



CITY OF STAR

LAND USE STAFF MEMO

TO: Mayor & Council

FROM: City of Star Planning Department

MEETING DATE: **August 19, 2025 PUBLIC HEARING**

RE: Municipal Code Text Amendment

APPLICANT

City of Star

REQUEST

The following Sections of the Star Municipal Code will be reviewed for amendment:

- **TITLE 5: MOTOR VEHICLES AND TRAFFIC** CHAPTER 2, PARKING REGULATIONS
- **TITLE 1: PUBLIC SAFETY** CHAPTER 4, GENERAL PENALTY, A ADMINISTRATIVE CITATION PROGRAM AND PROCESSES

APPLICATION REQUIREMENTS, NOTICING & MEETINGS

Legal Notice Published

August 2, 2025

ZONING ORDINANCE STANDARDS

1-1-3: Amendments

Any ordinance amending the city code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of

any part of this city code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this city code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the city code.

8-1B-5: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS:

A. Unified Development Code Amendment Initiated by A Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a unified development code text amendment. An application and fees shall be submitted to the administrator on forms provided by the city.

B. Unified Development Code Amendment Initiated by the City: The city may initiate a code amendment with public notice as required herein.

C. Required Findings: In order to grant a text amendment to this unified development code, the council shall review the proposed text amendment at a public hearing and make the following findings:

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including.

PROPOSED CODE AMENDMENTS

The following proposed Municipal Code amendments are submitted to Council for review and decision.

TITLE 5: MOTOR VEHICLES AND TRAFFIC

CHAPTER 2 PARKING REGULATIONS

5-2-1 : Definitions

5-2-2 : Manner Of Parking

5-2-3 : Disabled Persons Parking

5-2-4 : Parking Prohibited In

Specified Places 5-2-5:

Obstructing Traffic

5-2-6 : Parking In Alleys

5-2-7 : Extended Parking Prohibited

5-2-8 : Leaving Vehicle Unattended

5-2-9 : Restricted Parking Of

Trucks And Trailers

5-2-10: Residential and Special

Parking Districts:

5-2-10 11: Parking Tickets And

Procedures

5-2-11 12: Violations; Penalties

5-2-1 : Definitions

RESIDENTIAL PARKING DISTRICT: A geographical area of residential streets which are designated by resolution of the Star City Council for the purpose of managing parking issues specific to such area. Residents and businesses located within such designated area may apply for and, if qualified, receive permits which exempt their associated vehicle(s) from the parking time restrictions otherwise enforced in such area.

SPECIAL PARKING DISTRICT: A subset of a residential parking district which utilizes separate parking permits and has stricter parking limitations than the rest of the residential parking district.

5-2-10: Residential and Special Parking Districts:

5-2-10-1: Creation of Residential and Special Parking Districts:

A. Determination: The City Council may determine which areas, if any, of the City should be designated as either Residential Parking District (RPD) or Special Parking District (SPD) permit parking zones. A request to create or amend a parking district may come from the City or from a resident of the City. All requests shall be reviewed by the Zoning Administrator to determine whether to submit the request to the City Council for approval.

B. Public Hearing: The City Council shall conduct a public hearing concerning any proposed designation of an RPD or SPD. The public hearing shall be held only after notice thereof has been published in a newspaper of general circulation throughout the City and written notification has been distributed to all properties in the affected area at least ten (10) days prior to the date set for the hearing.

C. Approval of City Council: Upon approval, the City Council shall direct the Zoning Administrator to erect signs indicating that the designated area is an RPD or SPD permit zone and the time limits for parking.

D. Characteristics: The Zoning Administrator shall determine for all RPD and SPD permit zones:

1. The days of the week that the zone shall be in effect, and the hours of enforcement for the zone;
2. The design and proper posting requirement for all RPD and SPD permit zone signs;
3. The specific requirements for the parking permits used within RPD and SPD permit zones; and
4. The specific locations, if any, within an RPD or SPD permit zone in which parking must be further restricted to maintain public safety or previous commitments, such as, but not limited to, loading zones or no parking zones.

