

## **Title 1 GENERAL PROVISIONS**

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## **Chapter 1.01 CODE ADOPTION**

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### **1.01.010 Adoption.**

There is adopted the "Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington.

(Ord. 98-202 § 1)

### **1.01.020 Title—Citation—Reference.**

This code shall be known as the "Municipal Code" and it shall be sufficient to refer to said code as the "Inkom Municipal Code" in any prosecution for the violation of any provision of this code or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion of this code as an addition to, amendment to, correction or repeal of the "Inkom Municipal Code." References may be made to the titles, chapters, sections and subsections of

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the "Inkom Municipal Code" and such references shall apply to those titles, chapters, sections or subsection as they appear in the code.

(Ord. 98-202 § 2)

### **1.01.030 References applies to all amendments.**

Whenever a reference is made to this code as the "Inkom Municipal Code" or to any portion thereof, or to any ordinance of the city of Inkom, Idaho, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 98-202 § 3)

### **1.01.040 Title, chapter and section headings.**

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section in this code.

(Ord. 98-202 § 4)

### **1.01.050 Reference to specific ordinances.**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 98-202 § 5)

### **1.01.060 Ordinances passed prior to adoption of the code.**

The last ordinance included in this code was Ordinance No. 97-198 passed September 5, 1997.

(Ord. 98-202 § 6)

### **1.01.070 Effect of code on past actions and obligations.**

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

(Ord. 98-202 § 7)

### **1.01.080 Constitutionality.**

If any section, subsection, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 98-202 § 8)

**1.01.090 References to prior code.**

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 98-202 § 9)

**Chapter 1.04 CREATION OF CITY**

**Sections:**

[1.04.010 Order creating village.](#)

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**1.04.010 Order creating village.**

The order for incorporating the village, to be named the village of Inkom, was filed July 8, 1946, the board declared the village of Inkom incorporated on such day.

The board appointed Sam Hargraves, Sr., Clarence Green, Willis Richardson, Murl Ellis and P.B. Rees to act as trustees of the village of Inkom.

(Prior code § 1-201)

**1.04.020 Village enactments retained.**

All by-laws, ordinances and resolutions lawfully passed and in force in the city of Inkom, Idaho, under its former organization as the village of Inkom, Idaho, shall remain in full force and effect until altered or repealed by the mayor and council of the said city of Inkom.

(Ord. 67-83 § 1)

**1.04.030 Acts, offenses and rights continued.**

The passage of House Bill No. 3, as amended, by the thirty-ninth Session of the Legislature of the state of Idaho, which took effect April 12, 1967, shall not impair or effect any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the effective date of such legislative act but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such act had not been passed.

(Ord. 67-83 § 2)

**Chapter 1.08 FORM OF GOVERNMENT**

**Sections:**

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[1.08.010 Mayor-council form of government.](#)

[1.08.020 Mayor.](#)

[1.08.030 City council.](#)

[1.08.040 Salaries.](#)

[1.08.050 Official newspaper and depository.](#)

### **1.08.010 Mayor-council form of government.**

The city of Inkom having before the effective date of the ordinance codified in this chapter altered its form of government in accordance with House Bill No. 3, as amended, and having before the effective date of the ordinance codified in this chapter adopted a mayor-council form of government by resolution, there is created for the city of Inkom, a mayor-council form of government. Said form of government to take effect upon passage of the ordinance codified in this chapter as required by law.

(Ord. 91-183 § 1)

### **1.08.020 Mayor.**

The mayor shall be elected by the residents of the city of Inkom and shall be the chief administrative official of the city of Inkom and shall devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. The mayor shall have such powers and duties as are now or may hereafter be provided under the general laws of the state of Idaho, including the power to veto any and all measures passed by the city council as provided by the general laws of the state of Idaho.

(Ord. 91-183 § 2)

### **1.08.030 City council.**

Four council members shall be elected by the residents of the city of Inkom, one-half of whom shall be elected at each general city election. When the said four council members shall have been elected and are organized according to the law they shall constitute a legislative authority of the city of Inkom.

At the first meeting of the city council to be held in January following the general city election, the city council shall, from its members, elect one council person to be styled as president of the council.

The city council shall have all such powers and duties as are now, or may hereafter be provided by the laws of the state of Idaho.

The city council shall hold regular meetings on the second Thursday of each month at seven o'clock p.m., and such other meetings as shall be called or specially provided for.

(Ord. 91-183 § 3; Ord. 06-225 § 1; Ord. 07-227 § 1)

(Ord. No. 10-237, §§ I, II, 9-8-2010; Ord. No. 13-242, § I, 7-9-2013)

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### **1.08.040 Salaries.**

The salary of the mayor of the city of Inkom, Idaho will increase from five hundred dollars (\$500.00) per month to five hundred fifty dollars (\$550.00) per month. Payment of said salary shall be fixed and will commence on the first day of January, 2017. The salary of each council person of the city of Inkom, Idaho, will increase from two hundred dollars (\$200.00) per month to two hundred twenty five dollars (\$225.00), shall be fixed and will commence on the first day of January, 2017.

