

Administrative Committee



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208-883-7015

Monday, July 12, 2021

5:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. The meeting is open to the public but due to the continued presence of COVID-19 cases in our area, we encourage those that have not received the COVID-19 vaccination, to continue to keep 6-foot physical distance from non-household members and wear face coverings when distance is unable to be maintained. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item and limitations may be placed on the time allowed for comments. If you plan to address the Committee, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Citizens wishing to comment on business on the agenda may also communicate with the City Council through email (council@ci.moscow.id.us). Please note that Council Committee meetings are televised, videotaped and/or recorded. The meeting is streamed on YouTube and Spectrum Cable 1301. Links to stream the meeting can be found on the City website. Thank you for your interest in City government.

REGULAR AGENDA

- 1. Approval of June 14, 2021 Administrative Committee Minutes (ACTION ITEM) - Taylor Riedner**
- 2. Amendment to City Code to Address Management Reorganization (ACTION ITEM) – Gary J. Riedner / Mia Bautista**

The City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in City affairs that are not in conflict with the general laws or the constitution of the State of Idaho.

On October 7, 2019 the City Council passed Resolution 2019-19 authorizing the implementation of the reorganization management model and directed staff to prepare ordinance revisions to align with said model, which included the creation of new positions, along with the elimination of specific positions. More specifically, the new management model was implemented to aid the City Supervisor in providing effective oversight of the entirety of the City Operations. The reorganization created four operational groups, with the City Supervisor maintaining and continuing to provide overall administration and oversight. The reorganized management model is intended to be a framework which supports the efficient use of increasingly scarce public resources by encouraging teamwork and aligning collaborative interests, thereby creating greater opportunities for the City to move forward into the future. This proposed ordinance revision addresses the changes approved by Council in 2019, and makes additional job description and job position changes that are in line with the reorganization.

The Titles and Chapters that are impacted by the new reorganization model and are incorporated in the proposed ordinance are as follows:

- Title 1, Chapter 1
- Title 2, Chapters 3, 9, 11, 12, 13, and new chapter 14
- Title 3, Chapters 11 and 14
- Title 4, Chapters 1, 3, 5, and 7

Title 5, Chapters 1, 3, 11, 12, 13, 15, 16 17, and 18

Title 6, Chapters 1 and 2

Title 7, Chapters 9 and 11

Title 10, Chapters 14 and 17

PROPOSED ACTIONS: Review the proposed draft ordinance and recommend approval to the City Council, or provide staff further direction.

3. Electric Scooter and Shared Mobility Program Code Amendment and License Agreement (ACTION ITEM) - Bill Belknap

The City has seen recent interest in the deployment of shared mobility devices (E-scooters) within the City by two scooter companies. Staff has prepared a draft of an amendment to City Code to address the use to E-bikes, E-scooters and similar devices upon the City's streets, sidewalks and pathways in anticipation of the potential increased use within the City. Additionally, Staff has prepared a draft license agreement for shared mobility providers that would regulate their operations and standards of performance. Both the code amendment and license agreement were reviewed and recommended for approval by the Transportation Commission. Staff will present the draft for the Committee's review and recommendations.

PROPOSED ACTIONS: Review the proposed draft Ordinance and License Agreement and recommend approval to the City Council, or provide staff further direction.

REPORTS

Staff Report (if needed)

ADJOURN

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

Administrative Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, June 14, 2021

4:30 PM

**Council Chambers
206 E. Third St.**

REGULAR AGENDA

PRESENT: Gina Taruscio, Sandra Kelly, Brandy Sullivan

STAFF: Capt Dahlinger, Alisa Anderson, Megan Cherry, Jen Pfiffner, Taylor Riedner

OTHERS: Mayor Bill Lambert, Council Member Art Bettge

1. Approval of May 24, 2021 Administrative Committee Minutes (ACTION ITEM) - Taylor Riedner

The minutes were approved as presented.

2. Portable Collection Donation Proposal (ACTION ITEM) - Megan Cherry

Five works by artist Pam Overholtzer have been offered as a donation to the City's Portable Collection. Overholtzer comes from a long line of artists with a lifelong passion for design, art, and craft. She maintained an interior design practice focused on historic architecture and interiors before returning to college to study architecture at the University of Idaho where she earned a Master of Architecture degree and research-oriented Master of Science degree. The seeds for this project began when Pam first saw Lillian Ottens's well-known book "*A Great Good Country*," and particularly Lillian's sketches of the historic buildings in downtown Moscow. While working on City Hall's Centennial Art Show at the Third Street Gallery as a member of the Moscow Historic Preservation Commission, she had an opportunity to work directly with Ottens's original drawings. Musing about the sketches, Pam sought a way to apply her artistic talent, a penchant for detail-oriented projects, and model-building skills to three dimensional interpretations of Ottens's beautiful sketches in the form of small, multi-dimensional models mounted in shadow boxes. The donation is offered by architect and longtime City of Moscow Planning & Zoning and Historic Preservation Commission member Wendy McClure.

The Moscow Arts Commission voted during their May 11, 2021 meeting to recommend acceptance of this donation and states a preference for keeping all five works together in a single display location.

PROPOSED ACTIONS: Recommend acceptance of artwork donation, or provide staff further direction.

Cherry introduced the item as written above. The recently updated Public Art Guidelines outline donation accepting, and the Arts Department monitors the display locations. Purchase agreements allow the City to purchase artwork and do not allow reproduction or sales. Needing no further discussion, the Committee recommended approval and that it be placed on the Council consent agenda.

3. Andrew Becker Memorial Public Art Installation at the ITC Sculpture Garden (ACTION ITEM) – Megan Cherry

In January 2021, the family of Andrew Thatcher Becker contacted the City of Moscow with an offer to donate funds for a public art installation. Following conversations between donor, staff, and MAC members, the ITC Sculpture Garden was identified as a location that fits the budget and artistic direction for the project. The ITC Sculpture Garden has traditionally hosted temporary installations of three-dimensional artworks that are featured for up to one year. There are five plinths in that location, each of which are filled following an RFP process and selection by a panel of community members. Each artist is paid an honorarium for the loan of their artwork, and this program has traditionally served the UI student artist population. The offer of donated funds to support the accession of an artwork into

the Permanent Collection has prompted the re-assignment of one of the plinths as a permanent location for the artwork to be funded by the donor's contribution. This shift would result in four plinths being available for the annual call to artists. The MAC voted during their March 9, 2021 meeting to recommend this re-assignment.

Arts staff has prepared an RFP for this opportunity based upon Becker's biographical information, the Public Art subcommittee's advice, and standard Arts Department processes and timelines. The MAC voted during their May 8, 2021 meeting to recommend approval of this donation and the RFP.

PROPOSED ACTIONS: Recommend approval of donation, plinth re-assignment, and RFP, or provide staff further direction.

Cherry introduced the item by reflecting on the ITC Sculpture Garden arts program and the memorial of Andrew Becker. The installation would be in May 2022, and the donation family is asking the art department to continue a standard process for the art selection and have chosen a specific plinth located in the garden. The project budget is \$5,000, which is the first project to be entirely funded by donations. The donor has also offered ideas and support for maintenance work in the future. The Arts Commission has reviewed the process and suggestions. Needing no further discussion, the Committee recommended approval and that it be placed on the Council consent agenda.

4. Moscow Farmers Market Live Entertainment Request (ACTION ITEM) - Amanda Argona

Per the direction of City Council, live entertainment and performances are scheduled to return to the Moscow Farmers Market on Saturday, July 3. Given the current downward trend of cases in the community, updated guidance from the Center for Disease Control, and Resolution 2021-08 Terminating Amended Public Health Order 20-03, staff is seeking to have the 9:00 to 10:00 a.m. performance time slot reinstated alongside the already approved 10:30 a.m. to 12:30 p.m. performance time slot, as well as lifting the suspension of the Performance Vendor program.

PROPOSED ACTIONS: Recommend reinstatement of the 9:00 to 10:00 a.m. performance time slot and Performance Vendor Program or provide staff further direction.

Pfiffner introduced the item by reflecting how music was executed last year and current COVID guidelines that the market is following. The time slots suggested are the same as they had been in the past and can be covered with the remaining budget. With the APHEO rescinding, the requirements verbiage has been changed accordingly. Needing no further discussion, the Committee recommended approval and that it be placed on the Council consent agenda.

5. Community Oriented Policing Services (COPS) - Law Enforcement Mental Health and Wellness Act (LEMHWA) Grant (ACTION ITEM) - Alisa Anderson / Anthony Dahlinger

The Pullman Police Department will be leading in the application and management of grant funds from the COPS Law Enforcement Mental Health and Wellness Act (LEMHWA). The Moscow Police Department as well as other local law enforcement agencies have been invited to participate in a regional team of law enforcement peer support. Four officers will be selected from the Moscow Police Department to participate on the Peer Support Team and in training. Grant funds requested by Pullman Police for the Moscow Police Department will not exceed \$38,000.

PROPOSED ACTIONS: Recommend approval of the proposed grant funding request for participation in the regional Peer Support team under the COPS Law Enforcement Mental Health and Wellness Act (LEMHWA), managed by Pullman Police Department, not to exceed \$38,000 in grant awards for the Moscow Police Department, or provide staff further direction.

Captain Dahlinger introduced the item by explaining the joint task force with surrounding police departments. Funding received for this program would cover 100% of the costs with no match from the City. Trained officers would provide mentor/peer support of other police officers; however, officers are reported less likely to reach out and utilize programs to speak with someone about mental health issues. This regional program provides anonymity to the officers so they can approach someone outside of their office. This service also supports officers' family members, administrative staff, dispatchers, and suicide

prevention. The maximum award is \$125,000, and this would be for a 2-year program for staff support. The funding will assist with staff coverage while officers go off for training. Tracking benefits and use of the program will help reapply for assistance in the future. The starting date for this program would be October of this year. Anderson noted the wording for this action needs to change to "ratify" rather than "approve." The Committee recommended approval and that it be placed on the Council consent agenda.

REPORTS

Staff Report (if needed)

Pfiffner mentioned that many staff and Council members would be traveling and attending the AIC Conference during the week and Artwalk happening the same week.

ADJOURN

The meeting adjourned at 5:00 pm.

COMMITTEE STAFF REPORT

DATE: Monday, July 12, 2021



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

ADDITIONAL PRESENTER(S)

Mia Bautista

OTHER RESOURCES

AGENDA ITEM TITLE

Amendment to City Code to Address Management Reorganization (ACTION ITEM) – Gary J. Riedner / Mia Bautista

DESCRIPTION

The City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in City affairs that are not in conflict with the general laws or the constitution of the State of Idaho.

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Title 3, Chapters 11 and 14

Title 4, Chapters 1, 3, 5, and 7

Title 5, Chapters 1, 3, 11, 12, 13, 15, 16 17, and 18

Title 6, Chapters 1 and 2

Title 7, Chapters 9 and 11

Title 10, Chapters 14 and 17

STAFF RECOMMENDATION

Recommend approval to the City Council.

PROPOSED ACTIONS

PROPOSED ACTIONS: Review the proposed draft ordinance and recommend approval to the City Council, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. All Title and Chapter Revisions - Reorganization Ordinance combined_FINAL DRAFT
2. Organizational Chart
3. 2019-19 New Management Model

ORDINANCE NO. 2021 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 1, CHAPTER 1, TITLE 2, CHAPTERS 3, 9, 11, 12, AND 13, TITLE 3, CHAPTERS 11 AND 14, TITLE 4, CHAPTERS 1, 3, 5, AND 7, TITLE 5, CHAPTERS 1, 3, 11, 12, 13, 15, 16, 17, AND 18, TITLE 6, CHAPTERS 1 AND 2, TITLE 7, CHAPTERS 9 AND 11, AND TITLE 10, CHAPTERS 14 AND 17; PROVIDING FOR THE ADDITION OF CHAPTER 14 TO TITLE 2; PROVIDING FOR THE REORGANIZED MANAGEMENT MODEL; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in City affairs that are not in conflict with the general laws or the Constitution of the State of Idaho (I.C. § 50-301); and

WHEREAS, the City is empowered to codify ordinances of a general and permanent nature and to make such changes, alterations, modifications, additions and substitutions therein as the City deems best (I.C. § 50-903); and

WHEREAS, on October 7, 2019, the City Council passed Resolution 2019-19, approved by the Mayor, authorizing the implementation of the reorganization management model and directed staff to prepare ordinance revisions to align with said model, which included the creation of new positions, along with the elimination of specific positions;

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

SECTION 1: That Moscow City Code Title 1, Chapter 1 be amended as follows:

...

Sec. 1-3. Rules for Construction of Ordinances and Amendments.

In the construction of the Moscow City Code and all ordinances amendatory thereof or supplementary thereto, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context of the ordinance.

- A. Intent to Defraud. Whenever, by any of the provisions of this Code, an intent to defraud is required in order to constitute an offense, it is sufficient if an intent appears to defraud any person, association or body politic or any combination of persons.
- B. Liability of Employers and Agents. When the provisions of an ordinance prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or

abetting the person shall be guilty of the offense described and liable to the penalty as set forth in this Code.

C. Title of Sections and Subsections:

1. The title of any section or subsection of these ordinances shall be deemed to in nowise restrict or qualify or to limit the effect of the provisions set forth and contained in such section or subsection.

2. State Law references and City Resolution and Ordinance numbers and dates are included for reference only and shall be deemed to in nowise restrict or qualify or to limit the effect of the provisions set forth and contained in such section or subsection.

3. Where the title of an administrative officer ~~or department head~~ is used in this Code ~~(e.g., Public Works Director, Director of Community Development, Fire Chief, Chief of Police, etc.)~~, such shall include all authorized employees, agents, designees, and representatives of such officer or department head.

D. Constitutionality; Effect of. Should any section, subsection or portion of this Code, or of any ordinances which may be hereafter passed, approved and published as required by law, be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of such section, subsection, part or portion of the Code.

E. Definitions.

The definitions contained herein shall have the following meanings, throughout this Code, unless otherwise more specifically defined in a particular chapter, section, or subsection:

The singular number includes the plural.

Words used in the present include the future.

Words used in the masculine gender comprehend, as well, the feminine and neuter.

The word "shall" is mandatory and "may" is permissive.

Words prohibiting anything being done except in accordance with a license or permit or authority from a board or officer shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

1. *City*. The City shall mean the City of Moscow, Idaho, as set forth at Title 1, Chapter 2 of this Code, and/or its officers, employees, and duly authorized representatives.

2. *Clerk*. The Clerk shall mean the Clerk of the City of Moscow, Idaho, as set forth at Title 2, Chapter 5 of this Code.

3. *Code*. The Code or this Code shall mean the Revised Ordinances of the City of Moscow, Idaho, sometimes commonly referred to as the Moscow City Code.

4. *Council*. The Council shall mean the Council of the City of Moscow, Idaho, as set forth at Title 2, Chapter 2 of this Code.

5. *Day, Month, Quarter, Year*. The word "day" shall be any twenty-four (24) hour period from midnight to midnight; and the word "month" shall mean a calendar month unless otherwise expressed; and the word "quarter" means any three (3) month period, ending with the last day of March, June, September and December; the word "year" shall mean any one (1) calendar year. - When any time is specified in this Code, it shall mean standard time as distinguished from solar time, and the words "midnight" or "noon" shall be taken to be midnight or noon standard time.

6. *Idaho Code*. The Idaho Code or State law shall mean the Idaho Code containing the General Laws of Idaho.

7. *Knowingly* imports only a knowledge that the facts existed or exist which bring the act or omission within the provisions of these ordinances; ~~it~~ it does not require any knowledge of the unlawfulness of such act or omission.
8. *Land, Real Estate, Real Property* include lands, tenements, hereditaments, water rights, possessory rights and claims.
9. *Neglect, Negligence, Negligent and Negligently* import a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in his or her own concern.
10. *Oath* includes "affirmation" and the word "swear" includes the word "affirm"; ~~Every~~ Every mode or oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "depone".
11. *Officer* shall include officers and boards in charge of departments and the members of such boards, and such references as to the Clerk or City Treasurer, as the case may be applicable.
12. *Official Time*. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Saving Time as may be in current use in the City.
13. *Owner* applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or a part of such building or land.
14. *Person* includes an individual, group of individuals, organization, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, and bodies politic and corporate.
15. *Personal Property* includes money, goods, chattels, things in action, evidences of debt and general intangibles as defined in the Uniform Commercial Code, Idaho Code Title 28, as amended.
16. *Property* includes both real and personal property.
17. *Public Thoroughfare* includes streets, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
18. *Signature* includes any name, mark or sign written with the intent to authenticate any instrument of writing.
19. *Tenant or Occupant*, 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.
20. *Willfully*, when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. ~~It~~ It does not require any intent to violate law or to injure another or to acquire an advantage.
21. *Writing* includes printing, typewriting or any other intentional reduction to tangible form.

SECTION 2: That Moscow City Code Title 2, Chapter 3 be amended as follows:

...

Sec. 3-1. Appointment by Mayor.

The Mayor, with the approval of the Council, shall appoint a Clerk, Attorney, ~~Public Works Director~~, Chief of Police, Chief of the Fire Department, Treasurer, City Supervisor, Deputy City Supervisor(s) and such other officers as may be deemed advisable for the efficient operation of the City.

...

