

TITLE 6

PUBLIC WAYS AND PROPERTY

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CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

- 6-1-1: Supervision
- 6-1-2: Obstructing Streets And Sidewalks
- 6-1-3: Sidewalk Repair And Maintenance
- 6-1-4: Irrigation, Other Waters Upon Public Ways
- 6-1-5: Penalty

6-1-1: **SUPERVISION:** As provided in Idaho Code section 50-313, the city council shall have the care, supervision and control of public ways. (2012 Code)

6-1-2: **OBSTRUCTING STREETS AND SIDEWALKS:** No person, firm or entity shall obstruct or cause to be obstructed any of the sidewalks, streets, or alleys of the city, nor damage or litter the same. (2012 Code)

6-1-3: **SIDEWALK REPAIR AND MAINTENANCE:** Property owners are responsible for the construction, repair and maintenance of, and snow and ice removal from, sidewalks adjacent to their own property. (2012 Code)

6-1-4: **IRRIGATION, OTHER WATERS UPON PUBLIC WAYS:**

A. Prohibited Acts And Conditions:

1. Any person, company or corporation who runs or causes to run irrigation water or irrigation wastewater across or upon the public highways, roads, streets, or sidewalks by reason of failure to construct and maintain a good and sufficient ditch to carry the same

shall be guilty of a misdemeanor and of committing and maintaining a nuisance.

2. Any person, company or corporation who dams up a ditch carrying irrigation water or irrigation wastewater or constructs or causes to be constructed or maintains or causes to be maintained a bridge across such ditch and thereby causes such water to run across or upon the public highways, roads, streets, or sidewalks shall be guilty of a misdemeanor and of committing and maintaining a nuisance.

3. Any person, company, or corporation who suffers or allows water used by them for the purpose of irrigation or any other purpose to flow into or upon the public highways, roads, ~~streets, or sidewalks~~ shall be guilty of a misdemeanor and of committing and maintaining a nuisance.

- B. Evidence: Proof of water running from any lot or piece of land and into or upon the public highways, roads, streets, or sidewalks shall be competent evidence that the occupant thereof has caused the same to flow therefrom into and upon said public highway, road, street, or sidewalk. (2012 Code)

6-1-5: **PENALTY:** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (2012 Code)

CHAPTER 2

PUBLIC LIBRARY

SECTION:

- 6-2-1: Short Title
- 6-2-2: Library Established
- 6-2-3: Funding
- 6-2-4: Library Board Of Trustees
- 6-2-5: Library Director
- 6-2-6: Annual Budget
- 6-2-7: Annual Report
- 6-2-8: Failure To Return Borrowed Material

6-2-1: **SHORT TITLE:** This chapter shall be known as the *PUBLIC LIBRARY ORDINANCE*. (Ord. 2011-1, 6-8-2011)

6-2-2: **LIBRARY ESTABLISHED:**

- A. Creation: Pursuant to Idaho Code section 33-2603, the city council hereby establishes a public library for the citizens and residents of the city, known as the Lewisville public library.
- B. Free Library: The Lewisville public library shall be forever free for the use of the citizens and residents of the city, always subject to such reasonable rules and regulations as the library board of trustees may find necessary to adopt and publish in order to render the use of the library to the greatest benefit to the greatest number of citizens. The trustees may exclude any citizen or resident who shall, in the sole discretion of the trustees, violate the rules established by the trustees for the use of the library. (Ord. 2011-1, 6-8-2011)

6-2-3: **FUNDING:** The Lewisville public library shall be funded out of allocations, made no less than annually, out of the city general fund. The funds shall be in the custody of the city clerk-treasurer

and shall be used only for library purposes. The library board of trustees shall have control of all library expenditures. Money shall be paid for library purposes upon submission of properly authenticated vouchers to the city clerk-treasurer. The library board of trustees shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated for library purposes. Donations or gifts for the benefit of the library shall be budgeted along with other library accounts and shall be used only for library purposes. (Ord. 2011-1, 6-8-2011)

6-2-4: LIBRARY BOARD OF TRUSTEES:

- A. **Creation Of Board:** The Lewisville public library shall be governed by a library board consisting of five (5) trustees appointed by the mayor and city council from among the citizens of the city. A member of the city council shall not be one of the trustees, but each year the city council shall appoint one of its members to be a liaison to the board, without voting rights.
- B. **Appointment Of Trustees:** The mayor and city council shall appoint the trustees, pursuant to subsection A of this section, solely upon consideration of the ability of such appointees to serve the interests of the people, without regard to sex, age, race, nationality, religion, disability, or political affiliation.
- C. **Terms Of Trustees:** As the city council has currently appointed trustees, those trustees shall be reappointed to terms of one, two (2), three (3), four (4), and five (5) years, respectively. Those appointed trustees shall hold their office for the number of years appointed from the date of appointment, and until their successors are appointed. All subsequent appointments shall be made for five (5) years from the date of appointment, and until their successors are appointed.
- D. **Vacancy And Removal:** Any trustee may be removed by the city council by the unanimous vote of all city council members. All vacancies in the position of trustee shall be reported to the city council within five (5) working days by the trustees and shall be filled by appointment in the same manner as appointments are originally made. Appointments to complete an unexpired term shall be for the residue of the term only.
- E. **No Compensation:** The appointed trustees shall not receive any compensation. At the discretion of the library board, trustees may

receive their actual and necessary budgeted expenses while engaged in authorized business of the Lewisville public library.