The mayor and city council members shall be reimbursed actual expenses which they may incur for and on behalf of the city of Inkom, Idaho.

(Ord. 91-183 § 4; Ord. 07-228 § 1;)

(Ord. No. 16-253, § IV, 8-11-2016)

### **1.08.050 Official newspaper and depository.**

There is designated as the official newspaper of the city of Inkom, Idaho, the Idaho State Journal, published at Pocatello, Idaho.

There is designated as the official depository of the city of Inkom, Idaho, the Ireland Bank, at Inkom, Idaho and the State Treasurer, Boise, Idaho.

(Ord. 91-183 § 5)

## **Chapter 1.12 GENERAL PROVISIONS**

### **Sections:**

[1.12.010 Rules for construction of ordinances and amendments.](#)

[1.12.020 Definitions.](#)

[1.12.030 Intent to defraud.](#)

[1.12.040 Liability of employers and agents.](#)

[1.12.050 Title of sections and subsections.](#)

[1.12.060 Constitutionality—Effect of.](#)

### **1.12.010 Rules for construction of ordinances and amendments.**

In the construction of this 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 this code.

(Prior code § 1-103 (part))

### **1.12.020 Definitions.**

As used in this code:

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The singular number includes the plural.

The words used in the present include the future.

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

When any time is specified in this code, it means standard time, as distinguished from solar time, and "midnight" or "noon" means midnight or noon standard time.

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

"Day" means any twenty-four (24) hour period from midnight to midnight; and "month" means a calendar month unless otherwise expressed; and "quarter" means any three month period, ending with the last day of March, June, September and December.

"Knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

"Land," "real estate" and "real property" includes lands, tenements, hereditaments, water rights, possessory rights and claims.

"Neglect," "negligence," "negligent" and "negligently" imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in action in his own concern.

"Oath" includes "affirmation" and "swear" includes "affirm." Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "depose."

"Officer" includes officers and boards in charge of departments and the members of such boards, and such reference as used of the word "village" means municipality; "clerk" or "treasurer" and others means the city clerk or city treasurer or village clerk or village treasurer as the case may be applicable.

"Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

"Person" includes bodies politic and corporate, partnerships, associations and corporations.

"Personal property" includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, and all right or title to property is created, acknowledged, transferred, increased, defeated, discharged or dismissed, and every right or interest therein.

"Property" includes both real and personal property.

"Signature" includes any name, mark or sign written with intent to authenticate any instrument of writing.

"Streets" includes alleys, lanes, boulevards, public ways, highways and sidewalks adjoining any of the above.

"Tenant" or "occupant" applied to a building or land includes any person who occupies the whole or any part of such building or land, whether alone or with others.

"Willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act to make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.

"Writing" includes printing, writing and typewriting.

(Prior code § 1-103(e))

**1.12.030 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.

(Prior code § 1-103(a))

**1.12.040 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 set forth in this code.

(Prior code § 1-103(b))

**1.12.050 Title of sections and subsections.**

The title of any section or subsection of this code 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.

(Prior code § 1-103(c))

**1.12.060 Constitutionality—Effect of.**

Should any section, subsection or portion of this code, or of any ordinance 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 noway affect the remaining portion of such section, subsection, part or portion of this code or of any such ordinance hereafter passed.

(Prior code § 1-103(d))

**Chapter 1.16 CORPORATE SEAL**

**Sections:**

[1.16.010 Corporate seal—Design.](#)

[1.16.020 Adoption of seal.](#)

[1.16.030 Clerk custodian of seal.](#)

**1.16.010 Corporate seal—Design.**

The corporate seal of the city of Inkom, Idaho, shall be circular in form with the inner and outer circle of rope design. The outer circle shall be one and four-sixths inches in diameter and the inner circle shall be one inch in diameter. It shall bear upon the upper portion of space between the two circles the words "City of Inkom," and upon the lower portion of the space between the two circles the words "Inkom,

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Idaho," and upon and across the center of the space within the inner circle shall be the words "CORPORATE SEAL."

A facsimile of the above described seal is as follows:



(Prior code § 1-301)

### **1.16.020 Adoption of seal.**

The seal described above in this chapter is adopted as the corporate seal of the city of Inkom, Bannock County, Idaho.

(Prior code § 1-302)

### **1.16.030 Clerk custodian of seal.**

The clerk of the city of Inkom shall be the custodian of the corporate seal of the city of Inkom, Idaho, and shall affix said seal's imprint upon all official documents as required by law.

(Prior code § 1-303)

## **Chapter 1.20 GENERAL PENALTY**

### **Sections:**

#### [1.20.010 Violation—Penalty.](#)

### **1.20.010 Violation—Penalty.**

- A. In all cases where the same offense is made punishable or is created by different clauses or sections of the ordinances of the city of Inkom, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- B. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the city of Inkom, is guilty of a misdemeanor. Except in cases

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where a different punishment is prescribed by any ordinance of the city of Inkom, any person convicted of a misdemeanor under the ordinances of the city shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

- C. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he is punishable accordingly.

(Ord. 85-167 § 1; Ord. 05-223 § 4 (part))