SECTION 3: That Moscow City Code Title 2, Chapter 9 shall be repealed:

~~Sec. 9-1: Office Established~~

~~Sec. 9-2: Duties~~

~~Sec. 9-1.— Office Established.~~

~~—There is hereby established the office of Public Works Director, which office shall be filled by appointment of the Mayor, with consent of the Council, who shall hold office for the duration of the Public Works Director's appointment or until such time as the Public Works Director may be removed by the Mayor or as provided by law.~~

~~Sec. 9-2.— Duties.~~

~~—In addition to any duties imposed upon the Public Works Director by Idaho Code and/or City Code, the Public Works Director shall plan, organize, supervise, and direct the activities and operations of the Public Works Department including engineering, streets, water, sewer, and wastewater treatment and related activities, and shall serve as liaison for the Public Works Department to the Council. The Public Works Director shall direct the preparation and maintenance of a variety of narrative, engineering, public works, and statistical reports, records and files related to all of the activities and operations of the Public Works Department, including those which are required to be created and maintained by the City Engineer. The Public Works Director shall supervise the preparation of plans, specifications, and estimates for and supervise and oversee the review of all construction of any public works projects when health and safety is involved. The Public Works Director shall direct the preparation and establishment of technical standards, methods and procedures for all construction that is or which may become the responsibility of the City, and shall see that such are executed. Engineering records of the City shall be maintained by the Public Works Department. The Public Works Director shall perform such other duties as may be prescribed by the Idaho Code, ordinances, resolutions and regulations of the Council or as may be directed by the Mayor. The Public Works Director shall employ and shall supervise a City Engineer and/or other licensed professional engineers, as necessary.~~

~~• • •~~

SECTION 4: That Moscow City Code Title 2, Chapter 11 shall be repealed:

~~Sec. 11-1: Office Established; Appointment and Removal~~

~~Sec. 11-2: Duties~~

~~Sec. 11-1.— Office Established; Appointment and Removal.~~

~~—There is hereby established the office of Human Resources Director, which office shall be filled by appointment of the Mayor, with consent of the Council, who shall hold office for the duration of such appointment or until such time as the Human Resources Director may be removed by the Mayor, or as provided by law.~~

~~Sec. 11-2.— Duties.~~

~~—The Human Resources Director shall have the following specific duties, powers, and responsibilities:~~

- ~~A. Under the direction of the City Supervisor, the Human Resources Director shall plan, develop, supervise, administer, monitor, and evaluate City-wide Human Resources and Risk Management programs; and shall assure compliance with applicable local, state, and federal laws, rules, and regulations; and shall serve as the City's Title VI Civil Rights Coordinator charged with responsibility for the City's compliance with Title VI of the Civil Rights Act of 1964; and shall supervise and evaluate the performance of assigned personnel.~~
- ~~B. The Human Resources Director shall regularly communicate with the Mayor, City Supervisor, Council, City departments, community leaders, boards, commissions, and outside agencies to resolve problems, coordinate activities, exchange information, and provide expertise.~~
- ~~C. The Human Resources Director shall develop and prepare the annual preliminary budget for the Human Resources Department; and shall analyze and review budgetary and financial data; and shall control and authorize expenditures in accordance with established limitations.~~
- ~~D. The Human Resources Director shall perform such other duties as may be prescribed by this Code and the ordinances and resolutions of the City or as the Mayor or the City Supervisor may direct.~~

SECTION 5: That Moscow City Code Title 2, Chapter 12 shall be repealed:

~~Sec. 12-1: Office Established; Appointment and Removal~~

~~Sec. 12-2: Duties~~

~~Sec. 12-1.— Office Established; Appointment and Removal.~~

~~—There is hereby established the office of Community Development Director, which office shall be filled by appointment of the Mayor, with consent of the Council, who shall hold office for the duration of such appointment or until such time as the Community Development Director may be removed by the Mayor, or as provided by law.~~

~~Sec. 12-2.— Duties.~~

~~—The Community Development Director shall have the following specific duties, powers, and responsibilities:~~

- ~~A. Under the direction of the City Supervisor, the Community Development Director shall organize and direct the City's Community Development Department including planning, code enforcement, and community development programs; and shall supervise and evaluate the performance of assigned personnel.~~
- ~~B. The Community Development Director shall communicate with the Mayor, City Supervisor, Council, City departments, community leaders, boards, commissions and outside agencies to resolve problems, coordinate activities, exchange information, and provide expertise.~~
- ~~C. The Community Development Director shall develop and prepare the annual preliminary budget for the Community Development Department, and shall analyze and review budgetary and financial data; and shall control and authorize expenditures in accordance with established limitations.~~
- ~~D. The Community Development Director shall also be the Zoning Administrator and shall have all responsibilities required to assist the City to comply with federal, state and local statutes~~

and ordinances related to zoning and land use planning, including but not limited to Idaho Code Title 67, Chapter 65, and the City Zoning Code.

E. ~~The Community Development Director shall perform such other duties as may be prescribed by this Code, and the ordinances and resolutions of the City or as the Mayor or the City Supervisor may direct.~~

...

SECTION 6: That Moscow City Code Title 2, Chapter 13 shall be repealed:

~~Sec. 13-1: Office Established; Appointment and Removal~~

~~Sec. 13-2: Duties~~

~~Sec. 13-1. Office Established; Appointment and Removal.~~

~~There is hereby established the office of Parks and Recreation Director, which office shall be filled by appointment of the Mayor, with consent of the Council, who shall hold office for the duration of such appointment or until such time as the Parks and Recreation Director may be removed by the Mayor, or as provided by law.~~

~~Sec. 13-2. Duties.~~

~~The Parks and Recreation Director shall have the following specific duties, powers, and responsibilities:~~

~~A. Under the direction of the City Supervisor, the Parks and Recreation Director shall plan, organize, and direct the operation, maintenance, and development of the City's Parks and Recreation programs, services, and facilities, including general facilities management and maintenance of municipal buildings; and shall supervise, direct, or evaluate the performance of assigned staff.~~

~~B. The Parks and Recreation Director shall communicate with the Parks and Recreation Commission, Mayor, City Supervisor, Council, City departments, community leaders, boards, commissions and outside agencies to resolve problems, coordinate activities, exchange information, and provide expertise.~~

~~C. The Parks and Recreation Director shall develop and prepare the annual preliminary budget for the Parks and Recreation Department; and shall analyze and review budgetary and financial data; and shall control and authorize expenditures in accordance with established limitations.~~

~~D. The Parks and Recreation Director shall have authority to control the use of City Parks and Recreation Facilities in compliance with City policies and practices.~~

~~E. The Parks and Recreation Director shall perform such other duties as may be prescribed by this Code, and the ordinances and resolutions of the City or as the Mayor or the City Supervisor may direct.~~

SECTION 7: That Moscow City Code Title 2, be amended to include a new chapter titled "Chapter 14 – Deputy City Supervisor" to include the following:

DEPUTY CITY SUPERVISOR

Sec. 14-1: Office Established, Appointment and Removal, Scope of Authority

Sec. 14-2: Duties, Powers and Responsibilities

Sec. 14-3: Classified Position

Sec. 14-4: Combination of Positions

Sec. 14-1. Office Established, Appointment and Removal, Scope of Authority.

There is hereby established the office of Deputy City Supervisor, which office shall be filled by the appointment of the Mayor, subject to confirmation by a majority of the Council. The Deputy City Supervisor shall hold office for the duration of his or her appointment or until such time as he or she may be removed by the Mayor, or as provided by law. The Deputy City Supervisor shall work under the direction of the City Supervisor. The Mayor may appoint up to three (3) Deputy City Supervisors. The Duties, Powers and Responsibilities detailed below may be combined or reassigned among the Deputy City Supervisors at the discretion of the City Supervisor.

Sec. 14-2. Duties, Powers and Responsibilities.

The Deputy City Supervisor shall have the following specific duties, powers and responsibilities, in addition to others provided in this Chapter or otherwise assigned by the City Supervisor:

- A. A Deputy City Supervisor may be appointed to supervise, administer and coordinate the activities and functions of the Community Planning and Design Group. This Group may include the Building Safety Department, Planning Department, Engineering Department, Grants Manager, and such other departments assigned by the City Supervisor.
- B. A Deputy City Supervisor may be appointed to supervise, administer and coordinate the activities and functions of the Culture and Recreation Group. This Group may include the Arts Department, Community Events Department, Parks and Facilities Department, Recreation Department, Human Resources Department, and such other departments assigned by the City Supervisor.
- C. A Deputy City Supervisor may be appointed to supervise, administer and coordinate the activities and functions of the Public Works and Services Group. This Group may include the Water Department, Water Reclamation and Reuse Department, Street and Stormwater Department, Environmental Services Department, Sanitation Department, Fleet Department, and such other departments assigned by the City Supervisor.
- D. Any Deputy City Supervisor may be assigned by the City Supervisor to serve as temporary City Supervisor on occasions when the City Supervisor is unavailable.
- E. The Deputy City Supervisor(s) shall regularly report to the City Supervisor concerning the status of all assignments, duties, projects and functions of the various City offices, departments, boards and commissions under their supervision.

Sec. 14-3. Classified Position.

The position of Deputy City Supervisor shall be a classified position at a grade level determined by the City Supervisor. All rules and regulations and fringe benefits set forth in the City of Moscow Personnel Policies, as amended by the Council from time to time, shall apply to this position.

Sec. 14-4. Combination of Positions.

The office of Deputy City Supervisor may be combined with any other appointive position in the City; provided, that where combined, the compensation shall be fixed by the City Supervisor

for the combined office and shall not necessarily be the total of the compensation fixed for each office individually.

SECTION 8: That Moscow City Code Title 3, Chapter 11 be amended as follows:

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Sec. 11-2. Organization.

- A. The Transportation Commission shall consist of up to nine (9) members serving without pay. A non-voting member of this Commission shall not be considered in determining the number required for a quorum or whether a quorum is present. The word "Commission" when used herein shall mean the Transportation Commission. Members of the Commission shall be appointed by the Mayor with the advice and subject to the approval of the Council. Members shall be selected without respect to political affiliation. Except for any three quarter (3/4) time post secondary educational program student member(s), an appointed member of the Commission must have resided in Latah County for two (2) years prior to his or her appointment and must remain a resident of Latah County during his or her service on the Commission. Persons living within the delineated Area of City Impact shall be entitled to representation on the Commission. Such representation shall, as nearly as possible, reflect the proportion of population living within the City compared to the population living within the Area of City Impact. The term of office of the Commission members chosen from the residents at large shall be five (5) years or until their successors are appointed and qualified. The members shall hold office at the pleasure of the Mayor. The Mayor may revoke such appointment at any time and for any reason deemed sufficient with the advice and subject to the approval of the Council. Vacancies in such Commission occurring otherwise than the expiration of the term shall be filled by the Mayor with the advice and subject to the approval of the Council for the unexpired term. Where possible, this commission shall include at least one (1) student enrolled at least three quarters (3/4) time in a post secondary educational program, who shall serve a one (1) year term, which term may be renewed. At least one (1) student enrolled in high school or an equivalent educational program shall serve as a non-voting member of this Commission for a one (1) year term, which term may be renewed.
- B. Where possible, Commission members shall be appointed in a manner which will allow members to represent a variety of transportation modes including, but not limited to, motorized vehicles, non-motorized vehicles and conveyances, pedestrians and public transportation.
- C. The Commission may establish subcommittees and/or advisory committees to advise and assist it in carrying out duties of the Commission. Where possible, this Commission shall coordinate efforts with local boards, groups and agencies as well as State boards, groups and agencies.
- D. The City Supervisor shall assign a staff liaison(s) to support the Commission. A record of meetings, findings, and actions shall be maintained. ~~The Public Works Director and the Community Development Director shall be staff liaisons to the Commission and a record of meetings, findings and actions shall be maintained.~~

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SECTION 9: That Moscow City Code Title 3, Chapter 14 shall be amended as follows:

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Sec. 14-2. Commission Established.

A Commission of seven (7) citizens shall be appointed by the Mayor with the approval of the Council to serve three (3) year appointments with staggered terms and serving without pay. The seven (7) members shall consist of at least six (6) citizens of Moscow and one (1) may be a citizen of Latah County who does not reside within City limits. The City Parks and Recreation ~~Director~~ Manager or designee shall serve as staff liaison. A Moscow City Council member shall be a non-voting ex-officio member of the Commission.

The first year of the Commission, three (3) members will be appointed for three (3) year terms; two (2) members will be appointed for two (2) years terms; and two (2) members will be appointed for one (1) year terms. All subsequent appointments will be for three (3) year terms, unless it is an appointment to fill a vacated position; then, that appointment will be through the end of the vacated position's term.

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SECTION 10: That Moscow City Code Title 4, Chapter 1 be amended as follows:

...

Sec. 1-2. Authority.

This Zoning Code is adopted pursuant to the authority conferred by Chapter 65, Title 67 and Chapter 13, Title 50 of the Idaho Code and to the home rule authority of Idaho cities granted by Article 12, Section 2 of the Idaho Constitution and Section 302 of Title 50, Idaho Code. The City shall designate a Zoning Administrator who shall have all responsibilities required to assist the City to comply with Federal, State and Local statutes and ordinances related to zoning and land use planning, including but not limited to the laws in Idaho Code Title 67, Chapter 65, and the City Zoning Code.

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Sec. 1-4. Adoption of Comprehensive Plan.

The Comprehensive Plan of the City of Moscow is hereby adopted by reference as the policy guide for the application of the provisions of this Title. The words "the Plan" or "this Plan" shall mean the Comprehensive Plan of the City of Moscow throughout this Title. OneThree (1) ~~copy~~ copies of the Plan, as it now exists and may be subsequently amended, shall be retained by the Clerk, available for public inspection during regular City business hours.

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SECTION 11: That Moscow City Code Title 4, Chapter 3 be amended as follows:

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Sec. 3-5. Specific Use Standards.

A. Accessory Dwelling Units:

1. **Applicability and Purpose.** These standards shall apply to Accessory Dwelling Units which are permitted by this Code. These standards are intended to help promote the benefits

of Accessory Dwelling Units, while also preserving neighborhood character and creating predictability and certainty for established neighborhoods.

2. Specific Standards.

a. General. Accessory Dwelling Units must meet all applicable regulations for the zoning district in which they are located, except as otherwise expressly stated within this Section. Lots that currently do not meet the minimum lot size for a single family dwelling shall be ineligible for an Accessory Dwelling Unit.

b. Size. The floor area of the Accessory Dwelling Unit may not exceed six hundred (600) square feet or forty percent (40%) of the gross floor area of the principal dwelling, whichever is less.

c. Maximum Occupancy. The number of persons allowed to reside within an Accessory Dwelling Unit shall be limited to two (2).

d. Owner Occupancy.

i. Prior to the issuance of a building permit for an Accessory Dwelling Unit, the property owner must record a deed restriction upon the property which states that the property owner will reside on the property, within either the principal dwelling or Accessory Dwelling Unit. The deed restriction must be approved by the City Attorney and shall be binding upon the heirs, assigns, and subsequent purchasers of the property.

ii. Owner occupancy means a property owner, as reflected in real property records, who makes his or her legal residence at the property, as evidenced by voter registration or similar means and actually resides at the property for more than six (6) months out of any given year. Owner occupancy may also include a named natural person with an ownership or benefit in a private trust, but shall not extend to corporate trusts.

iii. The ~~Community Development Director~~ Zoning Administrator may waive this requirement for temporary absences of greater than six (6) months for military service, employment sabbatical, or family medical leave qualified absences. Temporary leave waivers for other reasons must be reviewed and approved by the City Council.

iv. In the event the owner is unable to reside on the property as required herein, only one (1) of the dwelling units on the property may be occupied.

e. Off-street parking. One (1) off-street parking space shall be required for the Accessory Dwelling Unit, in addition to that required for the principal dwelling.

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SECTION 12: That Moscow City Code Title 4, Chapter 5 be amended as follows:

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Sec. 5-4. Administration.

A. Establishment of Development Permit:

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in MCC Section 4-5-3(B). The permit shall be for all structures including manufactured homes, as set forth in the "Definitions" above, and for all development including fill and other activities, also as set forth in the "Definitions."

2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Zoning Administrator and shall include:

- a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in questions; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing;
 - b. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - c. Elevation in relation to mean sea level to which any structure has been flood-proofed;
 - d. Certification by a registered professional engineer or architect that the flood-proofing methods of any nonresidential structure meet the flood proofing criteria in MCC Section 4-5-5(B)(2); and
 - e. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the Floodplain Administrator. The ~~Community Development Director or designee~~Zoning Administrator is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.
- C. Duties and Responsibilities of the Zoning Administrator: Duties of the Zoning Administrator shall include, but not be limited to:
 1. Permit Review.
 - a. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of MCC Section 4-5-5(C)(1) are met.
 2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with MCC Section 4-5-3(B), BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer MCC Sections 4-5-5(B), SPECIFIC STANDARDS, and 4-5-5(C), FLOODWAYS.
 3. Information to be Obtained and Maintained.
 - a. Where base flood elevation data is provided through the Flood Insurance Study or required as in MCC Section 4-5-4(C)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new or substantially improved flood-proofed structures:
 - (1) verify and record the actual elevation (in relation to mean sea level), and
 - (2) maintain the flood-proofing certifications required in MCC Section 4-5-4(A)(2)(d).
 - c. Maintain for public inspection all records pertaining to the provisions of this Chapter.
 4. Alteration of Watercourses.
 - a. Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in MCC Section 4-5-6.

6. Base Flood Elevation Changes. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

7. Notification. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

...

SECTION 13: That Moscow City Code Title 4, Chapter 7 be amended as follows:

...

Sec. 7-4. Preliminary PUD Review.

- A. Preliminary Review of PUD: An application for PUD, on a form provided by the City, including five (5) copies of the required supplemental PUD application contents listed in this Chapter, shall be submitted to the City for any PUD application made pursuant to this chapter. Additionally, no PUD application shall be accepted without payment of the related fee, established from time to time by Resolution of the Council. Copies of the PUD application shall be forwarded for review, comment and recommendation to the ~~Public Works Director~~City Engineer, Fire Chief, Building Official, Parks Director and other City staff, as deemed appropriate by the Zoning Administrator. If a PUD proposal requires or includes an application for subdivision, lot division, or lot line adjustment, the PUD application shall not be considered prior to or separately from such application for subdivision, lot division, or lot line adjustment. Where a PUD application involves a proposal which is subject to the requirements of the Subdivision Code and where there may exist inconsistencies between application submittal requirements of this PUD Code and the Subdivision Code, the more restrictive provision of the two (2) codes shall apply.
- B. Preliminary Review Application Materials: Required PUD application contents shall include plan drawings and related notations and detail drawings including the following:
1. PUD site plan;
 2. Existing grade plan showing the existing grade of the site in two foot (2') maximum contour intervals of the PUD site and extending a minimum of twenty feet (20') outside the PUD site;

3. Proposed finished grading plan showing proposed finished grade at two foot (2') contour intervals within the site and extending a minimum of twenty feet (20') -outside the PUD site, including slope and roadway profiles and any required or proposed retaining wall details;
4. The location of all planned and existing thoroughfares and walks, their widths and nature of their improvements, and whether they are to be public or private;
5. The location, layout, and surfacing of all off-street parking areas;
6. Property boundary lines.
7. The individual lot lines of each parcel which is to be created for separate ownership;
8. The location of easements for water lines, fire hydrants, sewer and storm sewer lines, and other utilities;
9. Landscaping and tree planting plans with the location of existing trees and shrubs which are to be retained;
10. Common open spaces, and the particular uses intended for them;
11. Areas to be conveyed, dedicated, reserved or used for parks, playgrounds or any other public use;
12. The location, intended use, and number of dwelling units in each existing or proposed building or structure;
13. Elevation drawings of all typical proposed structures except single-family, detached housing which meet the yard requirements of the underlying zoning district. Such drawings shall be to scale and include all attached exterior hardware for heating and cooling;
14. A selection of the exterior materials for all buildings;
15. Development time schedule, including proposed phasing if applicable;
16. If individual lots are to be sold, a copy of an approved or proposed subdivision plat;
17. Lighting and signage proposals; and
18. The location(s), area dimensions and screening of garbage dumpster areas.

