

## CITY ORDINANCE 2023-2

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO AMENDING TITLE THREE, CHAPTER 1, SECTION 3-1-2 TO IDENTIFY A CODE COMPLIANCE OFFICER POSITION AND ADD DEFINITIONS OF “MEANS OF EGRESS”, “OCCUPANCY CLASSIFICATIONS”, “OCCUPANT LOAD” AND “PUBLIC”; AMENDING SECTION 3-1-11 TO ADD THE FIRE CHIEF AS AN OFFICIAL THAT CAN PERFORM COMPLIANCE INSPECTIONS; AND AMENDING SECTION 3-1-14 TO ADD A PROVISION WHICH PROVIDES FOR A MEANS TO ASSIGN OCCUPANCY CLASSIFICATIONS AND LOADS FOR BUILDINGS, STRUCTURES OR PORTIONS THEREOF WHICH WILL BE OCCUPIED BY THE PUBLIC. THIS ORDINANCE SHALL REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE. THIS ORDINANCE SHALL WAIVE THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS. THIS ORDINANCE SHALL ESTABLISH AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AS FOLLOWS:

Section 1: Sections 3-1-2, 3-1-11 and 3-1-14 of the Lava Hot Springs City are hereby amended to read as follows:

### **3-1-2: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

BED AND BREAKFAST:	A dwelling where, for compensation, meals are provided on site for no more than fifteen (15) persons who are not immediate members of the household family residing in the dwelling, and is owner or manager occupied. An owner or manager is required to be present, in person, on site, when guests are present.
BUILDING INSPECTOR:	The building inspector designated by the Mayor and Council to enforce the building and other safety codes adopted by the City.
BUSINESS:	The selling or rental of any personal or real property for compensation and providing any service for compensation, including the solicitation, advertisement or offering of such sales, rentals or services.
BUSINESS DAYS:	A day when the City offices are open for business. A business day is normally Monday through Friday, from 9:00 a.m. to 5:00 p.m., excluding holidays.
BUSINESS LOCATION:	The physical location of the business within the City limits of Lava Hot Springs, Idaho identified in the application for a permit or business and/or the special event permit or business license.
CITY:	The City of Lava Hot Springs, Idaho.
CITY CLERK:	The duly appointed city clerk-treasurer of the city.

CITY COUNCIL:	The duly elected city council of the city.
CODE ENFORCEMENT COMPLIANCE OFFICER:	The person designated by the Mayor and City Council to enforce City ordinances.
CONTRACTOR:	Those persons defined as a "contractor" in the Idaho Contractor Registration Act, Title 54, Chapter 52, Idaho Code.
DOOR-TO-DOOR:	Any business which sells items or solicits work and/or services door-to-door without express prior permission from the residents.
FIRE CHIEF:	The fire chief of the city.
MAYOR:	The duly elected Mayor of the City.
<u>MEANS OF EGRESS</u>	<u>A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way.</u>
<u>OCCUPANCY CLASSIFICATION</u>	<u>The formal designation of the primary purpose of the building, structure or portion thereof.</u>
<u>OCCUPANT LOAD</u>	<u>The number of persons for which the means of egress of a building, structure, or portion thereof is designed.</u>
OPERATOR:	Any individual, including an employee, manager or agent of a group of persons, limited liability company, partnership or corporation, or any other business entity, who is the individual recognized by the City as the person responsible for the management and operation of a business or special event.
PERSON:	Includes any individual, firm, co-partnership, corporation, limited liability company, limited liability partnership, association or other organization, or any combination thereof acting as a unit.
<u>PUBLIC</u>	<u>Includes customers, visitors, guests, or any other person or persons occupying a building, structure, or portion thereof.</u>
PUBLIC WAY:	All areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, public rights of way, parking lots, as well as the interior and areas surrounding public buildings or other places owned or occupied by the City, or in, on or over which an easement exists in the name of or occupied by the City or which exists for the benefit and use of the public.
RECREATIONAL MOTOR VEHICLES:	Shall include ATV's, UTV's, Side-by-Side vehicles, Golf Carts, Motorbikes, snowmobiles and any other similar vehicle capable of transporting an operator with or without passengers and whether designed for highway or off-highway operation.
RENTAL UNIT:	Rental unit means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household, and which household pays rent for the use and occupancy for periods of thirty (30) consecutive days or more.



