

CITY of ROBERTS  
April 12, 2022  
Public Hearing Meeting

The Roberts City Council met for a hearing at the regular place of meeting, after having been notified of said meeting of said council.

Robert (BJ) Berlin.....Mayor  
Connie Surerus.....Council  
Edidt Sanchez.....Council  
Shauna Lounsbury.....Council  
Ben Poston.....Council  
Gale Scrivner.....Clerk  
Ron Grant.....Maintenance (Absent)  
Jeff Ammons.....Maintenance (Absent)  
April Galbraith.....Librarian

Also Present: Deputy Leland Smith and Deputy Richard Lundberg with the Jefferson County Sheriff's Office, Tim Jones, Darnell Shipp, Karol Poston, and Karin Marritt.

Mayor Berlin opened the concurrent hearing for proposed Ordinance #560 and proposed Ordinance #561 at 6:45 p.m.

Mayor Berlin read proposed Ordinance #560 and proposed Ordinance #561, in there entirety.

**ORDINANCE NUMBER 560**  
**AN ORDINANCE REQUIRING PERMITS FOR DEMOLITION OF PERMANENT STRUCTURES AND FOR REMOVAL AND PLACEMENT OF MOBILE HOMES IN MOBILE HOME PARKS**

**WHEREAS**, The City of Roberts has the responsibility and authority to adopt regulations designed to promote health, safety and general welfare of its citizenry,

**NOW THEREFORE BE IT ORDAINED**, The City of Roberts zoning ordinance be amended as herein contained:

**SECTION 1. DEFINITIONS**

**MOBILE HOME**: Any home designated by Idaho Statute as a Mobile Home

**DEMOLITION**: The act of deconstructing, tearing down or demolishing a permanent structure

**SECTION 2.**

**2-A DEMOLITION OF ANY PERMANENT STRUCTURE**

An application to demolish any permanent structure within the City of Roberts shall be obtained from the City Clerk for a fee of \$50 by any individual or contractor that plans to demolish a permanent structure before demolition begins.

Small structures such as garden sheds or small green houses are exempt.

An application shall include a written plan, including an estimated start and finish date, hazard mitigation plans and plans for removal of debris.

Demolition may proceed only after approval by an agent of the City of Roberts chosen by the mayor.

The application fee may be adjusted as need by a resolution of the City Council.

**SECTION 3. PENALTIES**

**3-A** Commencing with demolition without first complying with section 2-A shall be grounds for a cease-and-desist order from the City and be a Misdemeanor punishable by up to \$1000 and or up to six months imprisonment per violation.

**3-B** Failure to complete or carry out demolition project as described in permit may result in an infraction with a penalty of \$100 per day that violation is occurring. An agent of the mayor's office shall make such determinations. Changes to the demolition plan may be approved by request and subsequent permission of the mayor's office.

**3-C** A demolition project shall consider city utilities and other infrastructure issues. A demolition project will be deemed ongoing until Roberts maintenance operators have inspected the site, and approve the conclusion of said project.

#### **SECTION 4. MOVING MOBILE HOMES IN OR OUT OF ROBERTS CITY LIMITS**

An application to remove or place a mobile home in a mobile home park within the City of Roberts shall be obtained from the City Clerk for a fee of \$50 by any individual, contractor or corporation that plans to move a mobile home in or out of a mobile home park before any mobile home may be moved.

An application shall include a written plan, including an estimated start and finish date and hazard mitigation.

Removal or placement may proceed only after approval by an agent of the City of Roberts chosen by the mayor.

Mobile homes moved in to or within city limits may not be occupied until a Certificate of Occupancy has been issued by The City of Roberts.

The application fee may be adjusted as need by a resolution of the City Council.

#### **SECTION 5. PENALTIES FOR NON-COMPLIANCE**

Failure to comply with this ordinance shall be a Misdemeanor. Misdemeanors are punishable by up to a \$1000 fine and/or six-month jail time, per occurrence.

Failure to comply may also result in cease-and-desist orders, paid for at the owner's expense.