5-2-10-2: Residential and Special Parking District Permits; Specific Requirements:

A. Residency: In addition to the minimum parking permit application and requirements set forth in this section, all applicants for RPD or SPD parking permits shall also provide written proof of the applicant's residency within the applicable RPD or SPD zone, which may include documented proof that the applicant's vehicle is registered to a residence within the RPD or SPD zone.

B. Bona Fide Visitor Permits: The Zoning Administrator is hereby authorized and directed to create provisions for the issuance of temporary parking permits for bona fide visitors of residents within an RPD or SPD.

C. Authority To Regulate: In order to maintain the integrity of the neighborhoods and properly manage RPD and SPD zones, the Zoning Administrator may:

1. Limit the number of RPD or SPD parking permits issued per household;
2. Limit the number of temporary visitor parking permits issued per household;
3. Limit the total number of parking permits issued within an entire RPD or SPD zone;
4. Charge a fee for RPD, SPD or visitor parking permits before their issuance; and
5. Require RPD, SPD or visitor permits to contain information which the

Zoning

Administrator deems necessary.

D. Nonrefundable Fees: Any RPD, SPD or visitor's parking permit fees that are established by the City Council and listed on the most current City Clerk fee schedule shall accompany the application and are nonrefundable.

E. Display; Nontransferable: All issued RPD, SPD or visitor parking permits shall be displayed as directed by the Zoning Administrator and clearly visible at all times when parking pursuant to an RPD, SPD or visitor's parking permit. All RPD and SPD parking permits are specifically assigned to the vehicle listed on the permit application and are nontransferable, except by express written permission of the Zoning Administrator.

F. Term; Renewal: All RPD and SPD parking permits shall be issued for a one-year period and shall automatically expire at the end of such period. RPD and SPD parking permit holders must follow the permit renewal process as developed and implemented by the Zoning Administrator.

5-2-10-3: Use of Residential and Special Parking District Permits:

A. Zones Created: The designation of an RPD or SPD shall allow the Zoning Administrator to create zones for use by special groups with permits and shall limit the length of time that vehicles without such permits shall be allowed to park within such RPD or SPD.

B. Parking Authorized With Permit: Any vehicle with a valid and properly displayed RPD, SPD or visitor's permit for such RPD or SPD is entitled to park within the RPD or SPD to which the permit applies, without regard to the posted parking time limitations.

C. Applicability Of Permit: A parking permit for an RPD or SPD is specific to the RPD, visitors permit or SPD for which it is issued. An RPD, SPD or visitor's parking permit shall not authorize the holder thereof to park beyond the posted time limits in any RPD or SPD other than that to which the permit applies.

D. Surrender Upon Suspension Or Revocation: Upon written notification suspending or revoking an RPD, SPD or visitor's permit, the permittee shall immediately surrender the permit to the Parking Services Office.

E. Specific Limitations Of Parking Within A Residential Or Special Parking District: In addition to the qualifications, requirements and other standards set forth in this article which apply to both RPDs and SPDs, the following limitations and restrictions are specific to each type of district:

1. Residential Parking District Specific Use Limitations: Every vehicle parked within an RPD which properly displays a current RPD permit or visitor's permit must be parked within two (2) blocks of the residence listed on the permit application. The RPD permit code on the vehicle must correspond with the decal code displayed on the posted RPD signs. All vehicles without a valid RPD permit or visitor's permit which stop, stand or park within an RPD must be removed from that block face at the expiration of the posted time limit for parking for the remainder of that calendar day.
2. Special Parking District Specific Use Limitations: Businesses within an SPD shall be limited to the set number of SPD parking permits available. All vehicles without a valid SPD permit or visitor's permit which stop, stand or park within an SPD must be removed from the boundaries of the SPD at the expiration of the posted time limit for parking, for the remainder of that calendar day.