RESIDENT OF THE CITY:	A Resident of the City shall mean for purposes of the Lava Hot Springs Business and Special Event Regulation Code an individual who owns property within the City limits; an individual who has a written lease for a term of property located within the City limits of greater than thirty (30) days; or is the individual or the authorized representative of a person to whom a current and valid business license has been issued.
SPECIAL EVENT:	An occasion including, but not limited to, fairs, shows, parades, concerts, exhibitions and festivals, which will take place on City property and are expected to last for a period of time not to exceed three (3) consecutive days and events which will take place on private property which are expected to have one hundred (100) or more participants and could reasonably be expected to require the services of public health and/or safety personnel and/or equipment or the use of other resources for traffic control, emergency medical services, fire suppression, erection of barriers and/or use and maintenance of public facilities.
STAND:	Any newsstand, table, bench, booth, rack, handcart, trailer, vehicle, tent, pushcart or any other fixture or device which is used for the display, storage or transportation of articles offered for sale or advertisements describing articles or services for sale by a business.
TEMPORARY AND/OR NON-PERMANENT BUSINESS LOCATIONS:	Those locations where a person conducts business in other than a permanent building, or deck and/or courtyard attached to or accessory to a permanent building. Temporary and/or non-permanent business locations shall include, but are not be limited to, trailers, stands, carts, booths, displays, vehicles, or any other structure which is not attached to a permanent foundation.
VACATION RENTAL/TOURIST HOME:	Shall include single family dwelling units or multiple family dwelling units, built or converted, where, for compensation, lodging facilities are provided for a duration of less than thirty (30) days, but not including a tent, recreational coach, motor home, camper, hotel, motel, hospital, yurt or nursing home.
VEHICLE:	Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or off a highway, excepting devices used exclusively upon stationary rails or tracks.

### **.3-1-11: CONSENT TO COMPLIANCE INSPECTION:**

A. Every holder of a business license in the City consents to reasonable compliance inspections during its regular hours of business by the Mayor, or the City Code Compliance Officer, or the Fire Chief, or officers of the Bannock County Sheriffs Department or Building Code Inspectors or their respective designees to enter, free of charge, any place of business or to stop, in accordance with the law, any vehicle for which a business license has been issued. The compliance inspections are solely for the purpose of determining whether the activity is being carried on in compliance with State laws and City ordinances and to promote the health, safety and welfare of the public.

### **3-1-14: BUSINESSES MUST COMPLY WITH CERTAIN ADDITIONAL CONDITIONS:**

A. Temporary and/or Non-Permanent Business Locations shall not:

1. Impede access to the entrance or driveway of any adjacent building or adjacent property;
2. Obstruct handicap access by conducting business within fifteen feet (15') of any handicap parking or accessible spaces;
3. Allow trash or debris from the business activities to accumulate on the business location;
4. Allow trash or debris from the business activities to accumulate on private property, public streets, sidewalks or alleys within one hundred (100) feet of the business location;
5. Obstruct access to any fire hydrant or driveway of a fire station; or
6. Obstruct pedestrian or vehicular traffic on public streets, sidewalks or alleys.

Violation of any of these restrictions may be grounds to revoke or refuse to renew/extend a business license.

B. Businesses with a business license are restricted and prohibited from disturbing the comfort, peace, health or safety of persons who are not voluntary listeners by noise, including sound or vibrations, whether produced by a device, or the human voice, or vehicles, or equipment, or instrument, whether the disturbance is due to its volume, its duration, its location, or the hour when it is produced. Any business which makes, continues, or causes to be made, or allows to be made from any business location any noise disturbance which is excessively loud, annoying or offensive and plainly audible, or in the case of vibrations plainly perceived, at a distance of fifty (50) feet or more from its source shall be presumed to be in violation of this business license restriction. Violation of this restriction may be grounds to revoke or refuse to renew/extend a business license.

C. Businesses with a business license must comply with the Lava Hot Springs Sign Code contained in Title 9, Chapter 4 of the City Code of Lava Hot Springs, Idaho. Violation of this condition may be grounds to revoke or refuse to renew/extend a business license.

D. Businesses with a business license must comply with the off-street parking requirements of the Zoning Ordinance for the City of Lava Hot Springs. Violation of this condition may be grounds to revoke or refuse to renew/extend a business license.

