

**TITLE 1**  
**ADMINISTRATION**

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CHAPTER 1  
FIRTH CITY CODE

SECTION:

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1-1-1: **TITLE:**

Upon adoption by the City Council, this Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Firth. This Code of ordinances shall be known and cited as the *FIRTH CITY CODE*, and it is hereby published by authority of the City Council and shall be kept up to date as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal document. (2018 Code)

1-1-2: **ACCEPTANCE:**

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2018 Code)

1-1-3: **AMENDMENTS:**

Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance

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material shall be prepared for insertion in its proper place in each copy of this Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Code. (2018 Code)

1-1-4:           **ALTERATIONS:**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The City Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the Office of the City Clerk. Any person having custody of a copy of this Code shall make every effort to maintain said Code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the Office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the Office of the City Clerk when directed so to do by order of the City Council. (2018 Code)

1-1-5:           **OFFICIAL NEWSPAPER:**

The, Post Register/Idaho State Journal, a daily newspaper that is the nearest Idaho newspaper of general circulation within the city, hereby is designated and appointed as the official newspaper of the City of Firth. (Ord. 214, 4-12-2023)

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## CHAPTER 2

**SAVING CLAUSE**

## SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1:       **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (2018 Code)

1-2-2:       **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be replaced by virtue of the preceding section, excepting as this Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2018 Code)

**1-2-3: COURT PROCEEDINGS:**

- A. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this Code. (2018 Code)

**1-2-4: SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2018 Code)

CHAPTER 3  
**DEFINITIONS**

SECTION:

- 1-3-1: Construction Of Words
- 1-3-2: General Definitions
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:**

- A. Liberal Construction: All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.
- B. Interpretation: In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where any provision of a Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- C. Additional Interpretations:
  - 1. Computation Of Time: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time but the day on which such proceeding is to be held shall be counted.
  - 2. Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize

subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

3. Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

4. Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

5. May/Shall: The word "may" is permissive; the word "shall" is mandatory.

6. Nontechnical And Technical Words: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

7. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

8. Officers Generally: Whenever any officer is referred by title, such as "Recorder", "Treasurer", etc., such reference shall be construed as if followed by the words "of the City of Firth, Idaho".

9. Tense: Words used in the past or present tense include the future as well as the past and present. (2018 Code)

1-3-2:           **GENERAL DEFINITIONS:** Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

**CITY CODE:**                           The City Code of the City of Firth, Idaho, and amendments thereto.

**CITY COUNCIL:**                       Unless otherwise indicated, the City Council of the City of Firth, Idaho.

**COUNTY:**                               The County of Bingham, State of Idaho.

- FEE:** A sum of money charged by the City for the carrying on of a business, profession or occupation, or other activity subject to City regulation, authorization or limitation.
- PERSON:** Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
- REASONABLE TIME:** In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.
- STATE:** The State of Idaho.
- WRITTEN, IN WRITING:** May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (2018 Code)

1-3-3: **CATCHLINES:** The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2018 Code)

## CHAPTER 4

**GENERAL PENALTY**

## SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: **GENERAL PENALTY<sup>1</sup>:**

- A. Misdemeanor: Except in cases where a different punishment is hereafter prescribed by City ordinance, every offense declared to be a misdemeanor is punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in jail not exceeding six (6) months, or by both, together with such costs as may be required by law. These punishments shall comply with Idaho Code section 18-113, as amended. If a penalty is limited by State law, such violations shall be punishable by not to exceed the maximum permitted by State law.
- B. Infraction: When the offense is designated as an infraction by any section or provision of this Code or by State law, it is punishable only by a penalty not exceeding three hundred dollars (\$300.00) and no incarceration may be imposed.
- C. Federally Mandated Programs: When the City is participating in a Federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, the City may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1,000.00) or imprisonment for criminal offenses not to exceed six (6) months, or to include both a fine and imprisonment for criminal offenses. (2018 Code)

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1. IC § 50-302.

**1-4-2: APPLICATION OF PROVISIONS:****A. Application Of Penalty Provisions:**

1. The penalty provided in this chapter shall be applicable to every section of this Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Code where any duty is prescribed or obligation imposed or where any action which is of a continuing nature is forbidden or is declared to be unlawful shall be deemed guilty of a misdemeanor unless otherwise provided. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

2. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

**B. One Recovery For Same Offense:** In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, 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. (2018 Code)

**1-4-3: LIABILITY OF OFFICERS:** No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2018 Code)

## CHAPTER 5

**MAYOR AND CITY COUNCIL**

## SECTION:

- 1-5-1: Compensation  
1-5-2: Meetings

1-5-1:       **COMPENSATION:** Commencing January 1, 2002, the salaries of the Mayor and of the members of the Firth City Council shall be as follows:

- A.     The Mayor shall receive a monthly salary in the sum of two hundred dollars (\$200.00).
- B.     Each member of the Council shall receive a monthly salary in the sum of fifty dollars (\$50.00). (Ord. 162, 8-14-2001)

1-5-2:       **MEETINGS:** The City Council shall hold its regular meeting on the second Wednesday of each month at six forty five o'clock (6:45) P.M. at 106 East Center Street, Firth, Idaho. (Ord. 200, 8-8-2017)