5-2-10-4: Residential and Special Parking District Unlawful Acts:

It shall be unlawful for any person to:

- A. Park a vehicle without a properly displayed and valid RPD, SPD or visitor's permit past the expiration of the posted time limits for that RPD or SPD zone;
- B. Fail to remove a nonpermitted vehicle from the same block face in an RPD zone at the expiration of the posted parking time limits for the remainder of that calendar day;
- C. Fail to remove a nonpermitted vehicle from the boundaries of an SPD zone at the expiration of the posted parking time limits for the remainder of that calendar day;
- D. Fail to park within two (2) blocks of the residence listed on the permit application of the vehicle displaying an RPD zone permit or visitor's permit;
- E. Park a vehicle with an RPD, SPD or visitor's permit past the posted parking time limits in any other RPD or SPD zone to which the vehicle's permit does not apply; or
- F. Fail to comply with any of the terms, conditions or restrictions placed on the issuance and use of an RPD, SPD or visitor's permit pursuant to this article and article B of this chapter.

5-2-10-5: Denial, Suspension or Revocation of Residential and Special Parking District Permit:

Failure to comply with the standards, requirements and qualifications established by the Zoning Administrator shall be the basis for the denial, suspension, or revocation of any parking permit regulated under this section. The denial, suspension or revocation of any parking permit under this article and any review thereof, is governed by this section.

5-2-10: Parking Tickets And Procedures

The law enforcement officials and any other individual designated by the city council shall have the authority to issue parking tickets as follows:

- A. Issuance Of Ticket: It shall be the duty of the law enforcement officials or any other individual designated by the city council, upon observing a motor vehicle, or motor vehicle and trailer, parked, standing, or stopped in violation of the provisions of this chapter, to leave upon such vehicle a separate parking ticket every two (2) hours that such vehicle has been parked, standing, or stopped in violation of the provisions of this chapter. Such parking ticket shall bear the hour and date of leaving the same upon the vehicle, and make of the vehicle, the vehicle's license number, the specified city code section violated, and the amount of the fine for such violation. Each parking ticket shall instruct the operator of the vehicle to report to the city clerk at the city hall and within ten (10) days of the date in which the ticket was issued, pay the full amount designated on the ticket. Failure to pay the ticket within the time required may result in the imposition of a late fee.
- B. Payment Of Fine To City Clerk: To avoid burdening the judicial system with parking violations and for the convenience of the public, each person receiving a parking ticket under this chapter shall report to city hall and pay the city clerk.
- C. Fine Schedule: The fines for the parking violations in the city, including late fees, shall be charged in accordance with the rate schedule adopted by resolution of the city council, which may be amended from time to time.
- D. Registered Owner: If any vehicle is found stopped, standing, or parked in violation of the provisions of this chapter, the fact that the vehicle is registered or leased to a person shall be considered prima facie evidence that such person was in control of the vehicle at the time of such violation.

(Ord. 101, 5-4-2004)

5-2-11: Violations; Penalties

Any operator of a motor vehicle or a motor vehicle and trailer who shall stand, stop, or park such vehicle in violation of the provisions of this chapter shall be deemed to have committed a parking violation. In the event that a parking ticket is not paid in accordance with the administrative procedure set forth in this chapter, an infraction citation or a complaint for a parking violation may be filed in the magistrate division of the district court.

(Ord. 101, 5-4-2004)

CHAPTER 4A - ADMINISTRATIVE CITATION PROGRAM AND PROCESSES

1-4A-1 - FINDINGS AND SCOPE OF SECTION

- A. The City Council of the City of Star has a significant interest in ensuring compliance with its laws and finds that there is a need for an alternative method for enforcement of violations of the Star City Code and for violations of orders or requirements imposed on any permit issued or approved by the City.
- B. The City Council finds that adoption of an Administrative Citation program is an effective method for enforcement.
- C. The primary purpose and intent of the City Council through adoption of this program is to:
 - 1. Faster timely compliance with the law in order to protect public health, safety, and welfare;
 - 2. Provide for a process that is open and fair and that allows for an imposition, review, and appeal of Administrative Citations and fines imposed;
 - 3. Reduce the delay and expense of enforcing the Star City Code through the current options of criminal prosecution or civil litigation while still providing due process to Responsible Parties;
 - 4. Avoid overloading criminal and civil courts with minor offenses related to the violation of City Code; and
 - 5. Deter frivolous challenges to Administrative Citations and facilitate

prompt collection of fines.