All submitted plans shall be drawn to a standard engineer's or architect's scale and may contain multiple categories of the above-listed information on any one plan drawing, provided that such plan drawing represents all information in an accurate and readily identifiable manner. Such plans shall contain information and detail as necessary to determine compliance with applicable codes, and to determine justification for bonus allowances requested pursuant to this Chapter. Any such plans depicting information related to such bonus allowances shall be consistent with the related bonus allowances text of the PUD application form. As part of the written application submittal, it shall be the responsibility of the applicant to articulate how special features of the site or proposed development, justify departures from the specific provisions of the Zoning Code or Subdivision Code.

C. Commission Action:

1. Type 1 PUD Applications: Before taking action upon any Type 1 PUD application, the Planning and Zoning Commission shall conduct at least ~~(4)~~ one (1) public hearing. Following the hearing, the Planning and Zoning Commission may give approval of Type 1 PUD application, approval subject to required modifications or conditions, or may deny the application.
2. Type 2 PUD Applications: Before taking action upon any Type 2 PUD application, the Planning and Zoning Commission shall conduct at least ~~(4)~~ one (1) public hearing. Following the hearing, the Planning and Zoning Commission may recommend to the City Council: approval of the Type 2 PUD application; approval subject to required modifications or conditions; or denial of the application.

3. The decision of the Planning and Zoning Commission on a Type 1 PUD application may be appealed to the Council by the applicant or by any affected person as defined by this Code within fourteen (14) days of adoption of the Reasoned Statement of Relevant Criteria and Standards. Other than the time period for filing appeals, Section 4-8-6 of this Code shall apply to appeals to the Council of decisions by the Planning and Zoning Commission on any Type 1 PUD applications. Determinations by the Commission upon Type 2 PUD applications shall not constitute a final decision and cannot be appealed to the City Council.

- D. Action by the Council: Before taking action upon any Type 2 PUD application, the Council shall conduct at least ~~(4)~~ one (1) public hearing. Following such hearing the Council may: approve the Type 2 PUD application; approve the application subject to required modifications or conditions; or deny the application.
- E. Duration of Validity of Preliminary PUD Approval: Approval of a preliminary PUD proposal shall expire automatically eighteen (18) months after the date of approval unless final PUD approval has been obtained prior to such time. PUD applications for which approval has expired may be resubmitted for consideration and action by the Planning and Zoning Commission by following the same PUD procedures as for an original submission.

...

SECTION 14: That Moscow City Code Title 5, Chapter 1 be amended as follows:

...

Sec. 1-10. Subdivision Improvements; Agreement and Security.

- A. Before the final subdivision plat is signed by the Mayor, all Developers shall be required to complete all of the improvement work required under Sections 5-1-5(D) and (E) of this Chapter. Such Developer shall dedicate said public improvements and property to the City free and clear of all liens and encumbrances on the dedicated property and public improvements.
- B. In lieu of completing all of the required public improvements, before approval of the final site plan by the Council the Developer may execute and file an agreement with the City specifying the period of time within which the Developer shall complete all improvement work required under Sections 5-1-5(D) and (E) of this Chapter, and providing that if the Developer shall fail to complete such work within the specified period or fail to maintain such improvements and correct deficiencies therein as may be directed by the Council or the ~~Director of Public Works~~ City Engineer during a period of one (1) year following completion and acceptance of such improvements, the City may, at its option, direct the completion of such work and recover the full cost and expense thereof from the Developer. The agreement may also provide for:
1. Construction of the improvement in units;
 2. An extension of time under conditions therein specified;
 3. The termination of the agreement upon the completion of proceedings under a local improvement district for the construction of improvements deemed by the Council to be at least the equivalent of the improvements specified in said agreement and required to be constructed by the Developer; and/or
 4. Proportional refund or release of security for completed improvements to the Developer from any Developer security which is set forth in Section 5-1-5(C) of this Chapter and filed with the agreement.

- C. 1. To assure such Developer's full and faithful performance of the agreement set forth at 5-1-10(B) of this Chapter, the Developer shall also file with the agreement one (1) of the following forms of security:
- a. certified check,
 - b. cashier's check,
 - c. cash,
 - d. irrevocable letter of credit from a certified bank or financial institution,
 - e. any other form of security which is approved by the Council.
2. Any form of security as set forth at 5-1-10(C)(1)(a through e) of this Chapter shall be in an amount as determined by the City, sufficient to cover the cost of said public improvements which are required by the Council and the maintenance, corrections, and inspections, engineering and administration thereof. The amount of the security shall be the City Engineer's estimated cost of the work to be completed plus ten percent (10%) contingency plus twelve percent (12%) engineering and administration costs.
3. The City may accept cash in the amount of the City Engineer's estimated cost of the required public improvements plus ten percent (10%) contingency plus twelve percent (12%) Engineering and Administration costs in lieu of the security required in this subsection C if the City Engineer determines it to be in the best interest of the City to do so. Cash paid to the City pursuant to this subsection shall be utilized to pay the cost of completing said public improvements and shall relieve Developer from any further payment and/or expense regarding said public improvements.
- D. In the event the Developer shall fail to complete all improvement work in accordance with the provisions of this Chapter and Title and in accordance with the agreement and the City shall have completed same, the City may utilize the security to pay costs of completing said public improvements, including construction, engineering, and administration.
- E. No extension of time, or releases of any form of security required herein shall be made except upon certification by the City Engineer that work covered Hereby has been satisfactorily completed.

...

SECTION 15: That Moscow City Code Title 5, Chapter 3 be amended as follows:

...

Sec. 3-2. Definition of Terms.

- A. Terms used in this Chapter shall have the meanings herein given to them:
1. *Best Management Practices (BMPs)*. This includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements of City ordinances.
 2. *Biochemical Oxygen Demand (abbreviated as BOD)*. The quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory determinations made in accordance with procedures set forth in "Standard Methods," for five (5) day BOD determination.
 3. *Building Drain*. The building drain is that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the side sewer beginning two feet (2') outside the building wall.

4. *Chlorine Requirements.* The amount of chlorine, in parts per million by weight, which must be added to the sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods."

5. *Commercial User.* All persons not specifically classified as domestic or as an industrial waste contributor.

6. *Composite Sample.* Not less than twelve (12) individual samples taken at not less than thirty (30) minute intervals for a period of not less than six (6) hours.

7. *Dwelling Unit.* A building or structure or portion thereof that is constructed and used primarily for residential purposes.

8. *Garbage.* The residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

9. *Grease Interceptor.* A plumbing appurtenance or appliance (Gravity Grease Interceptor, Hydro-mechanical Grease Interceptor, or Electro-mechanical Grease Interceptor) that is installed in a wastewater system to intercept non-petroleum fats, oil, and grease (FOG) and food waste from a wastewater discharge.

10. *Ground Garbage.* The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half ~~inch~~ (1/2") ~~inch~~ in any dimension.

11. *House Service Line.* The extension from the building drain to the public sewer and is sometimes referred to as a service connection or side sewer.

12. *Industrial Wastes.* The liquid wastes from industrial processes as distinct from sanitary sewage.

13. *Interceptor.* A plumbing appurtenance or appliance designed and installed in order to separate and retain deleterious, hazardous or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system. This definition applies to any intercepting device to be installed on the sanitary sewer or the storm sewer systems.

14. *MG.* Million gallons.

15. *Natural Outlet.* Any outlet in a watercourse, pond, ditch, lake or other body of surface or ground water.

16. ~~17. *Parts Per Million.* A weight to weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.~~

17. *pH.* The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter and is a measure of the acidity or alkalinity of a solution. It shall be determined by one (1) of the procedures outlined in "Standard Methods."

~~17. *Parts Per Million.* A weight to weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.~~

18. *Private Sewer.* A sewer serving one (1) or more buildings, residences, or properties, constructed by private contract.

19. *Public Sewer.* A sewer in which all owners of abutting property have equal rights, and is controlled by public authority that serves one (1) or more persons and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds.

20. *Sanitary Sewage*. Wastes that are derived principally from dwellings, business buildings, institutions and industrial waste, exclusive of storm and surface waters.

21. *Sanitary Sewer*. A sewer that conveys sanitary sewage or industrial wastes, or a combination of the two (2), and into which storm, surface, and ground waters or unpolluted industrial wastes are not admitted.

22. *Service Charge*. The charge levied on all users of the sewage system.

23. *Service Tap*. A connection of side sewer to public sewer.

~~24. *Sewage*. *Wastewater*.~~

~~25. *Sewage Treatment Plant*. Water Reclamation and Reuse Facility ~~Wastewater treatment plant.~~~~

~~26. *Sewage*. *Wastewater*.~~

26. *Sewer*. A pipe or conduit for conveying wastewater or any other waste liquids.

27. *Sewerage System*. —The facilities for the collection, transportation, pumping, treatment and final disposition of sewage, or any and all such facilities.

28. *Side Sewer*. The extension from the building drain to the public sewer and shall mean house service line.

29. *Standard Methods*. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

30. *Standard Sewage*. Sewage and acceptable wastes that are within specifications regarding PH, BOD, dissolved oxygen, suspended solids, and grease.

31. *Storm Sewer or Storm Drain*. A pipe or conduit which carries ground water drainage, storm surface waters, and unpolluted cooling or process waters, but excludes sewage and polluted industrial wastes.

32. *Suspended Solids (SS)*. Solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

33. *Unpolluted Water*. Any water or liquid containing none of the following: Free or emulsified grease or oil; acids or alkalis, substances that may impart taste and odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall contain not more than thirty (30) mg/1 each of suspended solids or biochemical oxygen demand. Analytical determination shall be made in accordance with procedures set forth in "Standard Methods."

34. *Wastewater*. The water carried human, animal or household wastes in a public or private sewer, and may include industrial wastes.

~~35. *Wastewater Treatment Plant*. An assemblage of devices, structures, and equipment for treating domestic, commercial, and industrial waste.~~

~~36. *Wastewater Treatment System (also termed sewerage system)*. All facilities for collecting, pumping, treating and disposing of domestic, commercial, and industrial waste, and includes sewers as well as the Water Reclamation and Reuse Facility ~~wastewater treatment plant.~~~~

~~37. *Water Reclamation and Reuse Facility*. An assemblage of devices, structures, and equipment for treating domestic, commercial, and industrial waste.~~

37. *Watercourse*. A channel in which a flow of water occurs, either continuously or intermittently.

B. Any other terms used herein shall have their usual and customary meaning.

Sec. 3-3. Premises to Connect to Public Sewer; Penalty.

- A. The ~~Public Works Director~~ City Engineer is hereby empowered in all cases where there is a public sewer in any street, or easement in the City to compel every owner of land, buildings, or premises used for human occupancy, employment, recreation, or used for other purposes requiring sanitary facilities and abutting on such street, or easement or within three hundred feet (300') of the same, to construct or cause to be constructed a sufficient side sewer in the manner herein prescribed which shall connect said land, building or premises, and all water closets and pipes therein or thereon used as a receptacle or conductor of sewage with such nearest accessible public sewer within ninety (90) days after date of official notice, unless in the opinion of the ~~Public Works Director~~ City Engineer such connection is impracticable by reason of the topography of the ground.
- B. Any owner of premises who shall fail or neglect to connect said land, building or premises to such nearest accessible public sewer within ninety (90) days after date or official notice, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in this Chapter. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

...

Sec. 3-18. Notice of Inspections.

Notice in writing must be given to the City Engineer at his or her office by any person desiring to make connection with any public sewer or drain at least five (5) hours previous to the time of making such connection, stating when such work will be ready for inspection, and the City or its agent, shall inspect the same. The connection must be made in the manner prescribed in this Chapter and to the satisfaction of the City Engineer before the trench is filled. When any person desires to lay or drive any pipe in any alley or easement in which a public, private or side sewer is laid, notice shall be given to the City Engineer at least twenty-four (24) hours prior ~~to the City Engineer~~.

...

Sec. 3-23. Discharge of Certain Waters, Wastes, etc., Possessing Characteristics Likely to Cause Harm.

- A. No person shall discharge or cause to be discharged into a sewer any of the following described substances, materials, waters or wastes if it appears likely in the opinion of the ~~Public Works Director~~ Designated City Official or technical expertise at his or her disposal that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. The City Supervisor shall be responsible for choosing the Designated City Official.
- B. In forming his or her opinion as to the acceptability of these wastes the ~~Public Works Director~~ Designated City Official will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers,

nature of the sewage treatment process, capacity of the sewage treatment plant, degree to treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) sixty-five degrees Centigrade (65°C).
2. Septic tank effluent.
3. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F), zero and sixty-five degrees Centigrade (0 and 65°C).
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any ground or unground fruit peelings and cores from canneries and packing plants. Cull fruits vegetables. Fruit and vegetable pits and seeds.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the ~~Public Works Director~~ Designated City Official or expertise at his or her disposal as necessary, after treatment of the composite sewage, to meet the requirements of the ~~s~~State, ~~f~~Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such ~~half-half~~-life or concentration as may exceed limits established by the ~~Public Works Director~~ Designated City Official or expertise at his or her disposal in compliance with applicable state or federal regulations.
8. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual five (5) day BOD (biochemical oxygen demand), or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - e. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 3-24. Action Upon Discharge Having Deleterious Effect.

- A. If any waters or wastes are discharged, or are proposed to be discharged into the sewers which, in the judgment of the ~~Public Works Director~~ Designated City Official, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City shall:
 1. Reject the wastes; and/or
 2. Require pretreatment to an acceptable condition for discharge to the public sewers; and/or
 3. Require control over the quantities and rates of discharge; and/or

4. Require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions.
- B. If the ~~Public Works Director~~ Designated City Official permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Council. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

Sec. 3-25. Admission and Control of Industrial Wastes into Public Sewers.

- A. **Applicability.** This Section shall apply to industrial wastes as previously defined, and further to wastes from industries which exhibit strengths or characteristics of BOD in excess of or equal to two hundred forty (240) milligrams per liter (mg/l) or suspended solids in excess of or equal to two hundred forty (240) milligrams per liter (mg/l) based upon a composite sample of the wastes.
- B. **Review and Acceptance of Wastes.** Review and acceptance of the City shall be obtained prior to the discharge into the public sewers of any waste having a BOD greater than two hundred forty (240) milligrams per liter (mg/l) or a suspended solids content greater than two hundred forty (240) milligrams per liter (mg/l).
- C. **Preliminary Treatment or Processing Facilities Generally.** When required, in the opinion of the ~~Public Works Director~~ Designated City Official to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewage treatment works, the person shall provide at his or her expense such preliminary treatment or processing facilities as may be determined necessary to render such wastes acceptable for admission to the public sewers.
- D. **Canning, Freezing or Food Packing Operations.** Any industry discharging wastes from a canning, freezing, or food packing operation shall provide pretreatment to include but not limited to vibrating or rotary screens to remove any particle larger than twenty (20) mesh.
- E. **Volume of Flow Used for Computing Industrial Waste Charges.** The volume of flow used for computing industrial waste charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the City. If the person discharging industrial wastes into the public sewers procures any part, or all, of his or her water from sources other than the City Water Department, all or a part of which is discharged into the public sewers, the person shall install and maintain at his or her expense water meters of a type approved by the City for the purposes of determining the volume of water obtained from these other sources.
- F. **Authority of City to Request Negotiations Where Wastes Show Character or Concentration in Excess of Acceptable Limits.** If, in the opinion of the ~~Public Works Director~~ Designated City Official, tests taken of industrial wastes show the character or concentration of these wastes to be in excess of those limits established, the City shall have the authority to request negotiations with representatives of such industry concerned to arrive at any special agreement concerning pretreatment and/or payment of any surcharge or additional service charges necessary for additional City facilities.
- G. 1. **Observation Manholes Required.** When required by the City, the owner of any property serviced by side sewer carrying industrial wastes shall, after notice, install a suitable manhole in the side sewer to facilitate observation, sampling and measuring the wastes. Such manhole, when necessary, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his

or her expense and shall be maintained by the owner so as to be safe and accessible at all times.

2. In lieu of requiring the construction of an observation manhole, the City may direct that each person discharging industrial wastes into public sewer shall obtain sufficient composite samples on which to base and compute such person's industrial waste service charge.

- H. Industrial User Determination.÷ The City may determine, by at least three (3) composite waste samplings during a year, if a waste discharged to a public sewer, based on either BOD or suspended solids, exceeds two hundred forty (240) milligrams per liter (mg/l) organic load or the average flow exceeds ten percent (10%) of the sewage treatment plant's design capacity. If three (3) consecutive measurements by the City indicate that the two hundred forty (240) milligrams per liter (mg/l) organic load or the point two five (0.25) milligrams mg-per day flow rate is being exceeded, then the waste shall be classified as industrial waste. Commercial users may have the option of using the commercial or industrial rates established herein.
- I. Industrial Waste.÷ The waste samples shall be collected in tests performed by the City. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods."÷ However, the Public Works Director-City shall may approve alternate methods for certain analysis of industrial wastes if he or she the City is reasonably satisfied as to the accuracy of such alternate methods.
- J. Basis for Determining Industrial Waste Charges.÷ The total yearly treatment plant operation, maintenance, and debt service costs chargeable to each user shall be computed on the basis of the industrial waste load discharged to the wastewater treatment system. The industrial waste charge shall be computed using the metered water flow to the premises as basis for waste flow and the laboratory analysis of samples procured as directed by the City Public Works Director as a basis for computing BOD and suspended solids content of the waste. Metered water flow shall include all water delivered to or used on the premises. Water not discharged to a public sewer may be separately metered at the person's expense to allow deduction of such flow from the total water used on the premises in computing the industrial waste sewer service charge.

...

Sec. 3-28. Authority of City to Waive Certain Requirements.

The City may waive certain requirements in these rules and regulations when special conditions indicate that the purpose of these requirements and regulations can be achieved without strict adherence to all of the provisions and requirements. Variances shall be determined and approved for the specified time limits by the Public Works Director-Designated City Official with technical expertise he or she considers necessary.

...

Sec. 3-31. Interceptors.

- A. The Public Works Director-City or designee shall have the authority to require the installation of grease, oil, and/or sand interceptors for the proper handling of wastewater containing grease, oil, sand, or other substances prohibited by this Chapter. All interceptors shall be of a type and capacity approved by the City and shall be located so as to be easily accessible for maintenance, cleaning, and inspection.

- B. The ~~Public Works Director~~ City or designee shall have the authority to establish Best Management Practices (BMPs) in order to carry out any provision(s) of this Chapter, and such BMPs shall be fully enforceable under this Code.
- C. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner or occupant, at the owner's or occupant's expense, in continuously efficient operation at all times in accordance with established BMPs.
- D. Failure to maintain any interceptor in continuously efficient operation in accordance with established BMPs subjects the owner or occupant to enforcement as provided for in this Chapter.
- E. The introduction of chemical, biological, enzymatic, or any other additive into an interceptor, directly or indirectly, that may cause interference with the normal operation of the unit or causes pass-through of prohibited substances is prohibited.

