE; PAYMENT OF FINE; LATE PAYMENT FEE

(A) The citation shall set forth the date by which the fine is required to be paid, which date shall allow 30 days for payment from the date that the citation is served. The fine shall be due and payable on or before the date set forth in the citation, unless the person cited has filed a timely appeal in compliance with this Chapter.

(B) Fines which remain unpaid 15 days after the due date shall be subject to a late payment penalty of 10 percent plus interest at the rate of 1 percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due.

(C) All fines and late payment fees shall be payable to the County and deposited in the County's general fund, unless the payment is made pursuant to an ordinance that provides otherwise.

1-10-7. REMEDIES AVAILABLE TO COUNTY FOR NON-PAYMENT OF FINES; LIENS

(A) The amount of any fine not paid within the time required under this Chapter, including the amount of any applicable late payment charges, constitutes a debt to the County. The County may file a civil action or pursue any other legal remedy to collect such money. In any civil action to obtain payment of the fine, and any late payment penalties, the County shall be entitled to obtain a judgment for the amount of the unpaid fines and penalty payments and, in addition, for the costs and attorneys' fees incurred by the County

in bringing any civil action to enforce the provisions of this Section.

(B) Where there is a nexus between the violation and real property located in the County as defined in Section 1-10-4, the County may initiate proceedings to cause the payment amount due and all additional authorized costs and charges, including attorneys' fees, to be a lien on the property.

(C) If the fine is unpaid at the time a person cited for a violation applies for a license or permit, or any other registration issued by the County, the County may deny the approval of such license, permit, or registration until the fine is paid in full, unless State law provides otherwise.

1-10-8. RIGHT TO APPEAL

(A) Any person who has been served with a citation, including property owners who receive notice of the citation under Section 1-10-4, may seek administrative review of the citation by filing an appeal with the County Clerk as provided herein. The grounds for any such appeal shall be that there was no violation of the ordinance for which the citation was issued or that the person cited did not commit the violation.

(B) The County Clerk shall make available an appeal form for use by violators who wish to appeal their citation. The form shall include a description of the procedure for seeking administrative review of the citation, including the deadline for filing the appeal or reference this Chapter of the Teton County Code. The appeal form shall require the appellant to provide a mailing address, a street address, a telephone number, and any other contact information that the Clerk determines appropriate.

(C) In order to file an appeal, the appellant must pay a deposit in an amount equal to the cited fine. The deposit will be refunded in whole if the hearing officer issues a determination vacating the citation and in part if the hearing officer determines that the citation should be thus modified. No interest or late fees shall accrue during the appeal period.

1-10-9. APPEAL PROCEDURE; APPOINTMENT OF HEARING OFFICER

(A) Any person who seeks the administrative review of a citation may file an appeal no later than 20 calendar days from the date of service of the citation. An appeal shall be deemed filed on the date that the County Clerk receives the appeal along with the deposit required in Section 1-10-8 (C).

(B) The County Clerk shall take the following actions within 14 days of receiving a properly filed appeal: (1) appoint a hearing officer, (2) set a date for the hearing, which date shall be no less than 10 and no more than 60 days from the date that the appeal was filed, and (3) send written notice of the hearing date to the appellant and the charging official.

(C) The provisions of this Section 1-10-9 requiring the County Clerk or Charging Official to act by a specific date are directory. The failure of the County Clerk or Charging Official to take action within the time specified shall not deprive that person of jurisdiction over the matter or of the right to take action at a later time, unless to do so would unreasonably prejudice persons issued citations. This Subsection 1-10-9(C) shall not apply to the requirements of this Section governing notice to the owners of real property where there is a nexus between the violation and the property.

1-10-10. QUALIFICATIONS OF HEARING OFFICERS.

A. The officers selected to hear appeals shall be impartial.

B. Disqualification of Appeals Hearing Officer. Any person designated to serve as an Appeals Hearing Officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law. The County Clerk shall determine in writing whether to grant the petition for disqualification and their reason therefore. If a substitute is required for a hearing officer due to disqualification or unavailability, a substitute shall be appointed by the County Clerk in accordance with these rules and regulations.

1-10-11. HEARING PROCEDURES.

(A) The hearing officer shall conduct all appeal hearings under this Chapter and shall be responsible for deciding all matters relating to the hearing procedures not otherwise specified in this Chapter or in regulations adopted by the Board of County Commissioners. The charging official shall have the burden of proof in the hearing. The hearing officer may continue the hearing at his or her own initiative or at the request of either party. The hearing officer may request additional information from the charging official or the person cited.

(B) The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(C) The following provisions shall also apply to the appeal procedure:

(1) A citation that complies with the requirements of this Chapter and any additional evidence submitted by the charging official shall be prima facie evidence of the facts contained therein;

(2) The appellant shall be given the opportunity to present evidence concerning the citation; and

(3) The hearing officer may accept testimony by declaration under penalty of perjury relating to the citation from any party if he or she determines it appropriate to do so under the circumstances of the case.

1-10-12. REQUIREMENT TO EXHAUST ADMINISTRATIVE REMEDIES

(A) The failure of the person cited to file a timely appeal shall constitute a failure to exhaust administrative remedies and shall preclude the person cited from obtaining judicial review of the validity of the citation.

(B) Where there is a nexus between the violation for which a citation issued and real property, the failure of the owner of such property to file a timely appeal shall constitute a failure to exhaust administrative remedies and shall preclude the property owner from obtaining judicial review of the validity of the citation.

1-10-13. DETERMINATION OF THE HEARING OFFICER

(A) After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision upholding, modifying or vacating the citation and shall set forth the reasons for the determination. The determination of the hearing officer shall be a final administrative determination.

(B) The hearing officer shall serve the appellant and the charging official with a copy of the determination within 30 days of the appeal hearing.

(C) If the hearing officer determines that the citation is vacated or modified the County shall issue a full or partial refund of the deposit to the appellant along with a copy of the determination.

(C) If a charging official issues a single citation for multiple violations of an ordinance or for violation of multiple provisions of an ordinance, the hearing officer shall hear all appeals of a citation at the same time, unless good cause is shown that they should be heard separately.

Title 1 Amended 20120517 (Addition of Chapter 10 Above)