- D. The procedures herein are adopted pursuant to Idaho Code § 50-302 which gives authority to the Council to enforce ordinances by fines as the Council may deem proper.
- E. The determination by the City to impose, enforce, collect and provide administrative review of Administrative Fines pursuant to this Section is solely at the City's discretion and is only one option available to the City. Issuance of an Administrative Citation shall not be deemed a waiver of any other enforcement remedies available to the City. By adopting this Administrative Citation program, the Council does not intend to limit the ability of the City to use any other remedy, civil or criminal, which may be available in a particular case.

1-4A-2 - DEFINITIONS:

Administrative Citation means a notice of violation of Star City Code issued by an Enforcement Officer.

Administrative Costs means all direct and indirect costs the City incurs as a result of issuing an Administrative Citation, performing an informal review, or conducting an administrative citation hearing. Such costs include but are not limited to investigating violations, issuing an Administrative Citation, reviewing and processing documentation during an informal review, preparing and sending notice and decisions, scheduling hearings, and conducting an administrative citation hearing.

Administrative Fine means the fine or penalty imposed on the Responsible Person for a violation of this Code enforceable by an Administrative Citation. The amount of this fine may be set forth in the specific Chapter or Section of this code that a Responsible Party has violated, or where no specific penalty is set forth in the Chapter or Section violated, in an amount defined for Administrative Citations in Star City Code § 1-4-1.

Administrative Hearing Officer means a decision-maker selected and appointed by the Mayor. A City employee may serve in this capacity so long as (1) such employee was not personally involved in the process of investigating or issuing the Administrative Citation under review, (2) the employee does not report to the Enforcement Officer who issued the Administrative Citation, and (3) does not have a financial interest in the outcome of Administrative Citations.

Enforcement Officer means any police officer, inspector, Code Enforcement Officer, or other employee or agent of the City having the power to issue an Administrative

Citation.

Responsible Party means any person who can be categorized as follows:

- A. A person who violates a provision of City Code;
- B. A person who causes or materially contributes to the causation of violation of City Code;
- C. A person who maintains or allows an ongoing or continuing violation of City Code by his or her action or inaction;
- D. A person whose agent, employee, or independent contractor causes or materially contributes to the causation of violation of City Code;
- E. An on-site manager of a business who is responsible for the activities occurring at the premises, and the business activities violate a provision of City Code;
- F. A trustee or other person who is given the legal authority to manage property on behalf of another, and conduct or circumstances related to the management of the property result in a violation of a provision of City Code;
- G. A person who is a parent or guardian having custody and control of a minor who contributes to the violation of City Code; or
- H. A person who is the owner of, or who exercises control over, or any lessee or sub-lessee with the current right of possession of, real property where a property related violation of City Code occurs or continues to occur.

1-4A-3 - ISSUANCE OF AN ADMINISTRATIVE CITATION.

Whenever an Enforcement Officer determines that a violation of City Code has occurred or is occurring, the Enforcement Officer is authorized to issue an Administrative Citation to the Responsible Person(s). If the Responsible Person is a minor, the Enforcement Officer is authorized to issue an Administrative Citation to the parent(s) or guardian(s) having custody and control of the minor.

- A. An Administrative Citation shall include the following information:
 - 1. A reference to the applicable section of the Star City Code that has been violated;
 - 2. A brief description of the action or inaction of the Responsible Party constituting the grounds for the citation and the date, time, and location of the violation;

3. The fine for the violation(s);
 4. Notice that the fine must be paid within fourteen (14) days of receipt of the citation per Star City Code § 1-4A-5(1) and describe the available methods for payment.
 5. Notice that the Responsible Party may request an informal review of the citation through City Clerk's Office, and identify the deadline for making such request; and
 6. The date the citation is issued and the name and signature of the Enforcement Officer.
- B. The City may dismiss an Administrative Citation at any time if it is determined to have been issued in error.