...

Sec. 3-34. Rules and Regulations.

The ~~Public Works Director~~ City Supervisor or designee is hereby authorized to adopt rules and regulations to carry out and enforce the provisions of this Chapter.

...

SECTION 16: That Moscow City Code Title 5, Chapter 11 be amended as follows:

...

Sec. 11-2. Definitions.

For the purpose of this Chapter, the following terms have the following meaning:

- A. ~~Applicator. is a~~ Any person who places or causes to be placed upon the streets or alleys of the City substances for the purpose of suppressing dust.
- B. *Disposal.* Any method by which petroleum, petroleum by-products, and petroleum base products are discharged, deposited, spilled, sprayed, spread, or otherwise dispersed into the environment.
- C. *Dust Suppressants.* Substances approved by the ~~Public Works Director~~ City including, but not limited to, Magnesium Chloride and asphalt emulsions.
- D. *Petroleum Product, By-Product, Or Petroleum-Based Product.* Any of the following:
 1. any mixture of a solution of hydrocarbons and may be one (1) of a number of oils including oils which have a paraffin base or a naphthene base;
 2. any mixture of a solution of hydrocarbons that is produced as a result of refining, processing, synthesizing, or any other process dealing with petroleum;
 3. any lubricating fluid including crankcase oil, power steering fluid, automatic transmission fluid, gearbox lubricants, hydraulic oil, metal working oil, refrigeration oil, compressor oils, and other fluids such as these.

...

Sec. 11-4. Approved List.

The ~~Public Works Director of the~~ City shall provide a list of approved dust suppressants which minimize damage to the environment. ~~Three (3) copies of the~~ The list of approved dust suppressants shall be on file ~~with the Clerk and shall~~ and be available to the public.

Any person may request that the ~~Public Works Director~~ City add a dust suppressant to the approved list. Any person affected by ~~the Public Works Director's~~ City's decision to place a dust suppressant on the approved list, or deny adding a dust suppressant to the list, may appeal that decision in accordance with the provisions of Code Section 5-11-5.

**Sec. 11-5. Application Denial and
Appeal.**

- A. Upon a showing of cause to believe that grounds exist to deny the application of any person to add or remove a dust suppressant to the approved list, ~~the Public Works Director~~ the City shall notify the applicant by certified mail, or personal service, of the grounds for said denial and of the opportunity to appeal such denial to the Health and Environment Commission. Failure of a person to actually receive a notice sent or severed, shall not invalidate the denial. The applicant, after notice of the denial, may appeal said denial by making a written request for a hearing before the Health and Environment Commission within ten (10) working days of the date of the above notice.
- B. Hearing and Determination: The hearing shall be before the Health and Environment Commission. At such hearing the applicant may present evidence, call witnesses called by the City and be represented by counsel. A recorded transcript shall be made. Within twenty (20) working days after the date of the hearing the Health and Environment Commission shall either:
 1. approve the action of the ~~Public Works Director~~ City; or
 2. allow the application upon such modifications or conditions reasonably related to the use of the application.
- C. Appeal of Decision: The decision of the Health and Environment Commission shall be final and conclusive unless an appeal to the Council is made, in writing, within ten (10) days. If appeal is made to the Council, the Council shall hold a de novo hearing consistent with this section within thirty (30) days and shall render its decision within twenty (20) days. Appeal from a Council decision must be made to the District Court for Latah County in accordance with Idaho's Administrative Procedures Act.

**Sec. 11-6. Application of Dust
Suppressants.**

The use or application in the City by any person ~~of~~ any dust suppressant not approved ~~by the Public Works Director~~ is hereby prohibited and declared unlawful.

...

SECTION 17: That Moscow City Code Title 5, Chapter 12 be amended as follows:

...

Sec. 12-2. Identification of Trees.

The ~~Director~~ Manager of the Department of Parks and Recreation (~~Director~~ Parks Manager) ~~or designee~~ is hereby authorized to designate a ~~person~~ City Arborist ~~or persons~~ to identify, inspect, investigate, and declare to be nuisances trees within the City which are diseased or which contain quantities of dead material. Such inspector shall have the authority to enter on to private property to investigate possible disease, take samples or perform other necessary

requirements, obtaining a search warrant if necessary.

...

Sec. 12-4. Rules and Regulations.

The ~~Director~~ Parks Manager or his/her designee is hereby granted the authority to promulgate such reasonable rules, regulations and specifications as may be necessary or proper to protect the elm trees within the City.

Sec. 12-5. Pruning or Removal of Tree.

The owner of any tree which is declared a public nuisance as defined by this Chapter, shall promptly remove said tree, including removal or debarking of the stump, or properly prune diseased portions of the tree if such action is directed. The ~~Director~~ Parks Manager may order removal, pruning, root severing, disposal or any other accepted procedures of any such tree giving the property owner ten (10) days written notice. The ~~Director~~ Parks Manager may extend this time period where the possibility that the DED fungus will spread to other trees is minimal.

Sec. 12-6. Removal of Trees by Owner.

The property owner shall be responsible for removal, pruning, root severing, disposal or any other accepted procedures of all elm trees on private property or the right-of-way adjacent to private property infected with the disease or harboring elm bark beetle larvae. Should the property owner fail to remove or prune any tree or take appropriate action as ordered by the ~~Director~~ Parks Manager, the City may cause such action to take place with the associated property owner being billed for all such costs. Should the owner fail to pay such costs, the unpaid costs may be added to the property owner's taxes as permitted by Idaho Code. Any tree removal located in the public right-of-way must be in compliance with Chapter 8, Title 5 of this Code.

Sec. 12-7. Disposing of Wood.

All elm wood, including chips, shall be disposed of in accordance with procedures approved by the ~~Director~~ Parks Manager. The ~~Director~~ Parks Manager is authorized to burn elm wood on an as-needed basis independent of any other City established burning bans.

It shall be unlawful for anyone to import into the City, store, sell, or purchase any elm firewood that has not been totally debarked.

...

Sec. 12-10. Violations; Penalties.

Failure to remove or prune a tree or take such other appropriate action as required by this Chapter, after written notice from the ~~Director~~ Parks Manager, shall be a misdemeanor punishable pursuant to this Code and the Idaho Code.

SECTION 18: That Moscow City Code Title 5, Chapter 13 be amended as follows:

Sec. 13-1: Purpose

Sec. 13-2: Application

Sec. 13-3: Definitions

- Sec. 13-4: Prohibited Activities
- Sec. 13-5: Agent to be Personally Liable for Noise Ordinance Violations
- Sec. 13-6: ~~Director~~ Parks Manager Authorized to Promulgate Regulations
- Sec. 13-7: Violations; Penalties

Sec. 13-1. Purpose.

The stated purpose of this ordinance is to provide rules and regulations for the use of and conduct in the parks of the City.

Sec. 13-2. Application.

This ordinance shall apply to all parks, as herein defined, of the City unless expressly exempted herein. This ordinance is not intended to replace or supersede any Federal Law or any other law or penalty set forth in this Code or in the Idaho Code.

Sec. 13-3. Definitions.

For the purposes of this ordinance and any regulations promulgated hereunder, the following terms, phrases, words and their derivatives shall have the meanings given in this section. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" and "will" are mandatory, and "may" is permissive. Words not defined in this Section shall have their common and ordinary meaning.

A. *Agent* shall mean a person authorized by an entity to act for or in the place of the entity, which shall be the principal.

~~B. *Director* shall mean the Director of Parks and Recreation of the City or his or her duly appointed designee~~

~~C.B. *Entity* shall mean any form of partnership, firm, business association, corporation, company or organization of any kind. - An entity shall have an authorized agent.~~

~~D.C. *Park* shall mean a park, playground, or any other area of the City owned or used by the City and devoted to active or passive recreation.~~

~~D. Parks Manager shall mean the Manager of Parks and Recreation of the City or his or her duly appointed designee.~~

E. *Principal* shall mean the entity which has directed the agent to act for the entity's benefit and subject to such entity's direction and control.

Sec. 13-4. Prohibited Activities.

The following acts are prohibited in a park:

- A. To engage in threatening or abusive language or to engage in any disorderly conduct or behavior that would breach the public peace, or that would interfere unreasonably with any person lawfully using the park.
- B. To possess alcoholic beverages or to be under the influence of any alcoholic beverage while present in a park except in accordance with specific regulations adopted by the Council by resolution or pursuant to a sidewalk café license or as otherwise authorized or permitted by City.
- C. To discharge any illegal fireworks.
- D. To throw, discharge or otherwise place or cause to be placed in the waters of any fountains, stream or other body of water, in or adjacent to any park or any tributary stream, storm

sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

- E. To dispose of garbage, rubbish or refuse in a park other than garbage, rubbish or refuse generated within such park. Garbage, rubbish or refuse generated within such park shall be deposited in the receptacles so provided. Where receptacles are not provided, all such garbage, rubbish or refuse shall be carried away from the park by any person or entity responsible for its presence and properly disposed of elsewhere.
- F. To attach or implant stakes, posts, rope, cable or other contrivance to any tree, fence, railing, bench or other structure without prior approval.
- G. To dig or remove, without authorization of the ~~Director~~Parks Manager, any soil, rocks, sand, stones, trees, shrubs, plants or other wood or materials or make any excavation whatsoever.
- H. To use a restroom in an unsanitary manner.
- I. To drive any motor vehicle on any area except the paved park roads or parking areas or such areas as may be specifically designated as temporary areas, unless authorized by the ~~Director~~Parks Manager.
- J. To kindle, build, maintain or use a fire except in places provided for such purposes. Any fire allowed herein shall be continuously under the care and direction of a competent adult from the time it is kindled until the time it is extinguished.
- K. To camp or stay overnight anywhere except in designated areas with prior approval of the ~~Director~~Parks Manager.
- L. To set up temporary shelter for any use except pursuant to a valid permit.
- M. To paste, glue, tack or otherwise post any signs, advertisements or inscriptions whatever, except as may be authorized by the ~~Director~~Parks Manager.
- N. To engage in what has been defined as a "Special Use" by regulation, without a permit or fail to pay fees and deposits if required by the ~~Director~~Parks Manager.
- O. To fail to produce and exhibit any permit upon request of any authorized person who shall desire to inspect the same for any lawful purpose.
- P. To fail to abide by any such other regulations and requirements promulgated by the ~~Director~~Parks Manager as authorized by this ordinance.

(Ord. 2010-11, 06/07/2010)

Sec. 13-5. Agent to be Personally Liable for Noise Ordinance Violations.

Any agent of a person or of an entity using parks pursuant to this Ordinance shall be personally liable for any violation of the Moscow City Noise Ordinance (Code Title 10, Chapter 11) resulting from such use.

Sec. 13-6. ~~Director~~Parks Manager Authorized to Promulgate Regulations.

The ~~Director~~Parks Manager may, from time to time, promulgate regulations regarding park use not inconsistent with this ordinance.

Sec. 13-7. Violations; Penalties.

Any person or entity violating the provisions of this Chapter shall, unless otherwise provided by law, be guilty of a misdemeanor and shall be fined pursuant to this Code and the Idaho Code.

SECTION 19: That Moscow City Code Title 5, Chapter 15 be amended as follows:

...

Sec. 15-8. Public Nuisance.

Any person who knowingly causes, creates or allows a condition which is not in compliance with this Ordinance shall be considered to have created a public nuisance. In the event such nuisance is not abated, the person notified of such nuisance does not immediately abate such nuisance, and the ~~Public Works Director~~City Engineer has determined it to be an immediate threat to any person or any property, the City is hereby empowered to abate such nuisance. The reasonable cost of such abatement shall be filed as a lien against the property upon which the nuisance was located.

...

SECTION 20: That Moscow City Code Title 5, Chapter 16 be amended as follows:

...

Sec. 16.2. Definitions.

For purposes of this Chapter, the following terms have the following meaning:

- A. *City Sanitary Collection System:* Municipal network used to convey wastewater from its source to the City's Water Reclamation and Reuse Facility~~Wastewater Treatment Plant~~.
- ~~B. *City Wastewater Treatment Plant*~~Water Reclamation and Reuse Facility: The City facility located at 2221 West Pullman Road, Moscow, Idaho, where chemical, biological and mechanical processes are applied to contaminated water to remove, reduce or neutralize contaminants prior to release to a receiving water.
- ~~B.C.~~ *Discharge:* An addition to City Wastewater Treatment System of portable toilet waste from any discernable, confined, discrete conveyance.
- ~~C.D.~~ *Portable Toilet Waste:* Typical domestic waste from portable toilets such as human feces, paper products, and preservation chemicals and perfumes. Portable toilet waste shall not include sanitary waste from a commercial or industrial facility or waste from other sources such as oil/water separators, grease traps or grease interceptors.
- ~~D.E.~~ *Portable Toilet Waste Hauler:* Any person engaged in transporting or discharging portable toilet waste.
- ~~E.F.~~ *Wastewater Treatment System:* City Sanitary Collection System and Water Reclamation and Reuse Facility~~City Wastewater Treatment Plant~~, which is designed to be used to dispose of wastewater.
- F. Water Reclamation and Reuse Facility: The City facility located at 2221 West Pullman Road, Moscow, Idaho, where chemical, biological and mechanical processes are applied to contaminated water to remove, reduce or neutralize contaminants prior to release to a receiving water.

Sec. 16-3. Discharge from portable toilet waste haulers.

- A. *Permitted Discharge.* A portable toilet waste hauler shall be permitted to discharge portable toilet waste at the Water Reclamation and Reuse Facility~~City Wastewater Treatment Plant~~ only with a valid permit authorized by this Chapter.
- B. *Prohibited Discharge.* Every portable toilet waste hauler is prohibited from discharging the following within City limits:

1. Portable toilet waste(s) at any location in the City's sanitary collection system; and
2. Domestic waste (waste from household sources) from a source other than a portable toilet holding tank, marine holding tank, or other such tank or container; and
3. Non-domestic waste including; waste from an industrial or commercial facility, oil/water separator, or a grease trap.

Sec. 16-4. Portable toilet waste hauling permit required; application.

There is hereby required a permit for every person who intends to discharge portable toilet waste at the City's Water Reclamation and Reuse Facility ~~Wastewater Treatment Plant~~. Every portable toilet waste hauler shall complete a portable toilet waste hauler permit application on a form provided by City. The permit shall be issued by City's Water Reclamation and Reuse Facility ~~Wastewater Treatment Plant~~ Supervisor.

Sec. 16-5. Conditions of permit.

Every portable toilet waste hauler shall provide documentation concerning the type and origin of the waste being discharged. The portable toilet waste hauler shall provide the name and address of the customer, the volume of waste to be discharged into City's Water Reclamation and Reuse Facility ~~Wastewater Treatment Plant~~ and any other information required by the portable toilet waste hauler permit.

Sec. 16-6. Manifest required.

- A. Every portable toilet waste hauler shall complete a manifest in a form supplied by City, prior to discharge at City's Water Reclamation and Reuse Facility ~~Wastewater Treatment Plant~~. Such manifest shall require documentation of the final destination or disposal site of any included waste which are rejected for disposal at City's Water Reclamation and Reuse Facility ~~Wastewater Treatment Plant~~. Waste may be rejected for failure to meet established sampling or discharge requirements, limitations or other conditions established by the City.
- B. The City may perform random sampling, without prior notice to a portable toilet waste hauler, to determine the contents of the portable toilet waste discharge. The City may also develop and implement sampling criteria and procedures as necessary to meet trucked or hauled waste monitoring requirements.

Sec. 16-7. Times and location of discharge.

Every permitted portable toilet waste hauler shall discharge waste only at the portable toilet waste hauler receiving facility located at City's Water Reclamation and Reuse Facility ~~Wastewater Treatment Plant~~. Portable toilet waste shall not be discharged to City's Wastewater Treatment System or City Collection System at any other location. Regular hours for receiving portable toilet waste shall be established by City and conspicuously posted at the Water Reclamation and Reuse Facility ~~City Wastewater Treatment Plant~~.

Sec. 16-8. Fees.

Fees for the discharge of portable toilet waste(s) at City's Water Reclamation and Reuse Facility ~~Wastewater Treatment Plant~~ shall be established by Resolution of the Council from time to time.

Sec. 16-9. Penalties.

- A. Any person who violates any provision of this Section is guilty of a misdemeanor.
- B. Failure to comply with every portable toilet waste hauler permit condition shall result in the immediate suspension of the portable toilet waste hauler permit.
- C. A portable toilet waste hauler whose permit is suspended shall not have the permit reinstated until City is satisfied that the portable toilet waste hauler shall comply with the provisions of this Chapter. A decision of City's Water Reclamation and Reuse Facility Wastewater Treatment Plant's Supervisor to deny, to suspend or to revoke a permit may be appealed to the Council.

Sec. 16-10. Appeals.

- A. Appeal from a decision of City's Water Reclamation and Reuse Facility Wastewater Treatment Plant Supervisor shall be taken by filing with the Clerk written notice thereof within five (5) days following the denial or entry of the order of suspension or revocation of the permit. The notice of appeal shall specify an address at which the person appealing may be given notice of hearing on the appeal.
- B. At the appeal hearing before the Council, the applicant or person appealing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation or may appear through legal counsel. The Clerk, Public Works Director ~~a Designated City Official or designee~~, and/or legal counsel for the City shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order of suspension or revocation. The City Supervisor shall be responsible for choosing the Designated City Official.
- C. The Council shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

SECTION 21: That Moscow City Code Title 5, Chapter 17 be amended as follows:

...

Sec. 17-3. Definitions.

For purposes of this Chapter, the following term(s) shall have the meaning given herein:

- A. *Automatic shut-off mechanism.* A device or attachment which immediately and automatically shuts off the flow of water from a hose when the hose is not being physically held or operated by a person, such as a pistol or trigger spray hose nozzle or other automatic positive shut-off nozzle. A device or attachment which shuts off water flow by measuring or metering water (such as a mechanized water timer) or a device or attachment which shuts off water flow after a certain measurement of time (such as an electronic water timer), is not an automatic shut-off mechanism for purposes of this Chapter.
- B. *Impervious Surface.* A durable surface made of or similar to gravel, asphalt, concrete, cement, brick, or combination thereof, which is laid down on or applied to an area including, but not limited to, a sidewalk, parking lot, etc., for the purpose of creating a permanent or semi-permanent surface which could sustain vehicular, foot, or bicycle traffic or other means of transportation, and where vegetation is unlikely to grow.
- C. *Irrigation System.* Any device(s) or system(s) utilizing a hose, pipe, and/or other conduit which connects to any source of ground and/or surface water and through which water is conveyed and/or drawn in order to apply such water to land, crops, plants, and/or other vegetation including, but not limited to, sprinklers, in-ground irrigation, or a similar system.