F. Meetings:

1. Regular: The appointed trustees shall meet from time to time as determined by the board, but under no circumstances shall the trustees meet less than four (4) times per year, at least once in each quarter. One of those meetings shall be designated as the annual meeting. At the annual meeting, the appointed trustees shall elect the officers of the board, establish a regular meeting date and time, and review, amend, repeal, or adopt bylaws, policies and procedures.

2. Special: The trustees may have special meetings at a date and time different than the established regular meeting date and time, but written notice shall be provided to all trustees at least two (2) days prior to the day of the meeting.

3. Quorum: At any meeting, a quorum shall be required to conduct business. A quorum shall consist of three (3) voting members, but a smaller number may adjourn any meeting. All library board meetings shall be held pursuant to the Idaho open meetings act, Idaho Code sections 67-2340 through 67-2344.

G. Powers And Duties: The board of trustees shall have the following powers and duties:

1. To establish bylaws for its own governance.

2. To establish policies and rules of use for the governance of the library under its control; to exclude from the use of the library any and all persons who violate such rules.

3. To establish, locate, maintain and have custody of the library to serve the city, and to provide suitable rooms, structures, facilities, furniture, apparatus and appliances necessary for library service.

4. With the approval of the city council, the board of trustees shall have the following powers and duties:

a. To acquire real property by purchase, gift, devise, lease or otherwise.

b. To own and hold real and personal property and to construct buildings for the use and purposes of the library.

c. To sell, exchange or otherwise dispose of real or personal property when no longer required by the library.

d. To ensure the real and personal property of the library.

e. To prepare and adopt a budget for review and approval by the city council.

f. To control the expenditures of money budgeted for the library.

g. To accept or decline gifts of money or personal property, in accordance with library policy, and under such terms as may be a condition of the gift.

h. To hire, supervise and evaluate the library director and any employees of the library.

i. To establish policies for the purchase and distribution of library materials.

j. To attend all meetings of the board of trustees.

k. To maintain legal records of all board business.

l. To exercise such other powers, not inconsistent with law, necessary for the orderly and efficient management of the library. (Ord. 2011-1, 6-8-2011)

6-2-5: LIBRARY DIRECTOR:

A. Appointment: The library board of trustees shall appoint the library director who shall serve at the pleasure of the board.

B. Powers And Duties:

1. The library director shall advise the board of trustees, implement policy set by the board of trustees, supervise all library staff, and acquire library materials, equipment, and supplies.

2. The library director shall attend all meetings of the board of trustees, but shall not vote.

3. The library director shall recommend the hire of other employees to the board of trustees as may be necessary for the operation of the library in accordance with the policies and procedures of the Lewisville public library. These employees shall be employees of the city and subject to the city's personnel policies and classifications unless otherwise provided by city ordinance. (Ord. 2011-1, 6-8-2011; amd. 2012 Code)

6-2-6: **ANNUAL BUDGET:** The board of trustees shall prepare and adopt an annual budget, stating anticipated revenues and expenditures, indicating what support and maintenance of the library will be required for review and approval by the city council for the ensuing year. (Ord. 2011-1, 6-8-2011)

6-2-7: **ANNUAL REPORT:**

- A. State: The board of trustees shall annually, and no later than January 1 of each year, file with the Idaho state board of library commissioners, a report of the operations of the library for the fiscal year just ended, stating the condition of their trust, the various sums of money received from the library fund and from all sources, and how much has been expended, the number of books and periodicals on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of books loaned out, and the general character of such books, with such other statistics, information and suggestions as they may deem of general interest, and the Idaho state board of library commissioners may require.
- B. City Council: Said report shall also be provided to the mayor and the city council. (Ord. 2011-1, 6-8-2011)

6-2-8: **FAILURE TO RETURN BORROWED MATERIAL:** Any person who borrows from the Lewisville public library any book, newspaper, magazine, manuscript, pamphlet, publication, microform, recording, film, artifact, specimen, device, exhibit or other article belonging to, or in the care of, the Lewisville public library, under any agreement to return the same within a specified time, and thereafter fails to return the book, newspaper, magazine, manuscript, pamphlet, publication, microform, recording, film, artifact, specimen, device, exhibit or other article, shall be given written notice, which shall bear upon its face a copy of this section,

mailed by a registered or certified letter with return receipt, or delivered in person to such person at his last known address, to return the borrowed article within fifteen (15) days. In the event that the person shall thereafter fail to return the borrowed article within thirty (30) days, or shall fail to reimburse the Lewisville public library for the value of the borrowed article, plus overdue fines and costs incurred, the person shall be guilty of a petit theft and punishable as provided in Idaho Code chapter 24, title 18. (Ord. 2011-1, 6-8-2011)