I-4A-4 - SERVICE PROCEDURES:

- A. Personal Service. In any case where an Administrative Citation is issued to an individual, the Enforcement Officer shall:
1. Make reasonable efforts to locate the Responsible Party and personally serve the Administrative Citation on the Responsible Party or Parties. If the Responsible Person is a Minor, the Enforcement Officer shall serve the Administrative Citation on the parent(s) or guardian(s) having custody and control of the Minor, and attempt to provide a copy to the Minor.
 2. Obtain the signature of the Responsible Party on the Administrative Citation. If the Responsible Party refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of the Administrative Citation and subsequent proceedings.
- B. Service by Mail. If the Enforcement Officer is unable to locate the Responsible Party for the Administrative Violation, the Administrative Citation may be mailed to the Responsible Party by certified mail. If the Responsible Party is known to be a Minor, the Administrative Citation shall be mailed to the parent(s) or guardian(s) having custody and control of the Minor.
1. If the Responsible Party is the property owner where a property related Administrative Violation occurs, the Administrative Citation shall be sent to the last known address of the Responsible Party, and may also be posted at a prominent location (e.g. the primary entrance of a structure on the

property) on the property.

2. If the Responsible Party is the tenant or other possessor of property where a property related Administrative Violation occurs, the Administrative Citation shall be sent to the property address, and may also be posted at a prominent location (e.g. the primary entrance of a structure on the property) on the property.
- C. Service of Administrative Citations for Parking Offenses. If the Administrative Citation relates to the parking of a vehicle, the Responsible Party shall be either: (1) the operator of the vehicle if the identity of such person is known to the Enforcement Officer at the time the Administrative Citation is issued; or (2) the registered owner of the parked vehicle. Service may be accomplished by:
1. Personally serving the Administrative Citation on the Responsible Party according to the process described in Subsection (A) of this Section; or
 2. Placing the Administrative Citation on the illegally parked vehicle or mailing a copy the last known address of the registered owner as provided in Subsection (B) above of this Section.
- D. Effective Date. Service pursuant to Subsection (A) of this Section shall be deemed effective at the time of personal delivery. Service pursuant to Subsection (B) of this Section shall be
- E. deemed effective on the date the certified mailing is signed by the receiving party, or where the certified mailing is not accepted for any reason, five (5) calendar days following the date of mailing.

1-4A-5 - PROCESS FOLLOWING ISSUANCE OF AN ADMINISTRATIVE CITATION.

Upon receipt of an Administrative Citation, the Responsible Party has the following options:

- A. Comply with the Administrative Citation. Upon receipt of an Administrative Citation, the Responsible Party shall:
1. Pay the fine within fourteen (14) calendar days after the effective date of service under Star City Code 1-4A-4(D); and
 2. Remedy the conditions or conduct (e.g. clean up real property) that violate City Code. Payment of an Administrative Fine shall not excuse or discharge a failure to correct the conditions or conduct that led to the Administrative Citation nor shall it bar the Enforcement Officer from taking any other

enforcement action in response to a violation of City Code, including issuance of additional Administrative Citations.

B. *Request an Informal Review of the Administrative Citation.* A Responsible Party may contest the Administrative Citation by requesting an Informal Review. Requests for Informal Review must be actually received by the City within fourteen (14) calendar days of the effective date of service under Star City Code 1-4A-4(D) by personal delivery or by mail to Star City Clerk's Office at 10769 W. State Street, Star, Idaho 83669 Failure to timely make such a request shall constitute a waiver of the right to challenge the Administrative Citation. Submitted requests for Informal Review must be made on an official form provided by the City.

1. If, following the Informal Review, it is determined that the offense charged in the Administrative Citation did not occur, or that dismissal is in the interest of justice, the Administrative Citation shall be dismissed and the Responsible Person notified by mail and/or an electronic method such as email.
2. If, following the Informal Review, the Administrative Citation is not dismissed, the Responsible Person shall be notified by mail and/or an electronic method such as email and informed of the reasons the Administrative Citation was not dismissed and his or her obligation to pay the Administrative Fine within seven (7) calendar days of the post-mark on the notice, and of his or her right to request an administrative hearing.