“Irrigation system” shall not include an automatic shut-off mechanism, as defined in this Chapter.

- D. *Outdoor Irrigation.* The act or process of watering or wetting landscaping, grass, trees, plants, and/or other vegetation by causing water from the City’s water supply to flow upon, over, through or into property with sprinklers, sprinkler hoses, soaker hose(s) (water weeping types), drip irrigation systems, in-ground irrigation systems, or by other similar means. Irrigation with hand-held hose(s) of one inch (1”) or less inside diameter equipped with an automatic shut-off mechanism, or irrigation using a container of five (5) gallons or less shall not be considered outdoor irrigation for purposes of this Chapter.
- E. *Outdoor Irrigation Season.* The period within each calendar year declared by the ~~Public Works Director~~ City during which Outdoor Irrigation is allowed within City limits. As weather conditions permit, the Outdoor Irrigation Season shall begin seventy-two (72) hours after the ~~Public Works Director~~ City declares the start of such Outdoor Irrigation Season. The ~~Public Works Director~~ City shall declare and advertise the ending date of the Outdoor Irrigation Season at least two (2) weeks prior to such ending date.

Sec. 17-4. ~~—~~Outdoor Irrigation of Impervious Surfaces Prohibited.

No person shall cause or permit an irrigation system under the ownership, supervision, and/or control of such person to apply water directly or indirectly to an impervious surface, unless otherwise allowed by this Chapter.

Sec. 17-5: ~~—~~Outdoor Irrigation Season and Hours.

Outdoor Irrigation shall be allowed only between the hours of 6:00 p.m. and 10:00 a.m. local time, during the Outdoor Irrigation Season unless modified by variance pursuant to this Chapter. Outdoor Irrigation shall be prohibited at all times not within the declared Outdoor Irrigation Season, unless permitted by Variance issued by the ~~Public Works Director~~ City in cases of newly established lawns or landscaping. Outdoor Irrigation by means of soaker hose(s), (water weeping types) or drip-irrigation systems may occur at any time during the Outdoor Irrigation Season specified herein.

...

Sec. 17-7. ~~—~~Variance from Water Conservation Regulations.

The ~~Public Works Director~~ City or designee may grant permission to an applicant for variance from the provisions of this Chapter where it is established that there is a hardship or special circumstance which requires such a variance (e.g., establishment of newly seeded or sodded turf grass and/or landscaping; application of chemicals which requires immediate irrigation to preserve lawn or landscaping; physical necessity; etc.). When granting a variance, the ~~Public Works Director~~ City or designee shall establish such conditions and limitations as are necessary to further the purposes of this Chapter.

Sec. 17-8. Penalties

- A. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code.

- B. The imposition of a penalty for any violation of this Chapter shall not excuse the violation or permit it to continue.
- C. Each day or part thereof in which an activity occurs which is prohibited by this Chapter, shall constitute a separate offense.
- D. For purposes of this Chapter, no violation shall be prosecuted unless the ~~City Public Works Director or designee or the City Police Department~~ has made at least one (1) attempt to contact and to request relief from the person responsible for the violation.

SECTION 22: That Moscow City Code Title 5, Chapter 18 be amended as follows:

...

Sec. 18-4. Administrative Responsibilities.

- A. The City designates its Arts ~~Director~~ Manager or designee, in cooperation with the Moscow Arts Commission, to be responsible for the location and selection of all public art in the City. The Arts ~~Director~~ Manager shall make recommendations for and shall advise other City departments regarding the maintenance, repair, or other conservation of public art.
- B. Public art selected shall be consistent with the City's Comprehensive Plan, zoning and subdivision ordinances, and land uses contemplated therein.
- C. The Moscow Arts Commission shall make reports regarding the public art selected for the Capital Improvement Project from time to time as requested by the Mayor and/or the Council.

...

SECTION 23: That Moscow City Code Title 6, Chapter 1 be amended as follows:

...

Sec. 1-4. Application for Permit.

Any person desiring to live in a trailer within the City shall make application to the ~~Community Development Director or designee~~ Zoning Administrator for a permit ~~sto dto sdo~~, setting forth in said application the name of the applicant, the names of all persons who shall reside in such trailer, a general description of the trailer sufficient to permit identification of the same, the applicant's automobile license number, the location where the applicant proposes to live in said trailer, the name of the person owning, leasing or managing such ground who gave permission to applicant to park his trailer upon the proposed location, a description of the toilet and sanitary facilities which will be available to applicant, and such information as the ~~Community Development Director or designee~~ Zoning Administrator may require. There shall be no fee for such permit.

Sec. 1-5. ~~Community Development Director~~ Zoning Administrator to Issue Permit; Time Limit.

Upon such application, the ~~Community Development Director or designee~~ Zoning Administrator or designee may, in the ~~Director's Administrator's~~ discretion, issue a permit allowing such applicant and the persons named in the application to reside in the trailer described in said application, for a period ~~of~~ not to exceed sixty (60) days. Such permit shall be nontransferable.

...

Sec. 1-10. Application for Revocation of Permits.

Any person may file application in duplicate with the ~~Community Development Director~~Zoning Administrator or designee asking for revocation of any trailer license.

...

SECTION 24: That Moscow City Code Title 6, Chapter 2 be amended as follows:

...

Sec. 2-3. Definitions.

As used in this Chapter, unless the context otherwise indicates:

- A. *Accessory Parking Area.* A common enclosed area set aside for the parking and storage of vehicles and mobile units accessory to everyday life. Such units may include, but are not limited to, motor homes, travel trailers, pickup campers, boats, motorcycles and other similar items.
- B. *Accessory Structure.* A structure intended for other than dwelling purposes that is within a mobile home park. Such a structure would include, but not be limited to, storage areas, laundry facilities, recreation halls, maintenance shops, etc.
- C. *Application, Mobile Home Park.* Required form provided by the City to be completed and submitted to the City along with accompanying maps and other information.
- ~~D.H. Buffer Zone.~~ The area immediately within the external property lines of any mobile home park which is intended as an open transitional area between the mobile home development and adjacent land uses.
- ~~E.D. Building.~~ Any structure having a roof building for the complete enclosure of persons or property of any kind upon real property, but excluding all forms of vehicles even though immobilized.
- ~~F.F. Building Code for Mobile Homes.~~ Provides for the standards for construction of mobile homes as adopted in the Idaho Advisory Building Code as adopted by the State of Idaho.
- ~~G.F. Building Codes.~~ The latest edition of any building code as currently adopted by the Council.
- ~~H.G. Building Permits.~~ A written form of permission to develop or alter structures placed on real property or its appurtenances constructed to the standards provided for in the Code.
- ~~H. Buffer Zone.~~ The area immediately within the external property lines of any mobile home park which is intended as an open transitional area between the mobile home development and adjacent land uses.
- I. *Construction Permit.* An official certificate issued by the City granting permission, after all final plans are approved, to start construction (roads, utilities, site preparation, etc.) on the development of a mobile home park.
- J. *Mobile Home (Relocatable Housing).* A detached single family dwelling unit or a dwelling unit for use as a component in a two family or multi family structure with all of the following characteristics:
 - 1. Designed for long term occupancy, containing complete sleeping accommodations, toilet facilities, bath facilities, kitchen facilities, with plumbing and electrical connections provided for connection to an outside system.

2. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
 3. Built to arrive at the site where it is to be occupied as a dwelling unit complete, including major appliances, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports or integration into a prepared structure.
 4. Meets the requirements set forth in Idaho Code Title 39, Chapter 41, as amended from time to time by the State Legislature.
- K. *Mobile Home, Double Wide or Triple Wide.* A mobile home consisting respectively of two (2) or three (3) sections combined horizontally or stacking vertically at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- L. *Mobile Home Park.* A tract of land under single ownership developed for the purpose of providing rental space for parking mobile homes on individual lots and for accessory structures to serve the residents within its confines.
- M. *Mobile Home, Single Wide.* A transportable structure which is at least ten ~~feet~~ (10') ~~feet~~ in width and over thirty-two ~~feet~~ (32') ~~feet~~ in length, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- N. *Mobile Home Stand.* That part of an individual lot in a mobile home park which has been reserved for the placement of a mobile home. Stand shall be constructed of concrete as required by the administrative authority.
- O. *Park Operator's Permit.* A written form of permission by the ~~Director of Community Development Zoning Administrator~~ upon approval of satisfactory completion of development and after final inspection is made and approved before occupancy is allowed on any completed phase of development.
- P. *Recreation Area.* Space within a mobile home park having open area and/or recreational equipment to be used for the leisure activities of residents of the development.
- Q. *Setback.* The area between the property or lot line and the line beyond which buildings may legally be located.
- R. *Setback Front.* The distance from the property or lot line on a private or public right-of-way to the building line. When the lot does not adjoin a private or public right-of-way, any side of the lot may be designated as the "front."
- S. *Setback Rear.* The setback from the property or lot line on the opposite side of the lot from the front setback. For a triangular shaped lot, the setback shall be measured from a line ten ~~feet~~ (10') ~~feet~~ in length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line.
- T. *Setback Side.* The setbacks from the property line or lot lines remaining after the front and rear setbacks have been determined.
- U. *Space Occupancy Permit.* A written form of permission issued by the ~~Director of Community Development Zoning Administrator~~ to the mobile home park owner or operator to permit a mobile home to be placed on a mobile home stand in a mobile home park. Space occupancy permit gives approval that the mobile home can be occupied at that particular site.
- V. *Structure.* That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- W. *Utilities.* Basic public service facilities such as water lines, sewer lines, natural gas lines, electric power lines, telephone wires and community television antenna lines.
- X. *Yard.* Open, unoccupied space in front, rear or side on the same lot with a building.

Sec. 2-4. Application Procedure for Mobile Home Development.

The following is the application procedure for the development of mobile home parks in the City. A person wishing to make application for a mobile home park should contact the Zoning Administrator ~~City Director of Community Development~~ or ~~his or her~~ designee to determine the regulations and requirements for such a development. A conference between the applicant and appropriate City staff will be scheduled.

- A. To provide clarification of the entire mobile home park development process;
- B. To allow the City staff to express their professional views about the proposed site;
- C. To review adequacy of utilities for the development; and
- D. To clarify public utility and other development policies of the City.

Sec. 2-5. Application and Preliminary Plans.

The applicant shall submit an application on the form prescribed by the City and at least five (5) complete sets of preliminary plans to the Zoning Administrator ~~City Director of Community Development~~ for consideration by the Planning and Zoning Commission at least twenty (20) days prior to the meeting at which such plans will be considered. The application and preliminary plans shall include at least the following:

- A. Application:
 - 1. Name, address of developer and names of principal professional personnel involved in plan preparation~~;~~
 - 2. Legal description of development site~~;~~
 - 3. Area of proposed development measured in acres and square feet~~;~~
 - 4. Percentage of total area to be set aside for use in common or recreation~~;~~
 - 5. Number of spaces or lots intended for development~~;~~ and
 - 6. Any intentions for phasing the project.
- B. Preliminary Plans:
 - 1. A drawing to scale of not less than one inch (1") inch to fifty feet (50') ~~feet~~, showing all land uses in the periphery of the development and all public and private roads within three hundred feet (300') ~~feet~~ of the development. Development area to be distinctly shown on the above-mentioned drawings~~;~~
 - 2. A topographical map showing existing and final contours and drainage systems through the development, with maximum contour intervals of five feet (5') ~~feet~~, extending not less than one hundred fifty feet (150') ~~feet~~ beyond the boundaries of the development area~~;~~
 - 3. Tentative patterns of streets, bikeways and walkways, showing width and separation of same, and their relationship to similar facilities outside the boundaries of the proposed development, including sizing. Proposed street names shall be shown~~;~~
 - 4. Location and specific nature of open area and playground equipment, if any~~;~~
 - 5. Location of all existing and proposed structures within the development~~;~~
 - 6. Location and precise nature of buffer area and its contents~~;~~
 - 7. A conceptual plan of landscaping indicating type (trees, shrubs, ground cover) and general extent of plantings and a statement regarding the proposed maintenance program~~;~~
 - 8. Tentative location of lots or spaces and location of major areas intended for use in common~~;~~ and
 - 9. Any other details specifically requested to be shown at the preliminary conference.
- C. The preliminary plans will be submitted to the City to be examined for conformance to this Chapter ~~by the Director of Community Development~~ before being scheduled on the agenda

of the Planning and Zoning Commission. The ~~Director of Community Development will submit the~~ preliminary plans will be submitted for comment to the City Engineer, the Fire Chief, and the City building official at least fifteen (15) days prior to the scheduled meeting before the Planning and Zoning Commission. City staff comments will be provided within ten (10) days from the date they are provided copies of the development plans. If the plans are in conformance with this Chapter, they will be submitted to the Planning and Zoning Commission along with comments from City staff. The Planning and Zoning Commission will review the plans and will approve or disapprove the plans, approve the plans conditionally or request modification of the plans within sixty (60) days after the first meeting at which they are considered. Plans recommended for approval will be forwarded to the Council for their review.

Sec. 2-6. Final Plans.

- A. The final plans will include detailed drawings on all physical developments of the park development and any other requirements determined during the approval process of the preliminary plans. Within a year after the Planning and Zoning Commission approval of the preliminary plans, the applicant shall submit five (5) copies of the final plans to the Zoning Administrator ~~Director of Community Development~~ twenty (20) days before the scheduled meeting of the Planning and Zoning Commission. The Zoning Administrator ~~Director of Community Development~~ shall submit copies of the final plans to the City Engineer, the Fire Chief and the building officials fifteen (15) days prior to consideration before the Planning and Zoning Commission, allowing ten (10) days for staff review. Final plans will be checked for conformance with the concepts presented and approved in the preliminary plans, the requirements of this Chapter and City standards before submitting the final plans to the Planning and Zoning Commission for its approval. If the Planning and Zoning Commission finds the final plans to be in conformance with the approved preliminary plans, the plans will be approved and forwarded to the Council. The final plan shall include:
1. A survey by a licensed surveyor indicating exterior boundary, public rights-of-way, lot sizes, easements, recreation area and any other information required by the City Engineer;
 2. Construction plans prepared by a licensed engineer indicating alignment and grade for water, sanitary sewer, storm sewer and streets;
 3. Parking location and layout;
 4. Street lighting layout;
 5. Space numbering;
 6. Fire protection plan; content determined by the Zoning Administrator ~~Director of Community Development~~; and
 7. Landscaping plan (including species and placement of planted materials):
 - a. At least one (1) tree per every mobile home unit; ~~;~~
 - b. Trees and other plantings shall conform to size standards established in the "American Standards for Nursery Stock"; and
 - c. All common areas and lots not utilized for structures, parking or other landscaping shall be covered by turf or other vegetative ground cover.
- B. Before occupancy permits are issued, record built drawings of all construction prepared by a licensed engineer will be submitted to the City Engineer.

Sec. 2-7. Permits.

The following permits shall be required for mobile home parks:

- A. Construction Permit. Issued by the ~~Director of Community Development~~City upon approval of all final plans by the Council or authorized by the ~~Director of Community Development~~City to start construction on a mobile home park.
- B. Park Operator's Permit. To be issued by the ~~Director of Community Development~~City upon approval of satisfactory completion of development and after final inspection is made and approved before occupancy is allowed on any completed phase of development.
- C. Space Occupancy Permit. Issued to park owner before the siting or re-siting of mobile home on specific lot and mobile home stand in mobile home park.- Used to determine that mobile home locating on a given site meets all required codes; approved site and mobile home will be issued a certificate of occupancy.
- D. Plumbing Permit. Issued to owner of mobile home to cover connection of unit into park water and sewer system.
- E. Electrical Permit. Issued to owner of mobile home to cover connection of unit to park electrical system.
- F. Gas Permit. Issued to owner of mobile home to cover connection of gas to mobile home unit.
- G. Building Permit. Issued to cover construction of any structure within the park and is issued to the owner of the structure.

...

Sec. 2-20. Space Numbering.

Each lot in a mobile home development shall be conspicuously marked with the proper lot number that will provide identification of that site. Such numbering shall be subject to approval of the ~~Director of Community Development~~City.

...

Sec. 2-22. Responsibilities of Park Management.

- A. The operator of a mobile home park shall operate the park in compliance with this Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter and regulations issued hereunder.
- C. The park management shall be responsible for obtaining all necessary permits required by this Chapter for placement and replacement of each mobile home on its stand and the installation of all utility connections. An occupancy certificate for the mobile home will not be issued until proper inspections have been made by the ~~Director of Community Development~~City. A mobile home shall not be occupied for dwelling purposes until an occupancy certificate has been issued by the ~~Director of Community Development~~City. An occupancy certificate will not be issued for a mobile home not meeting the standards adopted by the State Code.
- D. An office shall be maintained on all mobile home park premises which allows residents to contact the management at least on a forty (40) hour per week basis.

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Sec. 2-24. Violation of Provisions; Operations Suspension.

- A. Whenever, upon inspection of any mobile home park, the ~~Director of Community Development~~City finds that conditions or practices exist which are in violation of any provision of this Chapter, or the park operator's permit for the development or any other regulation adopted pursuant thereto, the ~~Director of Community Development~~City shall give notice which shall:
1. Be in writing;
 2. Include a statement of the reason for its issuance;
 3. Allow a reasonable time for the performance of any act it requires;
 4. Be served upon the owner or owner's agent when a copy thereof has been sent by certified or regular mail to the owner or owner's agent's last known address, or when the owner or owner's agent has been served with such notice by any other method authorized or required by the laws of this state; and
 5. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Chapter and with regulations adopted pursuant thereto.
- B. At the end of the specified time period, the ~~Director of Community Development~~City shall reinspect such mobile home park and, if such conditions or practices have not been corrected, the ~~Director of Community Development~~City shall take legal action to have the mobile home park operator's permit revoked and have the mobile home park cease operation, or have the City hire or contract for remedial action to correct the problem and bill the park operator for these costs or put a lien on ~~the~~his property.
- C. Any person whose mobile home park has received notice their mobile home park operator's permit will be revoked unless certain conditions or practices at the mobile home park are corrected, may request a hearing on the matter before the Council. The mobile home park owner/operator has thirty (30) days to appeal the ruling of the ~~Director of Community Development~~City and to file an appeal with the Council.
- D. The filing of the request for a hearing shall operate as a stay of notice of suspension. Under receipt of such petition, the Council shall set the time and place for such a hearing and shall give the petitioner notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than thirty (30) days after the day on which the petition was filed; provided, upon application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such thirty (30) day period when it is felt that the petitioner has submitted good and sufficient reasons for postponement.
- E. After such hearing, the Council shall make findings as to compliance with the provisions of this Chapter and regulations issued thereunder and shall issue orders in writing sustaining, modifying or withdrawing the notice which shall be served in a manner prescribed in this Code. Upon a failure to comply with the order sustaining or modifying a notice, the operation of the mobile home park affected by the order shall be stopped or corrective action taken by the City and charged to the park operator. The proceedings at such a hearing, including the findings and decisions of the Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record of the Council, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by laws of this sState.
- F. When the ~~Director of Community Development~~City finds an emergency exists which requires immediate action to protect the public health, he or she may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken

as he or she may deem necessary to meet the emergency, including the suspension of operation and the revoking of the park operator's permit. Notwithstanding any other provisions of this Chapter, such order as directed shall comply therewith immediately, but upon petition to the Council, shall be afforded a hearing as soon as possible.