**Ordinance Number 561**  
**Water Conservation Ordinance**  
**City of Roberts**

**WHEREAS**, the City of Roberts has the responsibility and authority to provide potable water to its patrons;

**WHEREAS**, The City of Roberts needs to plan for future sustainability of its water quality and supply;

**WHEREAS**, Eastern Idaho often experiences drought conditions;

**NOW THEREFORE BE IT ORDAINED**; The City of Roberts water utilities ordinance be amended to include the following water conservation measures.

#### **SECTION A. CONSERVATION MEASURES FOR MUNICIPAL WATER USAGE:**

A. Prohibition And Restriction Of Municipal Water Usage: The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping with water owned by the city shall be restricted upon all properties with even numbered street addresses to Tuesdays, Thursdays, and Saturdays, and Odd numbered street addresses to Mondays, Wednesdays and Fridays and shall be prohibited between the hours of ten o'clock (10:00) A.M. and six o'clock (6:00) P.M. daily, except as provided below:

1. Upon written request made by a water user, the city's authorized agent may grant an exception to the prohibition and restriction of municipal water usage if the water user's water usage will be for the purpose of sprinkling or watering new plantings for a specified time period. The exception will only apply to the newly planted area.

B. Exclusions:

1. Sprinkling or watering by commercial nurseries on their own sites.

2. Sprinkling or watering by the City or its contractors on public parks and rights of way.

3. The use of water conservation irrigation devices, such as drip or bubbler style irrigation systems that minimize water evaporation losses.

4. Individual apartments in a complex watering dates shall be the same as the street address requirement of the whole of said complex.

C. Emergency Powers: The mayor may, upon notification by the Idaho department of water resources of curtailment of city of Roberts water rights, or in the case of concern for the city's operational capacity due to heat or drought conditions, declare an emergency and restrict water use to domestic purposes only.

#### **SECTION B: POWERS AND AUTHORITY OF CITY:**

The city, through its authorized representative, bearing proper credentials and identification, shall be permitted to enter all properties, premises or buildings to which water is furnished from the municipal water system for testing or for any other purpose necessary for the proper administration of the water system in accordance with the provisions and restrictions of this chapter.

#### **SECTION C: PROHIBITED CONDUCT:**

A. It is unlawful for any water user to waste water or allow water to be wasted by leaky water stops, valves, joints or pipes that are not under the jurisdiction of the city, or to permit the malicious or willful consumption of water from the municipal water system.

B. It is unlawful to allow a flow of water for animal consumption that is in excess of the actual water needs of the animals having access thereto.

C. It is unlawful to permit a continuous stream of water to flow from hydrants, irrigation systems, faucets, wash basins, water closets, urinals or other fixtures that do not serve a useful purpose.

D. It is unlawful to allow water from the municipal water system to flow beyond the boundaries of the owner's property.

**SECTION D: VIOLATION; PENALTY:**

Any person found to be violating any provision of this chapter shall be subject to the following:

A. First and second violation: Warning citation.

B. All subsequent violations:

1. All subsequent violations shall result in immediate termination of water service to the property. Prior to reinstatement of service, the person violating the provisions of this chapter shall pay a discontinuance fee and recommencement fee as established by city council resolution.


2. Any person, firm or other legal entity violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Thousand dollars (\$1000.00) and or imprisonment in the county jail for a period not to exceed six (6) months, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Mayor Berlin opened the floor for discussion. Mayor Berlin gave background on Ordinance #561, Water Conservation. He said that last summer the city experienced a strain on the water system due to patrons watering in 100 degree weather. He also said that we are in the third year of a drought and the city received a water call last year.

Tim Jones said that he appreciated the mayor and councils foresight in looking ahead for future issues regarding Ordinance #561, Water Conservation. He said he could understand an ordinance during a water call but that he is concerned that the ordinance would pit neighbor against neighbor and that the spirit of friendship in Roberts would be effected. Tim said that he felt the ordinance would affect his fruit trees as they need more water. He also voiced concern that those with disabilities and that are not in good health would not benefit because they would only be able to water on days that they are feeling well.

Mayor Berlin and City Council members addressed Tim Jones concerns.

With no further discussion Mayor Berlin closed the Public Hearing at 7:21PM.



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Mayor Berlin



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City Clerk