C. *Request an Administrative Citation Hearing to contest the Informal Review.* The Responsible Party may choose to challenge the outcome of the Informal Review by submitting a request for an Administrative Citation Hearing. Such request must be actually received by the City within seven (7) calendar days of the post-mark on the notice provided in subsection (8)(2) of this Section. Failure to timely make such a request, shall be deemed a waiver of the right to an Administrative Citation hearing. The Responsible Party must submit a written request on an official form provided by the City, requesting an Administrative Hearing. Said form, hereinafter referred to as a Request for Administrative Hearing.

D. Review fees, estimated Administrative Hearing costs, and the Administrative Fine, or written proof of financial hardship as specified in Paragraph (1) of this Subsection. A Responsible Party who fails to make the required deposit or provide written proof of financial hardship, will have waived the right to contest the Informal Review, and the Informal Review decision shall stand. The Responsible Party may also be responsible for actual administrative costs assessed under Star City Code § 1-4A-6(J)(2), including substitution of a hearing officer pursuant to Star City Code § 1-4A-7(C).

1. Financial Hardship. In lieu of the advance deposit required pursuant to this Subsection, written proof of financial hardship, which shall be in the form of a declaration signed by the Responsible Person under penalty of perjury, shall be filed with the City Clerk. The declaration shall state that the Responsible Person earned less than 50% of the median income for the City of Star area during the previous tax year, as reported on the Responsible Person's federal income tax return filed with the Internal Revenue Service. The median income for the applicable year shall be the median household income (or estimated median household income) as determined by the United States Department of Housing and Urban Development for the Boise Metropolitan Area.
 2. Advance deposits will be held by the City in trust until the conclusion of the Administrative Hearing process. When the Responsible Party's challenge of the Administrative Violation is unsuccessful, the advance deposit will be forfeited to the City to pay the Administrative Fine and the informal review and Administrative Hearing fees. In the event the Responsible Party's challenge is successful, the advance deposit will be returned to the Responsible Party.
- E. In the event a Responsible Party requests an Administrative Hearing to contest an Administrative Citation, the Responsible Party may also simultaneously request all evidence in the City's possession related to the specific Administrative Citation. Upon receipt of such a request the City shall provide the Responsible Party with a copy of all evidence in the City's possession against him or her.

1-4A-6 -ADMINISTRATIVE CITATION HEARING PROCESS.

- A. Powers of the Administrative Hearing Officer. The Administrative Hearing Officer in accordance with this Section has the following powers:
1. The Administrative Hearing Officer shall determine whether the City Code violation specified in the Administrative Citation occurred;
 2. The Administrative Hearing Officer shall determine whether the assessed Administrative Fine is in accordance with the Administrative Fine schedules;
- B. Qualifications of Administrative Hearing Officer. The officer(s) selected shall:
1. Be selected and appointed by the Mayor to serve as a City Hearing Officer.
 2. All Hearing Officers shall make a written disclosure of any conflict of interest or bias in the hearing of any specific Administrative Citation, to the Responsible Party.

3. All Hearing Officers shall have a minimum of twenty (20) hours of training on topics relevant to the Administrative Hearing process. Training may be provided through any of the following:
 - a. A program conducted by an accredited college or university;
 - b. Programming or education conducted by the National Association of Hearing Officials;
 - c. An organization established in arbitration or mediation training; or
 - d. A program developed and implemented by the City.
- C. Request for Disqualification of Hearing Officer. Any Responsible Party challenging a Hearing Officer for lack of impartiality may do so by making a request with the City Clerk or alternate hearing officer if the city clerk is the hearing officer whose disqualification is being requested. Such request shall be in writing and include: the Responsible Party's name, address, email address, Administrative Citation number, and an explanation of why the Hearing Officer should be disqualified. After reviewing the request for disqualification, the City Clerk or alternate hearing officer, shall determine and provide to the Responsible Party in writing whether the request for disqualification is granted and their reason therefore. If a substitute is required for a hearing officer due to disqualification or unavailability, a substitute shall be appointed by the Mayor or City Clerk, and the City Clerk shall issue notice of a new date for the Administrative Hearing. The cost of substitution of a Hearing Officer shall be included in the costs of an Administrative Hearing pursuant to Star City Code **I-4A-7(J)(2)** to be assessed against the Responsible Party.
- D. Time for Administrative Hearing.
 1. The Responsible Party shall be notified in writing of the date and time of the hearing by mail and/or an electronic method such as email to the address provided by the Responsible Party in the Request for Administrative Hearing.
 2. The Responsible Party may request no more than one continuance, and the sole basis for the continuance shall be for unavailability. The request may be made as follows:
 - a. The Responsible Party shall submit a written request to the City Clerk;
 - b. The City Clerk must actually receive the request no less than 72 hours before the hearing; and