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SECTION 25: That Moscow City Code Title 7, Chapter 9 be amended as follows:

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Sec. 9-3. Cross-Connections.

- A. The City shall have the authority to establish requirements more stringent than the Idaho Department of Environmental Quality (IDEQ) Rules, Idaho Administrative Procedure Act (IDAPA) Section 58.01.08, "Idaho Rules for Public Drinking Water Systems", if it is deemed that conditions so mandate. The control or elimination of cross-connections shall be in accordance with this Chapter together with the latest editions of the Pacific Northwest Section of the American Water Works Association "Cross Connection Control Manual Accepted Procedure and Practice" and the Foundation for Cross-Connection Control and Hydraulic Research "Manual of Cross-Connection Control." The ~~Public Works Director~~ City Supervisor or designee shall adopt rules and regulations as necessary to carry out the provisions of this Chapter.
- B. No water service connection to any premises shall be installed or continued in use unless the water supply is protected by a backflow prevention assembly or a backflow prevention device as may be required by this Chapter. The installation or maintenance of a cross-connection which may endanger the water quality of the potable water supply of the City shall be unlawful and is prohibited. Any cross-connection now existing or hereafter installed which endangers such water quality is hereby declared to be a public nuisance and the same shall be abated.

Sec. 9-4. Use of a Backflow Prevention Assembly.

- A. A backflow prevention assembly shall be installed on any premises where, in the judgment of the ~~Public Works Director or designee~~ City, the nature and extent of the activities undertaken, or the materials stored on the premises, would present an immediate and dangerous hazard to health and/or be deleterious to the quality of the water should a cross-connection occur. The installation of the backflow prevention assembly shall occur even though a cross-connection may not exist at the time the backflow prevention assembly is installed. The ~~Public Works Director or designee~~ City shall determine the need for a backflow prevention assembly after considering conditions that include, but are not limited to, the following:
 - 1. Premises having an auxiliary water supply.
 - 2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.
 - 3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.
 - 4. Premises having a repeated history of cross-connections being established or re-established.

5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 6. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result.
 7. The following types of facilities will fall into one (1) of the above categories where a backflow prevention assembly is required to protect the public water supply. A backflow prevention assembly shall be installed at such facilities unless the ~~City Public Works Director or designee~~ determines that no hazard exists:
 - a. Hospitals, mortuaries, clinics, dental clinics, veterinarian clinics, and the like.
 - b. Laboratories.
 - c. Metal plating industries.
 - d. Piers and docks.
 - e. Sewage treatment plants.
 - f. Food or beverage processing plants.
 - g. Restaurants.
 - h. Chemical or other industrial plants.
 - i. Petroleum processing or storage plants.
 - j. Radioactive material processing plants or nuclear reactors.
 - k. Where a single water service is used to supply three (3) or more businesses.
 - l. Where the meter serving the property is one and one-half inches (1 1/2") or larger.
 - m. Any building on a hill or any building having any plumbing fixture that is thirty feet (30') or higher above the water meter face.
 - n. Agricultural chemical storage, formulation and distribution facilities.
 - o. Tank truck fill stations.
 - p. Car washes.
 - q. Fire sprinkler systems.
 - r. Underground irrigation systems.
 - s. Any other agricultural, commercial, and industrial facility that has the potential to introduce contaminants into the public water system.
 8. Other premises, as specified by the ~~Public Works Director or designee~~City, where backflow prevention assemblies are required to protect the public water supply.
- B. The type of protective assembly required shall depend on the degree of hazard which exists:
1. An Air-Gap separation or a Reduced Pressure Backflow Assembly shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.
 2. In the case of a substance which may be objectionable but not hazardous to health, a Double Check Valve Assembly, Pressure Vacuum Breaker Air-Gap separation, or a Reduced Pressure Backflow Assembly shall be installed.
 3. All fire sprinkler systems shall have as a minimum level of protection, an approved Double Check Valve Assembly. If it is determined that a potential health hazard exists, an approved Reduced Pressure Backflow Assembly shall be required by the City.
 4. All premises with an auxiliary water supply shall have, as a minimum level of protection, an approved Reduced Pressure Backflow Assembly.
- C. A backflow prevention assembly required by this Chapter shall be installed at the meter, at the property line of the premises when meters are not used, or at a location designated by the

- ~~Public Works Director or designee~~City. The assembly shall be located so as to be readily accessible for maintenance and testing.
- D. A backflow prevention assembly required by this Chapter shall be installed under the supervision of, and with the approval of, the ~~Public Works Director or designee~~Designated City Official.
 - E. Any protective assembly required by this Chapter shall be a model approved by the ~~Public Works Director Designated City Official or designee~~City. A Double Check Valve Assembly, Pressure Vacuum Breaker, or a Reduced Pressure Backflow Assembly will be approved if it has successfully passed performance tests of the University of Southern California Engineering Center or other testing laboratories satisfactory to the ~~Public Works Director~~City or designee. Every assembly required in this Chapter shall be furnished and installed by, and at the expense of, the customer.
 - F. A backflow prevention assembly required by this Chapter shall pass an initial test performed by a licensed BAT at the expense of the customer, and shall have a tag attached to the assembly by the BAT who performed said test and shall indicate the date of said test, prior to inspection and delivery of water service.
 - G. A backflow prevention assembly installed pursuant to this Chapter, shall be inspected, tested, and tagged annually, or more often if necessary. Inspections, tests and maintenance shall be at the customer's expense. Inspections, tests, repairs and records thereof shall be accomplished under the ~~Public Works Director's Designated City Official's or designee's~~ supervision by a licensed BAT.
 - H. All installed assemblies protecting underground irrigation systems shall be tested within ten (10) business days of annual recharge (start-up), and no later than the 30th day of June, each year.
 - I. All other installed assemblies shall be tested no later than the 30th day of September, each year.
 - J. The ~~Public Works Director or designee~~City shall have the authority to set and modify due dates by which backflow assembly test(s) required by this Chapter must be completed.
 - K. Whenever an assembly fails testing, it shall be repaired, replaced, or isolated at the customer's expense in accordance with IDAPA Section 58.01.08.
 - L. Whenever an assembly fails testing, the BAT performing the test shall notify both the ~~Public Works Director or designee~~City and the owner and user of the assembly within one (1) business day.
 - M. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of a backflow prevention assembly required by this Chapter shall be grounds for the termination of water service to the premises, or, in the alternative, the installation of an air-gap separation at the customer's expense.

Sec. 9-5. Cross-Connection Inspection.

- A. No water shall be delivered to any structure hereafter built within the City or within areas served by City water until the same shall have been inspected by the ~~Public Works Director or designee~~City for possible cross-connections and has been approved as being free of same.
- B. Any construction for industrial or other purposes which is classified as a hazardous facility pursuant to this Chapter, where it is reasonable to anticipate intermittent cross-connections, or as determined by the ~~Public Works Director or designee~~City, shall be protected by the installation of one or more backflow prevention assemblies at the point of service from the

public water supply or any other location designated by the ~~Public Works Director or designee~~City.

- C. Inspections shall be made periodically of all buildings, structures, or improvements of any nature now receiving water through the City's system, for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the Designated City Official~~Public Works Director or designee~~.

Sec. 9-6. Installation Permits and Installation.

If a backflow prevention device, or a backflow prevention assembly is found to be necessary, the owner of the property served must apply to the ~~Public Works Director or designee~~City for a permit as specified in Title 5, Chapter 4, of this Code. The device or assembly shall be installed per the latest edition of the Uniform Plumbing Code or per the ~~Public Works Director's rules adopted by the City~~direction.

Sec. 9-7. Additional Remedies.

In the event an improper cross-connection is not corrected within the time limit set by the City, or, in the event the ~~Public Works Director or designee~~City is refused access to any property for the purpose of determining whether or not cross-connections exist, delivery of water to the property shall cease until the deficiency is corrected to the ~~Public Works Director's or designee's~~City's satisfaction. In addition, the ~~Public Works Director or designee~~City may effect the necessary repairs or modifications at the expense of the property owner and refuse delivery of water to the property until the cost thereof shall have been paid.

Sec. 9-8. Violations; Penalties.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this Chapter or the rules and regulations as adopted by the ~~Public Works Director or designee~~City, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code unless otherwise specifically provided for in this Chapter.

...

SECTION 26: That Moscow City Code Title 7, Chapter 11 be amended as follows:

...

Sec. 11-2. Definitions.

The following definitions are provided for the sole purpose of proper interpretation and administration of this Chapter.

- A. *Approved Moving Contractor.* A person who, upon satisfactory proof of liability insurance, coverage and qualifications, is approved as a mover by the Code Official.
- B. *Code Official.* The Building Inspector or Building Official of the City, ~~or the Community Development Director or designee.~~
- C. *Moving Permit.* An official document issued to an approved moving contractor authorizing a structure to be relocated within, to or from the City.
- D. *Relocation Compliance Inspection.* An official document issued to the owner of the structure and/or agent, authorizing the Code Official to perform inspections on the structure for compliance with current adopted Codes, or determine if the structure is unsafe for relocation

or occupation.

...

SECTION 27: That Moscow City Code Title 10, Chapter 14 be amended as follows:

...

Sec. 14-3. Fair Housing Program Resource Representative.

- A. The City's Fair Housing Program Resource Representative shall be ~~the Community Development Director or another~~ a member of City staff as designated by the Mayor.
- B. The duties of the Fair Housing Resource Representative shall include, but not be limited to:
1. Collecting information regarding impediments to fair housing and actions taken to mitigate those impediments and preparing an annual City Code Analysis and Impediments to Fair Housing Action Plan for the Council containing such information;
 2. Printing and publicizing the City Code Analysis and Impediments to Fair Housing and Action Plan annually and, as it becomes available, acquiring and distributing other applicable fair housing information through local media and community contacts;
 3. Implementing the provisions of Impediments to Fair Housing Action Plan and efforts to promote affordable housing where appropriate and as directed by the Council.
 4. Collecting information regarding affordable housing and City's efforts to mitigate impediments to affordable housing and preparing an annual report regarding affordable housing for the Council.
 5. Coordinate public and private efforts which could provide opportunities for the development of affordable housing in the City.
 6. Maintaining a list of housing industry providers, advocates, realtors, organizations, and agencies for distribution of fair housing information, including posters, brochures, and any other means which will bring to the attention of those affected the knowledge of their respective responsibilities and rights concerning equal opportunity in housing;
 7. Maintaining City records pertaining to activities affirmatively promoting fair housing and pertaining to complaints and inquiries regarding fair housing;
 8. Assisting citizens in locating agencies and resources which can process their fair housing questions, issues, and complaints;
 9. Serving as a liaison with other entities to promote and coordinate fair housing activities;
 10. Assist the Moscow Fair and Affordable Housing Commission in understanding and executing its duties; and
 11. Display fair housing posters and brochures to inform the public of its rights and responsibilities.

...

SECTION 28: That Moscow City Code Title 10, Chapter 17 be amended as follows:

...

Sec. 17-12. Notice of Permit to Others.

Upon the issuance of a parade or public assembly permit, the Clerk will send a copy thereof to the following:

- A. Mayor;

- B. City Supervisor;
- C. Police Chief
- D. Fire Chief;
- E. City Engineer
- F. Parks and Recreation ~~Director~~Manager; and
- F. City Attorney.

...

SECTION 29: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions which can be given effect without the invalid provision. The remaining sections of Title 1, 2, 3, 4, 5, 6, 7, and 10 shall be in full force and effect.

SECTION 30: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 31: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2021.

Bill Lambert, Mayor

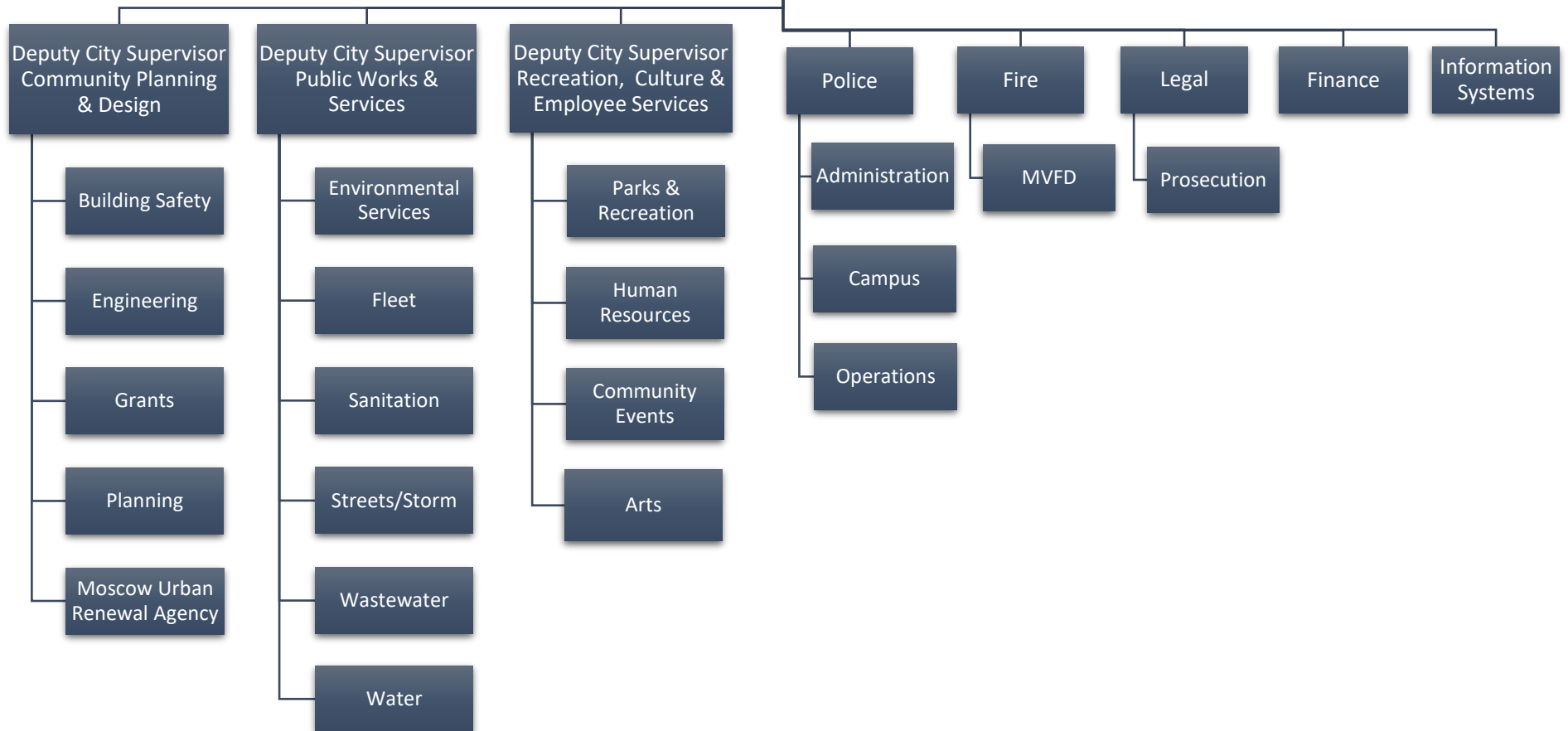
CERTIFICATION. I hereby certify that the above is a true copy of an Ordinance passed at a regular meeting of the City Council, City of Moscow, held on the _____ day of _____, 2021.

ATTEST:

Laurie M. Hopkins, City Clerk

City Supervisor
Administration,
Finance, & Public
Safety

City Clerk



RESOLUTION NO. 2019 – 19

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE REORGANIZATION MANAGEMENT MODEL; AND PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS EFFECTIVE DATE ACCORDING TO LAW.

WHEREAS, the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in City affairs that are not in conflict with the general laws or the constitution of the State of Idaho (I.C. § 50-301); and

WHEREAS, Moscow City Code, Title 1, Section 1-3. C. 3. states, “Where the title of an administrative officer or department head is used in this Code (e.g., Public Works Director, Director of Community Development, Fire Chief, Chief of Police, etc.), such shall include all authorized employees, agents, designees, and representatives of such officer or department head.”; and

WHEREAS, the Mayor and City Council have determined to implement a new management model to aid the City Supervisor in providing effective oversight of the entirety of the City operations; and

WHEREAS, the reorganized management model creates four operational groups, with the City Supervisor maintaining and continuing to provide overall administration and oversight; and

WHEREAS, the reorganized management model is intended to be a framework which supports the efficient use of increasingly scarce public resources by encouraging teamwork and aligning collaborative interests. Thereby creating greater opportunities for the City to move forward into the future; and

WHEREAS, in compliance with the authority granted to the City and the authority of the Mayor and City Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow as follows:

1. The attached organizational charts illustrate the previous management model and the proposed reorganization model;
2. The reorganization model creates the new positions of Deputy City Supervisor Community Planning and Design; Deputy City Supervisor Culture Recreation and Employee Services; Deputy City Supervisor Public Works and Services, which positions will be directly supervised by the City Supervisor;
3. The reorganization model will eliminate the following positions: Assistant City Supervisor, Public Works Director, Deputy Director Engineering, Deputy Director Operations, Community Development Director, and Human Resources Director;
4. The reorganization model will create the following positions: Human Resource Manager,

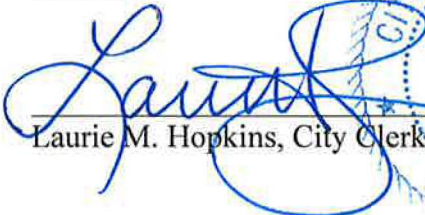
Planning Director, and Engineering Manager/City Engineer;

5. City Supervisor is directed to prepare ordinance revisions to align with the reorganized management model; and
6. All the responsibilities detailed in the Moscow City Code of the Community Development Director, Public Works Director, and Human Resource Director shall be carried out by the authorized employees, agents, designees, and representatives as detailed in the reorganized management model as authorized by the City Supervisor.

That this Resolution shall become effective as of the 7th day of October, 2019.

PASSED BY THE CITY COUNCIL AND APPROVED by the Mayor of the City of Moscow, Idaho, this 7th day of October, 2019.

