



City of Boise
Ordinance
City Code Amendment

Legal
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Boise, ID 83702
(208) 972-8531

Ordinance NO. ORD-13-24

BY THE COUNCIL

CORLESS, HALLYBURTON, MORALES,
NASH, STEAD AND WILLITS.

AN ORDINANCE AMENDING BOISE CITY CODE TITLE 4, CHAPTER 1, ENTITLED "NUISANCES"; AMENDING SECTION 1 TO ADD THE NUISANCE OF PERSONAL PROPERTY LEFT UPON PUBLIC PROPERTY; AMENDING SECTION 4 TO PERMIT NOTICE TO BE PROVIDED BY PROPERTY POSTING, TO PERMIT IMMEDIATE ABATEMENT OF NUISANCES POSING AN IMMINENT OR ONGOING THREAT TO OR IMPAIRMENT OF HEALTH AND SAFETY, TO PERMIT A TWENTY-FOUR (24) HOUR NOTICE PERIOD FOR THE NUISANCE OF PERSONAL PROPERTY LEFT UPON PUBLIC PROPERTY, AND TO ENUMERATE THE STORAGE AND RECOVERY PROCEDURES FOR ABATED PERSONAL PROPERTY; AMENDING THE PENALTY PROVISION; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city of Boise City ("City"), through Idaho Code ("I.C.") §§ 50-313 and 50-317, supervises and controls public ways within the City, and shall cause them to be free from nuisances and rubbish; and

WHEREAS, the City, through I.C. § 50-334, is empowered to declare what shall be deemed a nuisance and is empowered to abate those nuisances; and

WHEREAS, private property left upon public property harms the public's health, safety, and welfare; and

WHEREAS, the City desires to update Boise City Code Title 4, Chapter 1 to create the nuisance of private property left upon public property; and update the notice, abatement, storage, and recovery procedures.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That existing Boise City Code Title 4, Chapter 1, Section 1, shall be, and hereby is, amended to read as follows:

4-1-1: NUISANCE DEFINED:

For the purpose of this chapter, the term "nuisance" is defined to mean any condition or use of

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property which is detrimental to the health or safety of persons or the property of others, or which is declared to be a nuisance by this chapter, or by any other State or Federal law. Nuisances shall specifically include, but are not limited to, the following:

A. Maintaining upon property junk, trash, garbage, refuse or other similar matter as defined by this chapter;

B. Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, including, but not limited to, animal feces, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or other animals;

C. Permitting any premises to become unsanitary or a fire menace by allowing any unsafe matter to grow, accumulate or otherwise occupy and remain on such premises;

D. Permitting pools of water to accumulate and remain upon any premises, thereby becoming stagnant and foul;

E. Personal Property Left Upon Public Property: To leave personal property upon any portion of public property except as specifically allowed by law or by written permit issued by the city or other governing authority;

~~EF.~~ Maintaining, or permitting another to maintain, graffiti, which includes any form of painting, writing, or inscription regardless of the content or the nature of the materials used which is applied to any public or private surface without consent of the owner of the property; or

~~EG.~~ Any other use of property which is specifically declared by resolution of the Council to be a nuisance, after compliance with the notice and hearing requirements of this chapter.

Section 2. That existing Boise City Code Title 4, Chapter 1, Section 4, shall be, and hereby is, amended to read as follows:

4-1-4: ABATEMENT OF NUISANCE:

A. Notice: Whenever a written statement that a "nuisance", as defined in this chapter, exists or is being maintained within the jurisdictional limits provided by Idaho Code, is received by the City Attorney or designee stating that the same is a menace to the public health or dangerous to the health or safety of the inhabitants of the City, the City Attorney or designee shall issue a notice requiring the owner or agent of the owner of the premises to remove and abate the nuisance from said premises within a time, not exceeding ten (10) days, to be specified in the notice. Said notice shall be served by a Code Enforcement Officer or a police officer, by delivering a copy thereof to the owner, agent or occupant of the said property; by property posting; or if the same is unoccupied and the owner is a nonresident, then by mailing the notice to the owner's last known address by certified mail. Authorized City personnel may require immediate abatement of any nuisance, as defined within section 4-1-1 of this chapter, where such condition presents an imminent or ongoing threat to, or impairment of, human health or safety.

B. Time Period for Abatement of Personal Property Left upon Public Property: Personal property left upon public property in violation of section 4-1-1(E) of this chapter shall be abated if not removed by the owner or possessor within twenty-four (24) hours of receiving notice provided in accordance with the provisions of this chapter. Abatement pursuant to this section shall not be construed to preclude enforcement of other applicable city code provisions.

~~BC.~~ Failure To Comply; Action By City: If the owner, agent or occupant of the property shall fail to comply with the requirements of the notice within the period specified therein, the City shall proceed to have the things described in the notice removed and abated from the property

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and the costs of abatement assessed in the manner provided for in Idaho Code.

D. Storage and Recovery of Abated Personal Property: Personal property abated pursuant to this chapter shall be stored by the City in accordance with Idaho Code Section 55-403. The owner may recover abated personal property from the City free of charge at the location specified in the Notice of Abatement. The City cannot store for redemption wet or soiled personal property, hazardous materials, or contraband.

CE. Graffiti Nuisance Fees And Costs: The City shall not charge fees or take enforcement action to recover costs for the abatement of graffiti nuisance as is otherwise permitted under this chapter.

Section 3. That existing Boise City Code Title 4, Chapter 1, Section 6, shall be, and hereby is, amended to read as follows:

4-1-6: PENALTY:

Any person failing to remove or abate any nuisance as described in this chapter, except personal property left upon public property, as defined in section 4-1-1(E), and graffiti, as defined in section 4-1-1E(F), shall be guilty of a misdemeanor, subject to penalty as provided in section 1-4-1 of this Code.


Section 4. That the ordinance summary, attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

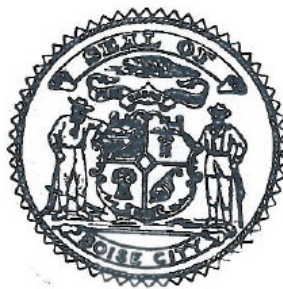
Section 5. That this Ordinance shall be published by summary and in effect immediately upon its passage, approval, and publication.

ADOPTED by the Council of Boise City, Idaho, on May 14, 2024.

APPROVED by the Mayor of the Boise City, Idaho, on May 14, 2024.

APPROVED:


Lauren McLean, Mayor



ATTEST:


Lynda Lowry, Ex-Officio City Clerk