- c. The request must state the reason why the Responsible Party is unavailable.
- 3. The Administrative Hearing Officer shall grant a continuance of the hearing date upon a request by the Responsible Party on a showing of good cause.
- 4. The City Clerk may initially notify the Responsible Party by electronic means, if necessary, to timely provide notice on whether the request was granted or denied. Such notice may be followed by written notice if requested by the Responsible Party.
- 5. Should the Administrative Hearing Officer be unavailable for the scheduled hearing, the Hearing Officer may order no more than one continuance before dismissing the Administrative Citation.
- F. *Failure to Attend Administrative Hearing.* If the Responsible Party fails to attend the scheduled hearing, he or she shall be deemed to have waived his or her right to an Administrative Hearing. Under these circumstances, the Administrative Hearing Officer shall find the Responsible Party in default. A default under this Section shall constitute a forfeiture of the Administrative Fine, Administrative Hearing fee, and Informal Review fee deposited with the City, and a waiver of any right to challenge any additional assessed Enforcement Costs and Administrative Costs.
- G. *Withdrawal of Challenge.* A Responsible Party who has been issued an Administrative Citation and who has requested an Administrative Hearing to challenge the citation as provided in this Title may request in writing that his or her challenge to the citation be withdrawn and the hearing cancelled. Upon receipt of a request to withdraw a challenge to the Administrative Citation, the City shall cancel the pending hearing. A withdrawal under this Subsection shall constitute a forfeiture of the Administrative Fine, Administrative Hearing fee, and Informal Review fee deposited with the City, and a waiver of any right to challenge the assessed Enforcement Costs and Administrative Costs.
- H. *Effect of Financial Hardship on Failure to Attend Hearing or Withdrawal of Challenge.* If a financial hardship waiver was granted and the Responsible Party is in default as provided in Paragraph E of this Subsection, or a challenge to the citation is withdrawn pursuant to Paragraph F of this Subsection, the Administrative Fine and Administrative Costs shall be due and payable by the Responsible Person(s) to the City within twenty (20) calendar days following the date that had been set for the administrative hearing.
- I. *Procedures at the Administrative Hearing.*

1. Administrative hearings are informal and inquisitorial in nature, and rules of evidence and discovery do not apply. The proceedings shall be audio-recorded by the City.
 2. The Responsible Party may be represented by an attorney licensed to practice in the State of Idaho.
 3. The Responsible Party must establish that the Administrative Citation was issued without a rational connection between the facts and the Star City Code provision that was allegedly violated per the information on the Administrative Citation.
 4. The Administrative Citation and any additional documents submitted by the Enforcement Officer prior to the hearing shall be accepted by the Administrative Hearing Officer as prima facie evidence of the respective facts contained in those documents.
 5. The City Enforcement Officer may attend the hearing but is not required to do so.
 6. The City Enforcement Officer, if present, shall have the first opportunity to testify and present witnesses and evidence in support of his or her case, including the officer's own testimony. The Responsible Party shall then have the same opportunity.
 7. All witnesses are subject to questioning from the Enforcement Officer, Responsible Party (or their attorney), and from the Hearing Officer.
 8. Nothing shall preclude the use of telephonic or other electronic means of communication as the venue for the Administrative Hearing if deemed appropriate by the Administrative Hearing Officer.
- J. Decision of the Administrative Hearing Officer. After considering all of the testimony and evidence submitted at the hearing, the Administrative Hearing Officer shall, within fifteen (15) days thereafter, render a decision in writing. The decision rendered by the Administrative Hearing Officer is not exclusive and does not preclude or foreclose the City from pursuing any and all other remedies provided by law.
1. Contents of Decision. The decision shall include the following determinations:
 - a. Determine Whether it is more likely than not that the violation of Star City Code alleged in the Administrative Citation occurred and that the Responsible Party is in fact legally responsible for such violation.
 - b. Determine whether the correct Administrative Fine was charged for the