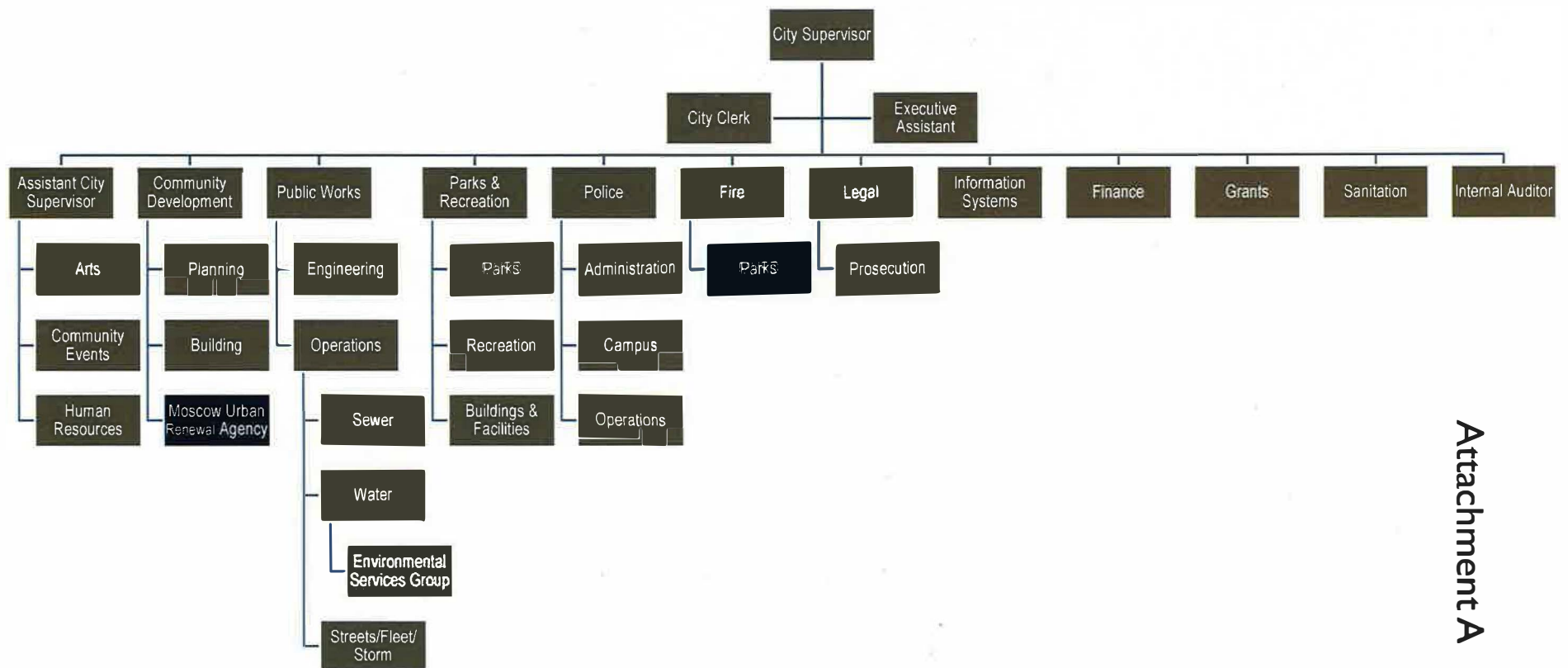
ATTEST:


Laurie M. Hopkins, City Clerk

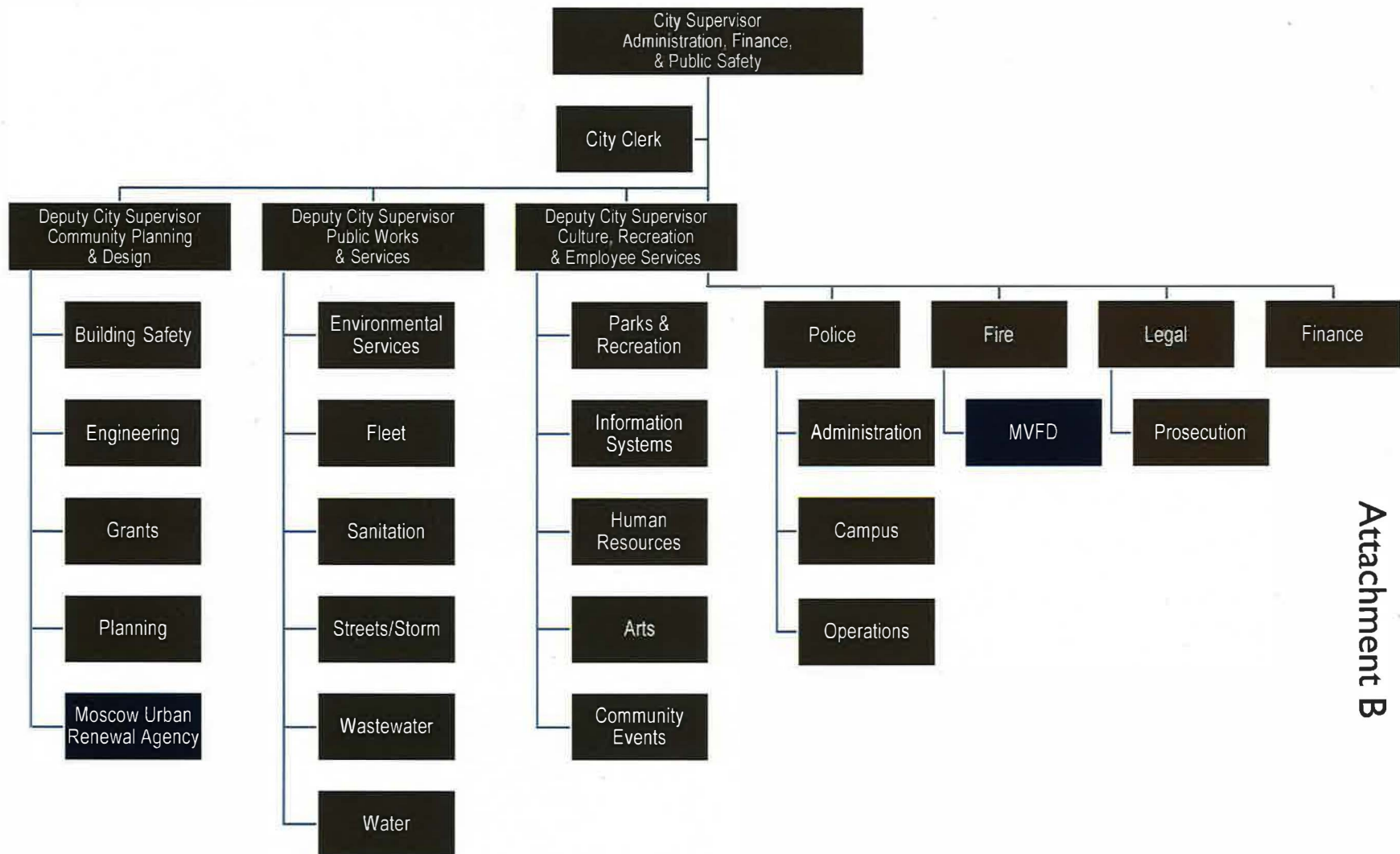



Bill Lambert, Mayor

CURRENT ORGANIZATIONAL STRUCTURE



REVISED ORGANIZATIONAL STRUCTURE



Attachment B

COMMITTEE STAFF REPORT

DATE: Monday, July 12, 2021



RESPONSIBLE STAFF

Bill Belknap, Deputy City Supervisor, Community Planning and Design

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Electric Scooter and Shared Mobility Program Code Amendment and License Agreement (ACTION ITEM) - Bill Belknap

DESCRIPTION

The City has seen recent interest in the deployment of shared mobility devices (E-scooters) within the City by two scooter companies. Staff has prepared a draft of an amendment to City Code to address the use to E-bikes, E-scooters and similar devices upon the City's streets, sidewalks and pathways in anticipation of the potential increased use within the City. Additionally, Staff has prepared a draft license agreement for shared mobility providers that would regulate their operations and standards of performance. Both the code amendment and license agreement were reviewed and recommended for approval by the Transportation Commission. Staff will present the draft for the Committee's review and recommendations.

STAFF RECOMMENDATION

Review the proposed draft Ordinance and License Agreement and Recommend approval to the City Council.

PROPOSED ACTIONS

PROPOSED ACTIONS: Review the proposed draft Ordinance and License Agreement and recommend approval to the City Council, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Ordinance 2021 - Amending Title 11 Chapter 2
2. Licensing Agreement For Shared Mobility Program-BLANK - 2021

ORDINANCE NO. 2021 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 11, CHAPTER 2, RELATING TO WALKWAYS AND BIKE PATHS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS; Title 11, Chapter 2 of Moscow City Code establishes the purpose, definitions, and uses of Moscow Bike Paths and Walkways; and

WHEREAS, the Moscow Transportation Commission has completed a review of the chapter and has found it necessary to amend the Chapter to add regulations for e-bikes and e-scooters and have made such recommendation to the City Council; and

WHEREAS, the Moscow City Council has reviewed the recommendations of the Commission and concur with the proposed amendments;

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

SECTION 1: That Moscow City Code Title 11, Chapter 2 be amended as follows:

~~WALKWAYS AND BIKE PATHS~~

~~Sec. 2-1: Purpose~~

~~Sec. 2-2: Definitions~~

~~Sec. 2-3: Bike Path and Walkway~~

~~Map~~

~~Sec. 2-4: Restrictions on Use~~

~~Sec. 2-5: Exemptions~~

~~Sec. 2-6: Notice of Restriction~~

~~Sec. 2-7: Penalties~~

~~Sec. 2-1. — Purpose.~~

~~— The purpose of this Chapter is to promote public safety by regulating the use of motorized vehicles on bike paths and pedestrian walkways within the City.~~

~~Sec. 2-2. — Definitions.~~

~~— Except as hereinafter provided the definitions for terms contained herein as adopted under Idaho Code 49-101 through 49-124 shall be used.~~

~~A. *Bike Route.* Any area on a public street designated for bicycle use.~~

~~B. *Restricted Bike Paths and Pedestrian Walkways.* Paved pathways designated primarily for pedestrian and/or bicycle use and specifically designated as such on the City Bike Paths and Pedestrian Walkways map, and any revision thereto.~~

~~Sec. 2-3. — Bike Path and Walkway Map.~~

~~— A map of the City designated "Bike Paths and Pedestrian Walkways" and dated February 5, 1991, is hereby adopted and incorporated herein. Three (3) copies of this map shall be available for viewing by the public at the office of the Clerk. The Council may, from time to time, adopt revisions of this map by resolution.~~

~~Sec. 2-4. — Restrictions on Use.~~

~~— It is hereby declared to be unlawful for any person to operate or permit to be present a motorized vehicle upon any restricted bike path or pedestrian walkway identified pursuant to this Chapter.~~

~~(Ord. 2001-14, 08/20/2001)~~

~~Sec. 2-5. — Exemptions.~~

~~— A person is exempt from the restrictions of this Chapter where the operator of a motorized vehicle has displayed in the vehicle a permit to allow such person to operate a motorized vehicle on the restricted bike path or pedestrian walkway or has such written permission from the City, or the owner of the property if the restricted bike path or pedestrian walkway is on property not owned by the City. Emergency police and fire vehicles are exempted from restrictions in this Chapter. A motorized wheelchair or similar conveyance operated by a disabled person is also exempted from this Chapter~~

~~Sec. 2-6. — Notice of Restriction.~~

~~— All restricted bike paths and pedestrian walkways shall post notice of the restrictions in this Chapter. Pedestrians shall have the right of way over all but emergency vehicles.~~

~~Sec. 2-7. — Penalties.~~

~~Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code.~~

BICYCLES, E-BIKES, E-SCOOTERS, AND E-BOARDS

Sec. 2-1: Purpose

Sec. 2-2: Definitions

Sec. 2-3: General Standards

Sec. 2-4: Riding on Roadways

Sec. 2-5: Riding on Sidewalks

Sec. 2-6: Riding on Non-Motorized Pathways

Sec. 2-7: Bicycle, E-Bike, E-Scooter, and E-Board Parking

Sec. 2-8: Tampering Prohibited

Sec. 2-9: Abandonment

Sec. 2-10: Shared Mobility Programs

Sec. 2-11: Enforcement Agency

Sec. 2-12: Penalties

Sec. 2-1. Purpose

The purpose of this Chapter is to promote public safety by regulating the use of motorized vehicles, bicycles, E-Bikes, E-Scooters, and E-Boards on roadways, bike lanes, sidewalks and non-motorized pathways within the City.

Sec. 2-2. Definitions

For the purposes of this chapter, the following terms, phrases, words, and derivations shall have the meaning given herein.

- A. *Abandonment*: A bicycle, E-bike, E-scooter, E-board, or any part thereof, that is left or remains unattended or unused in a public place for seventy-two (72) consecutive hours or longer after it is tagged with a notice of intention to abate.
- B. *Bicycle*: Every vehicle having two (2) tandem wheels, or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, propelled exclusively by human power upon which any person may ride, except scooters and similar devices.
- C. *Bike Lane*: A portion of a roadway designated for preferential or exclusive use by bicycles, E-bikes, E-scooters, or E-boards that is distinguished from that portion of the roadway to be used by motor vehicles by a painted strip and other pavement markings.
- D. *Non-Motorized Pathway*: A completely separate right-of-way posted and designated primarily for use by bicycles, E-bikes, E-scooters, E-boards, or pedestrians, including but not limited to the Paradise Path, Latah Trail, and Chipman Trail, University of Idaho Pedestrian Walkways and similar non-motorized pathways.
- E. *Electric Power-Assisted Bicycle (E-BIKE)*: A vehicle having two (2) tandem wheels or two (2) parallel wheels and one forward wheel, any two (2) of which are not less than twelve inches (12") in diameter, that is designed to be operated by human power with the assistance of an electric motor. The device may be designed to also be powered by human propulsion. An E-bike is not a motor vehicle for purposes of this chapter.
- F. *Electric Power-Assisted Boards (E-BOARD)*: A wheeled device that has a floorboard, that is designed to be stood upon when riding, and is powered by an electric motor. The device may be designed to also be powered by human propulsion. An E-Board is not a motor vehicle for purposes of this chapter.
- G. *Electric Power-Assisted Scooter (E-SCOOTER)*: A wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. The device may be designed to also be powered by human propulsion. An E-scooter is not a motor vehicle for purposes of this chapter.
- H. *Obstructive Bicycle, E-Bike, E-Scooter, or E-Board*: Any bicycle, E-bike, E-scooter, E-board, or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.
- I. *Operator*: A person in exclusive control of a bicycle, E-bike, E-scooter or E-board and using the device.
- J. *Station-based Shared Mobility Program*: A system of self-service bicycles, e-bikes, e-scooters, e-boards or any combination thereof, for hire, operated by a station-based shared mobility program operator, which requires a bicycle rack and/or a bicycle, e-bike, e-scooter, or e-board sharing station.
- K. *Stationless Shared Mobility Program*: A system of self-service bicycles, e-bikes, e-scooters, e-boards, or any combination thereof, for hire, operated by a stationless shared mobility

program operator, which does not require a bicycle rack or a bicycle, e-bike, e-scooter, or e-board sharing station.

Sec 2-3. General Standards.

- A. Every person, regardless of age, who operates a bicycle, E-bike, E-scooter, or E-board upon a roadway, public parking lot, sidewalk, bike path, bike lane or other public vehicular right-of-way in the City of Moscow ("City") shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by the laws of the State of Idaho, and the provisions of this title not in conflict with and as authorized under title 49 of the Idaho Code.
- B. All operators of bicycles, E-bikes, E-scooters and E-boards are expected to operate the devices in a safe manner as approved by the manufacturer.
- C. Exemptions:
 - 1. Any peace officer as defined in Idaho Code, operating a bicycle, E-bike, E-scooter, or E-board in the course and scope of his/her official duties is exempt from the requirements of this section, if the bicycle, E-bike, E-scooter, or E-board is being operated under any of the following circumstances:
 - a. In response to an emergency call.
 - b. While engaged in rescue operations.
 - c. In the immediate pursuit of an actual or suspected violator of the law.

Sec. 2-4. Riding on Roadways.

- A. No person shall operate a bicycle, E-bike, E-scooter, or E-board on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings.
- B. Every person operating a bicycle, E-bike, E-scooter, or E-board upon a two-way roadway is entitled to use the lane appropriate for the intended destination, including the right-hand lane. The bicycle, E-bike, E-scooter, or E-board rider shall proceed in the same direction of travel as other vehicles authorized to use that lane. On one-way roadways a bicycle, E-bike, E-scooter, or E-board may be operated in any existing lane.
- C. Wherever a bike lane is present upon a roadway, the operator of a bicycle, E-bike, E-scooter, or E-board shall use that lane and shall not use the roadway; except that the operator shall not be required to use or remain in a bike lane:
 - 1. When the lane is of insufficient width to permit safe bicycle, E-bike, E-scooter, or E-board operation; or
 - 2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe bicycle, E-bike, E-scooter, or E-board operation in the lane; or
 - 3. When moving into position to make a right or left turn; or
 - 4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.
- D. The operator of a bicycle, E-bike, E-scooter, or E-board traveling at a rate of speed that delays a vehicle or vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the bicycle, E-bike, E-scooter, or E-board is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the operator is

within fifty feet (50') of an intersection, the operator shall not be required to move to the right or left until he/she has moved through the intersection.

- E. No person operating a bicycle, E-bike, E-scooter, or E-board may attach themselves or such bicycle or device to a moving motor vehicle.
- F. Reckless or Inattentive Operation. A person who operates a bicycle, E-bike, E-scooter, or E-board on any public property or private property open to public use in an inattentive, reckless or careless manner, in light of the circumstances then existing, or without due caution and circumspection, or at such speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless or inattentive operation, which shall be a misdemeanor.

Sec. 2-5. Riding on Sidewalks.

- A. A bicycle, E-bike, E-scooter, or E-board may be operated upon a sidewalk and upon and within a crosswalk, except where prohibited by official traffic control devices, or when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe because of the risk of colliding with pedestrians, in which case the operator of a bicycle, E-bike, E-scooter, or E-board must dismount and walk the bicycle or device to an area where safe riding may resume.
- B. Any operator of a bicycle, E-bike, E-scooter, or E-board riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall not exceed a speed of ten miles per hour (10 MPH) and shall yield the right-of-way to any pedestrian.
- C. Any operator of a bicycle, E-bike, E-scooter, or E-board riding on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

Sec. 2-6. Riding on Non-Motorized Pathways.

- A. It is hereby declared to be unlawful for any person to operate or permit to be present a motorized vehicle upon any posted non-motorized pathway. A person is exempt from this restriction where the operator of a motorized vehicle has displayed in the vehicle a permit to allow such person to operate a motorized vehicle on the restricted bike path or pedestrian walkway or has such written permission from the City, or the owner of the property if the restricted bike path or pedestrian walkway is on property not owned by the City. Emergency police and fire vehicles are exempted from restrictions in this Chapter. E-bikes, E-scooters and motorized wheelchairs or similar conveyances operated by a disabled person shall also exempted from this prohibition.
- B. Any operator of a bicycle, E-bike, or E-scooter riding upon a non-motorized pathway shall not exceed a speed of fifteen miles per hour (15 MPH) unless otherwise posted.
- C. Any operator of a bicycle, E-bike, or E-scooter riding upon a non-motorized pathway shall yield the right-of-way to any pedestrian.

Sec. 2-7. Bicycle, E-Bike E-Scooter, and E-Board Parking.

Bicycles, E-bikes, E-scooters, or E-boards shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles or other bicycles, E-bikes, E-scooters, or E-boards or to cause damage to trees, shrubs or other living plants.

Sec. 2-8. Tampering Prohibited.

It shall be unlawful for any person to tamper with, destroy, mutilate or alter any license receipt or license issued under the provisions of this Chapter. It shall be unlawful for any person to remove, destroy, mutilate or in any way alter or tamper with any bicycle plate, sticker, or marking issued under the provisions of this Chapter.

Sec. 2-9. Abandonment and Right to Impound.

It shall be unlawful for any person to abandon a bicycle, E-bike, E-scooter, or E-board. The City shall have the right to impound and retain possession of any bicycle, E-bike, E-scooter, or E-board found to have been abandoned and dispose of the property pursuant to Idaho Code 55-403 and pursuant to the City's surplus policy. The City shall have the right to impound any bicycle, E-bike, E-scooter, or E-board that is found to be in violation of the provisions of this Chapter and may retain possession of such bicycle, E-bike, E-scooter or E-board until the provisions of this Chapter are complied with. A fee for impoundment and storage may be charged to the bicycle, e-bike, e-scooter, or e-board owner. The fee shall be set from time to time by resolution of the Council.

Sec. 2-10. Shared Mobility Programs.

- A. Application and License Agreement Required. Businesses, corporations, organizations, or individuals that provide stationless and station-based shared mobility programs are required to have a business license, insurance, and submit an application with the City, which includes the execution of a license agreement prior to deployment of any devices. Any deployment of bicycles, E-bikes, E-scooters, or E-boards prior to following the application, permitting and licensing process and receiving approval by the City to deploy such devices may result in misdemeanor charges and impoundment of devices deployed.
- B. Manufacturers and distributors of E-bikes, E-scooters and E-boards shall apply a label in legible type, that is permanently affixed in a prominent location, to each E-bike, E-scooter and E-board. The label shall contain the classification number, top assisted speed, motor wattage, and shall be printed in arial font in at least 9-point type.
- C. Every shared mobility program wishing to do business in the City shall obtain and retain a Shared Mobility business license prior to such program's operation in the City. Such license shall be issued annually. Failure to hold a current shared mobility program business license, or to renew an expired license within ten (10) days after its expiration, shall result in the immediate impounding of all shared mobility bicycles, E-bikes, E-scooters and E-boards until such license deficiency is remedied. The shared mobility program shall be liable for the daily expense of impounding the bicycles and devices until the license is renewed or the sale of the impounded bicycles and devices by the City.
- D. City may limit the maximum number of bicycles, E-bikes, E-scooters and E-Boards that are deployed within City limits by a shared mobility program through a resolution.

Sec. 2-11. Enforcement Agency.

The Chief of Police or the Chief's designee shall be granted the authority to enforce and carry out the provisions of this Chapter.

Sec. 2-12. Penalties.

Any person violating any of the provisions of this Chapter, unless a specific penalty is proscribed, shall be guilty of an infraction and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code.

SECTION 2: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions which can be given effect without the invalid provision. The remaining sections of Title 11 shall be in full force and effect.

SECTION 3: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 4: ENFORCEMENT. The adoption of this Ordinance shall not, in any manner, affect any prosecution for violation of any other ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any other ordinance, or in any manner affect the validity of any action heretofore taken by the City of Moscow City Council, or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2021.

Bill Lambert, Mayor

CERTIFICATION. I hereby certify that the above is a true copy of an Ordinance passed at a regular meeting of the City Council, City of Moscow, held on _____, 2021.

ATTEST:

Laurie M. Hopkins, City Clerk

**LICENSING AGREEMENT FOR SHARED MOBILITY PROGRAM
BETWEEN CITY OF MOSCOW, IDAHO AND
(company)**

THIS LICENSING AGREEMENT FOR SHARED MOBILITY PROGRAM (hereinafter “Agreement”) shall become effective _____, 2021, between the City of Moscow, a municipal corporation of the State of Idaho, 206 East Third Street, Moscow, Idaho, 83843 (hereinafter “CITY”), and (insert name of company here), whose business address is (insert address here) (hereinafter “COMPANY”).

INTRODUCTION

WHEREAS, CITY has enacted an ordinance regarding shared mobility programs for bicycles, E-bikes, E-scooters and E-boards; and

WHEREAS, shared mobility programs provide a multimodal transportation option to the residents and visitors of the City of Moscow, reduces traffic and parking congestion, and maximizes carbon-free mobility; and

WHEREAS, COMPANY is willing to adhere to the ordinance regarding shared mobility programs for bicycles, E-bikes, E-scooters and E-boards;

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms and conditions hereinafter contained, the Parties agree as follows:

TERMS AND CONDITIONS

- 1. Scope:** This Agreement and its terms apply to any proposed deployment of bicycles, E-bikes, E-scooters and E-boards sharing systems within the City of Moscow’s jurisdictional boundaries. No person shall deploy a shared mobility program in the City of Moscow in violation of this Agreement.
- 2. Duties:** COMPANY’s Shared Mobility Program shall be governed by Moscow City Code, Idaho Code and the approved documents attached to the application and herein made a part of this Agreement (Attachment “A”).
 - 2.1 COMPANY shall have a local agent who will manage the repairs and relocation of the devices.
 - 2.2 COMPANY shall provide easily visible contact information, including toll-free phone number and/or email address on each bicycle, E-bike, E-scooter or E-board for members of the public to make relocation requests or to report other issues with devices.
 - 2.3 COMPANY shall maintain a 24-hour hotline to field complaints and requests for immediate removal of devices.

- 2.4 COMPANY shall provide materials, videos, signage and other appropriate communication methods to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 2.5 All devices in COMPANY's fleet shall be maintained and demonstrate minimum utilization rate of two (2) rides per day to remain in service. If a device fails to meet the minimum utilization requirement, CITY may require such device to be relocated or removed from COMPANY's fleet. COMPANY shall provide utilization reports to CITY of its fleet on the 1st and 15th day of every month.
- 2.6 All of COMPANY's devices shall be maintained, cleaned and repaired to function in a safe manner in accordance with specific manufacturer and customary industry standards.
- 2.7 All devices shall be safe for operation and each device type may be inspected by the Moscow Police Department prior to operational deployment.
- 2.8 COMPANY shall remove any device not safe for operation from the public right-of-way within twenty-four (24) hours of notice and such device shall be fully repaired before being returned to service.
- 2.9 COMPANY's devices shall be able to stand upright when parked and shall only be parked in the upright position. COMPANY shall ensure the devices are parked in a legal manner and in a manner to not obstruct the public right of way. COMPANY shall ensure devices are not parked on private property absent permission from the private property owner.
- 2.10 COMPANY shall not allow devices to be relocated by remote control and must manage relocation by its local operator/agent.
- 2.11 COMPANY shall exercise its own due diligence in reviewing the safety of CITY's public right of ways to determine its sufficiency for customer use of the COMPANY's devices.
- 2.12 COMPANY's devices shall be available at rates (based on duration of time, distance or combination thereof) that are clearly and understandably communicated to the customer prior to device use.
- 2.13 COMPANY's devices shall not exceed six (6) miles per hour in designated geo-fenced areas as identified in Attachment 'B'.
- 2.14 COMPANY's devices shall not allow users to disengage from the mobile app or park devices in designated geo-fenced areas identified in Attachment 'C'.
- 2.15 All devices shall be labeled with a unique identification number, that is clearly visible and readable from a distance of at least thirty (30) feet, which shall be regularly updated with the Moscow Police Department.
- 2.16 Daily Rebalancing of Fleet. COMPANY shall remove all of its deployed devices from the public right-of-way every twenty-four (24) hour period prior to six o'clock (6:00) A.M. to ensure its fleet is properly rebalanced and deployed.
- 2.17 COMPANY shall maintain an electronic payment system that is compliant with the payment card industry data security standards (PCI). Each transaction shall include the bicycle, E-bike, E-scooter or E-boards identification number that corresponds to the make and model of the device registered.
- 2.18 COMPANY shall provide a copy of its Privacy Policy for customer information. Such policy must not conflict with City Code and to the extent there are any conflicts between Moscow City Code and COMPANY's Privacy Policy (including, but not limited to, terms and conditions of use, terms of service, etc.) the City Code and this License

Agreement control. COMPANY understands it must notify CITY of all changes to its Privacy Policy immediately upon adoption.

- 2.19 COMPANY shall inform its customers of local traffic laws.
- 2.20 COMPANY shall educate its customers on how to safely ride and operate the rented device in the City, including the use of helmets.
- 2.21 COMPANY shall have each rider agree to a waiver of liability, including indemnifying CITY prior to use.
- 2.22 COMPANY shall allow customers without a smart phone to use the shared mobile devices.
- 2.23 COMPANY shall allow customers without a credit card to use the shared mobile devices.
- 2.24 COMPANY shall provide CITY anonymized data in real time regarding the number of customers and trips. This shall be provided via an API including, daily and weekly rides, daily and weekly unique riders, hourly rides, daily and weekly app users, and trip information in MDS format.
- 2.25 COMPANY shall provide device availability data for oversight of parking compliance and device distribution by minutes. This information must include GPS coordinates, availability duration, availability start date and availability start time.
- 2.26 COMPANY shall provide a detailed report of all devices including unique ID number, trip record number, trip duration, trip distance, trip date, start time, start location, and end location.
- 2.27 COMPANY shall submit maintenance activities, including but not limited to, device identification number and maintenance performed within forty-eight (48) hours of request by CITY.
- 2.28 COMPANY shall submit upon request by CITY, a record of all reported collisions involving COMPANY's devices. The report shall include the following information: date/time of the incident; the unique identifying number for the device(s) involved in the collision; information describing the nature of the collision; whether a customer was using the device at the time of the collision; what maintenance, if any, was performed on the device as a result of the collision; and corrective measures COMPANY has made to avoid future such incidents.
- 2.29 COMPANY must seek CITY's written approval before adding any additional devices to its fleet. Upon written approval of additions to applicant's fleet, but before deploying these devices, applicant shall provide CITY the following information: the unique identifying number for each device being added to the fleet; and information regarding the make model and year of the device being added.
- 2.30 COMPANY shall not deploy any additional devices if COMPANY's devices have been impounded and have not been retrieved by COMPANY.

- 3. **Consideration:** COMPANY agrees to pay the annual operator fee, annual device charge, and maintain the required security deposit as listed on the Shared Mobility Program Application, herein made a part of this Agreement (see Attachment "A"), each year COMPANY engages in a shared mobility program within the CITY's jurisdiction.

4. **Time of Performance:** This Agreement shall become effective upon execution by both Parties, and shall automatically renew annually for two (2) additional one (1) year periods unless sooner terminated in writing.
5. **Independent Contractor:** In all matters pertaining to this Agreement, COMPANY shall be acting as an independent entity, and neither COMPANY nor any officer, employee or agent of COMPANY will be deemed an employee of CITY. COMPANY has no authority or responsibility to exercise any rights or power vested in CITY. The selection and designation of the personnel of CITY in the performance of this Agreement shall be made by CITY.
6. **No Joint Venture:** Nothing herein contained shall be in any way construed as expressing or implying that the parties hereto have joined together in any joint venture or liability company or in any manner have agreed to or are contemplating the sharing of profits or losses among themselves in relation to any matter relating to this Agreement.

7. **Indemnification and Insurance:**

COMPANY agree to defend, hold harmless, and indemnify CITY, and its officers, agents and employees against any and all losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses and other costs, including litigation costs and attorney's fees, to the extent caused by the negligent acts and/or errors or omissions by COMPANY, its servants, agents, officers, employees, guests, and business invitees.

CITY shall defend, hold harmless, and indemnify COMPANY from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses and other costs, including litigation costs and attorney's fees, to the extent Article VIII, § 4 of the Idaho Constitution and the Idaho Tort Claims Act will allow, caused by the negligent acts and/or errors or omissions by CITY, its agents, officers, and employees.

COMPANY shall provide CITY with proof of insurance coverage exclusively for the operation of shared mobility programs including (a) Commercial General Liability insurance coverage with a limit of no less than One Million Dollars (\$1,000,000) each occurrence and Five Million Dollars (\$5,000,000) aggregate; (b) Automobile Insurance coverage with a limit of no less than One Million Dollars (\$1,000,000) each occurrence and One Million Dollars (\$1,000,000) aggregate; (c) Workers' Compensation coverage of no less than the statutory requirement, and (d) Cyber Insurance.

8. **Notices:** Any and all notices required to be given by either of the Parties hereto, unless otherwise stated in this Agreement, shall be in writing and be deemed communicated when mailed in the United States mail, certified, return receipt requested, addressed as follows:

CITY

City of Moscow
Attn: City Clerk
206 East Third Street
P O Box 9203

COMPANY

(Company)
(Attn)
(Address)
(City / State / Zip)

Moscow, ID 83843
(208) 883-7015

(Phone)
(Email)

Either Party may change their address for the purpose of this paragraph by giving written notice of such change to the other in the manner herein provided.

9. **Assignment:** It is expressly agreed and understood by the Parties hereto, that COMPANY shall not have the right to assign, transfer, hypothecate or sell any of its rights under this Agreement except upon the prior express written consent of CITY.
10. **Discrimination Prohibited:** In performing the Services appurtenant to a shared mobility program, COMPANY shall not unlawfully discriminate in violation of any Federal, State or local law, rule or regulation against any person on the basis of race, color, religion, gender, pregnancy, national origin, ancestry, age, familial status, veteran status, disability, sexual orientation, and/or gender expression/identity, or any other basis prohibited by Federal, State or local law.
11. **Data Collection:**

At such times and in such forms as CITY may require, there shall be furnished to CITY such statements, records, reports, data and information as CITY may request pertaining to matters covered by this Agreement.

COMPANY shall maintain all writings, documents and records prepared or compiled in connection with the performance of this Agreement for a minimum of five (5) years from the termination or completion of this Agreement. This includes any handwriting, typewriting, printing, photo static, photographic and every other means of recording upon any tangible thing, any form of communication or representation including letters, words, pictures, sounds or symbols or any combination thereof.
12. **Audits and Inspections:** At any time during normal business hours and as often as CITY may deem necessary, there shall be made available to CITY for examination, all of COMPANY's records with respect to all matters covered by this Agreement. COMPANY shall permit CITY to audit, examine, and make excerpts or transcripts from such records, and to make audits of all data relating to all matters covered by this Agreement.
13. **Compliance with Laws:** In performing the Scope of Services required hereunder, COMPANY shall comply with all applicable laws, ordinances, and codes of Federal, State, and local governments.
14. **Public Information:** Pursuant to Idaho Code Section 74-124, *et seq.*, information or documents received from COMPANY may be open to public inspection and copying unless exempt from disclosure. COMPANY shall clearly designate individual documents as "exempt" on each page of such documents and shall indicate the basis for such exemption. CITY will not accept the marking of an entire document as exempt. In addition, CITY will

not accept a legend or statement on one (1) page that all, or substantially all, of the document is exempt from disclosure. COMPANY shall indemnify and defend the CITY against all liability, claims, damages, losses, expenses, actions, attorney fees and suits whatsoever for honoring such a designation or for COMPANY's failure to designate individual documents as exempt. COMPANY's failure to designate as exempt any document or portion of a document that is released by CITY, shall constitute a complete waiver of any and all claims for damages caused by any such release.

- 15. Changes:** CITY may, from time to time, enact changes in the Shared Mobility Program License Policies and/or City Code pertaining to bicycles, E-bikes, E-scooters and E-boards. Such changes shall be incorporated in written amendments to this Agreement.

16. Termination:

If, through any cause, COMPANY, its officers, employees, or agents fails to fulfill in a timely and proper manner its obligations under this Agreement, violates any of the covenants, agreements, or stipulations of this Agreement, falsifies any record or document required to be prepared under this Agreement, engages in fraud, dishonesty, or any other act of misconduct in the performance of this Agreement, or if the City Council determines that termination of this Agreement is in the best interest of CITY, CITY shall thereupon have the right to terminate this Agreement by giving written notice to COMPANY of such termination and specifying the effective date thereof. COMPANY may terminate this Agreement at any time by giving at least sixty (30) days' notice to CITY.

In the event of any termination of this Agreement, all finished or unfinished documents, data, and reports prepared by COMPANY under this Agreement shall, at the option of CITY, become CITY's property.

Notwithstanding the above, COMPANY shall not be relieved of liability to CITY for damages sustained by CITY by virtue of any breach of this Agreement by COMPANY. This provision shall survive the termination of this Agreement and shall not relieve COMPANY of its liability to CITY for damages.

- 17. Construction and Severability:** If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.
- 18. Advice of Attorney:** Each Party warrants and represents that in executing this Agreement, it has received independent legal advice from its attorneys or the opportunity to seek such advice.
- 19. Entire Agreement:** This Agreement contains the entire agreement of the Parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

- 20. Jurisdiction, Venue, and Non-Waiver.** It is agreed that this Agreement shall be construed under and governed by the laws of the State of Idaho. In the event of litigation concerning it, it is agreed that proper venue shall be the District Court of the Second Judicial District of the State of Idaho, in and for the County of Latah. Failure of CITY to not exercise any of its rights under this Agreement, or breach thereof, shall not be deemed to be a waiver of such right or a waiver of any subsequent breach. Should any litigation be commenced between the Parties hereto concerning this Agreement, the prevailing Party shall be entitled, in addition to any other relief as may be granted, to court costs and attorneys' fees as determined by a Court.
- 21. Approval Required:** This Agreement shall not become effective or binding until approved by the City of Moscow.
- 22. Authority to Execute.** The persons executing this Agreement on behalf of their respective Parties, represent and warrant that they have the authority to do so under law and from their respective Parties.

(COMPANY)

CITY OF MOSCOW, IDAHO

Bill Lambert, Mayor

Dated: _____

Dated: _____

ATTEST:

Laurie M. Hopkins, City Clerk

Approved as to form

Mia Bautista, City Attorney

ACKNOWLEDGMENT

STATE OF IDAHO)
 : ss.
County of _____)

On the _____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

Notary Public for Idaho
Residing at _____
Commission Expires: _____