E. Businesses with a business license must remain in compliance with the Building Code Ordinance of the City Of Lava Hot Springs, Idaho at all times. Violation of this condition may be grounds to revoke or refuse to renew/extend a business license.

F. Every building, structure, or portion thereof to be occupied by the public shall be assigned an occupancy classification and an occupancy load by the City Code Compliance Officer and/or Fire Chief as established by the International Building Code and the International Fire Code. It shall be the responsibility of the owner, the owner's representative(s) and manager(s) to comply with and shall be the duty of the Code Compliance Officer and/or Fire Chief to enforce the occupancy classification and occupancy load assigned.



FG. Failure to comply with the conditions identified in this section shall be a violation of the Lava Hot Springs Business and Special Event Regulation Code.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

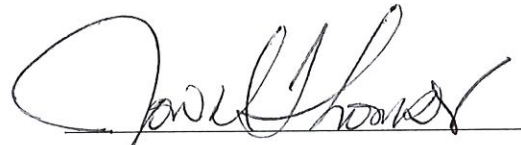
Section 3: The rule requiring that this ordinance be read on three separate occasions is hereby waived in favor of one reading by title only.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO THIS 13 day of April, 2023.

ATTEST: CITY OF LAVA HOT SPRINGS, IDAHO

  
CITY CLERK

  
JON THOMSON, Mayor



**ORDINANCE 2023-02  
AMENDING VARIOUS PROVISIONS OF THE CITY CODE  
OF LAVA HOT SPRINGS, IDAHO REGARDING THE  
LICENSING OF BUSINESSES**

Pursuant to Idaho Code Section 50-901A, the City of Lava Hot Springs, Idaho is publishing the following summary of a new ordinance adopted within the last thirty (30) days by the Lava Hot Springs City Council which amends the Lava Hot Springs Business and Special Event Regulation Code. This ordinance amends Sections 3-1-2; 3-1-11; and 3-1-14 of the City Code relating to the regulations of business conducted within City. It changes the name of the position of Code Enforcement Officer to Code Compliance Officer; adds definitions of "means of egress", "occupancy classifications", "occupant load" and "public"; adds the Fire Chief as a person who can perform compliance inspections; and adds a provision which provides for a means to assign occupancy classifications and loads for buildings, structures or portions thereof which will be occupied by the public.

Conflicting ordinances are repealed and the adoption of this ordinance was accomplished by dispensing with the rule requiring three readings of the ordinance in favor of one reading by title only at the City Council meeting on April 13, 2023. This ordinance shall become effective with this publication.

By his signature, the City attorney, Gary L. Cooper, states that he has reviewed and confirms that he believes this summary is true and complete and provides adequate notice to the public. The full text of the ordinance is available for inspection by any citizen upon request from the City Clerk at the Lava Hot Springs City offices.

/s/ Gary L. Cooper  
GARY L. COOPER

Published: April 18th 2023 (ISJ903-360350)

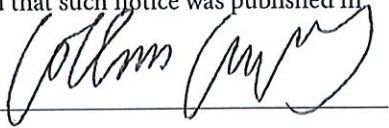


## PROOF OF PUBLICATION Idaho State Journal

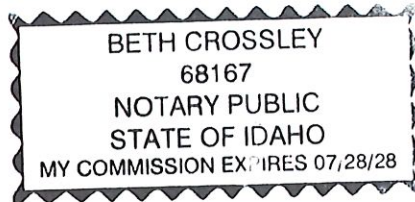
State of Idaho  
County of Bannock

I, ~~Dawn Giannini~~ or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~ or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Saturday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 1 day(s), first publication having been made on 04/18/2023 last publication having been made on 04/18/2023, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.



Subscribed and sworn to before me, on this 18th day of April, 2023



Notary Public  
My commission expires:

attached jurat \_\_\_\_\_

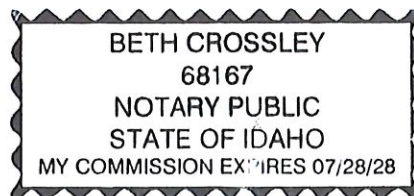
STATE OF IDAHO

ss.

COUNTY OF BANNOCK

On this 18th day of April, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for APG of the Rockies  
Residing: Idaho Falls, Idaho  
Commission expires: