

ORDINANCE NO. 307-07

AN ORDINANCE OF THE CITY OF NEW MEADOWS, IDAHO PERTAINING TO THE CONSTRUCTION OF AND / OR DEMOLITION OF BUILDING(S) WITHIN THE CORPORATE CITY LIMITS; STATING DEFINITIONS, PURPOSE AND SCOPE, PROVIDING FOR DESIGNATION AND POWERS OF BUILDING OFFICIAL AS ADMINISTRATOR AND ENFORCER; DEFINING HOURS OF OPERATION; MANDATING A SUFFICIENT CONTAINER; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEW MEADOWS, IDAHO AS FOLLOWS:

**Section 1 Definitions:**

Agent - a person who acts or represents the interest of a building permit holder or property owner.

Building Official – a person performing building inspections that has been hired or is under contract with the City of New Meadows to perform Building Inspection Services, or any elected or appointed official by the City of New Meadows in which the appointment was approved by the New Meadows City Council by either voice vote or signed contract.

Construction / Demolition / Excavation – the act of destroying, producing, altering, repairing a roadway, building, or removing or moving earth from the ground.

Container – a construction dumpster or other carton to hold waste that is emptied at least weekly or when full.

Licensed Contractor – a person licensed in the State of Idaho to perform building, plumbing, electrical, or other building related trades.

Non-Contractor – a person who is not licensed in the State of Idaho to perform building, plumbing, electrical, or other building related trades, but is still qualified to perform those activities under law, also one that is the property owner that is constructing, demolishing, or excavating their own property with the primary focus being the primary residence of the person.

Noise Pollution – any sound, such as those made by any; pile driver, pneumatic hammer, derrick, pneumatic electric hoist, or other appliance; or truck, loader, excavator or similar construction equipment including the start-up of any engine in such equipment or tool, that may be audible at a distance of 50’ from the building, structure or vehicle in which the noise maker is located.

Stop Work Order- a written order issued by the city building official instructing said person and said person’s agents, contractors or subcontractors to immediately cease any and all construction activity or work on a construction project. A “stop work order” shall not be considered a recovery or penalty so as to bar any other penalty or remedy being enforced.

Waste – any unusable material that is considered scrap, garbage, or excess material.

**Section 2 Purpose and Scope:** The purpose and scope of this Ordinance is to protect the public health and safety of the citizens and visitors of the City of New Meadows.

**Section 3 Building Official:** The designated Building Official for the City of New Meadows or in the Building Officials absence, any elected or appointed official of the City of New Meadows, is hereby authorized and directed to administer and enforce all provisions of this Ordinance and shall have the power to render interpretations of this Ordinance and to adopt and enforce rules and supplemental regulations to clarify its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this ordinance.

**Section 4 Construction Hours for Licensed Contractors:** Hours of operation for the construction, demolition, excavation and subsequent cleanup of any structure, or excavation of ground within the corporate city limits of the City of New Meadows shall be only between the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

**Section 5 Construction Hours for Non-Contractors:** Hours of operation for the construction, demolition, and subsequent cleanup of any structure, or excavation of ground within the corporate city limits of the City of New Meadows shall be only between the hours of 7:00 a.m. and 9:00 p.m. seven days per week.

**Section 6 Construction / Demolition Waste:** There shall be a container of sufficient size, strength, and material to accommodate the construction or demolition waste produced by construction or demolition of any structure or roadway. The container must be emptied on a weekly basis unless more frequent emptying is needed. The lot in which the construction or demolition is taking place shall be kept free from construction waste / debris at all times and waste and debris must be kept from spreading to neighboring properties.

**Section 7 Exceptions:** In case of an urgent or emergent necessity or to prevent an emergency in the interest of public health or safety, this ordinance shall not apply. Contractors and Non-contractors that may be exempt from this ordinance are: those that do not pollute the outside of any enclosed structure with noise such as; electricians, plumbers, painters, insulation installers, and any other similar trades.

**Section 8 Penalties:** Steps may be skipped in the interest of the public health and safety.

- **1<sup>st</sup> Offense-** Any person violating the provisions of this ordinance shall be issued a Notice of Violation and shall have 24 hours from the time of notification to rectify the violation.
- **2<sup>nd</sup> Offense-** Any person violating the provisions of this ordinance a second time in less than 45 days on the same job site, shall be guilty of an infraction and shall pay the sum of \$250.00 to the city clerk with cash, money order, or certified check and rectify the violation within 24 hours.
- **3<sup>rd</sup> Offense-** Any person violating the provisions of this ordinance a third time in less than 45 days on the same job site, shall be guilty of a misdemeanor and shall be fined not less than \$1000.00 and or will be imprisoned for not more than 6 months in jail. A Stop Work Order will be issued in which no work may be done on the job site and will remain in effect until a hearing has occurred in front of the New Meadows City Council at a regularly scheduled meeting or a special meeting set by the mayor.

**Section 9 Severability:** If any section, sub-section or sentence of this ordinance for any reason is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and shall remain in full force and effect.

**Section 10 Effective Date:** This ordinance shall be in full force and effect upon its passage, approval and publication in the official newspaper of the City of New Meadows.

Passed and approved this 9<sup>th</sup> day of July, 2007.

\_/s/ Gale Stillman \_\_\_\_\_  
Gale Stillman, Mayor

ATTEST: \_/s/ Jacob M Qualls \_\_\_\_\_  
Jacob "Mac" Qualls, City Clerk