Star City Code violation at issue. This includes a determination whether or not the offense at issue was a first, second, third, or subsequent offense pursuant to Star City Code 1-4-1.

- c. For City Code violations that are on-going/continuing violations, determine whether or not the violation has been corrected as of the date of the hearing, and if not corrected order correction of the violation by a date certain. Such date certain shall not be more than fifteen (15) days after the written decision is issued.

- 2. Service of Decision. The Hearing Officer's decision shall be served on the Responsible Party by first-class mail, postage prepaid, at the address he or she provided in the Request for Administrative Hearing. The decision may be served on the responsible party by an electronic method such as email if such method had been requested by the responsible party.

K. Deposit of Administrative Fines and Costs Following Decision.

- 1. Deposited Fines and Fees. If the Administrative Hearing Officer upholds an Administrative Citation, the fines and fees deposited by the Responsible Party with the City prior to the hearing shall be immediately forfeited to the City. If the Hearing Office dismisses the Administrative Citation, the fines and fees deposited with the City prior to the hearing shall be promptly returned to the Responsible Party. If requested by the Responsible Party, the City shall include interest on any returned deposit, and interest shall be calculated at the legal rate of interest set forth in Idaho Code.

- 2. Administrative Costs. The Hearing Officer's decision shall assess whether the actual Administrative Hearing costs exceed the estimated fee deposited by the Responsible Party in accordance with Star City Code§ 1-4A-5(D). If the City's actual costs exceed the Responsible Party's deposit, the Hearing Officer's decision shall require the Responsible Party to pay the actual costs of the Administrative Hearing. The Responsible Person(s) shall pay such additional fees to the City within twenty (20) calendar days of receiving the Hearing Officer's decision. If the actual costs are less than the Responsible Party's deposit, the Hearing Officer's decision shall require the City to promptly refund to the Responsible Party the portion of the fee that exceeded the City's costs.

1-4A-7- WHEN FINES OR FEES DUE; PAYMENT OF FINE OR FEE; LATE PAYMENT PENALTY.

- A. Fines or fees related to Administrative Citations shall be paid to the City Clerk's office.

- B. Interest shall accrue at the legal rate of interest set in Idaho Code for any Administrative Citation fine, Informal Review fee, or Administrative Citation Hearing fee which remains unpaid for ten (10) or more days after the due date, which interest shall be added to the fine or fee amount.
- C. All fines and fees shall be payable to the City and deposited in the City's general fund, unless the payment is made pursuant to an ordinance that provides otherwise. Additionally, fines and fees deposited with the City prior to an Administrative Hearing challenging an Administrative Citation shall be held by the City in trust, in a separate account from other City funds, until the conclusion of Administrative Hearing process.

1-4A-8-FAILURE TO PAY ADMINISTRATIVE CITATION FINE OR ADMINISTRATIVE COSTS

- A. Any Administrative Citation Fine or Administrative Cost unpaid past sixty (60) days shall be sent to collections and will be subject to additional penalties.
- B. If a person has unpaid fines owing to the City at the time said person applies for a license, permit, or any other registration issued by the City, the City may deny the approval of such license, permit, or registration until the fine is paid in full, unless State law provides otherwise.

Section 3: Severability Provision

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 4: Directing the City Clerk

The City Clerk is directed to file this Ordinance in the official records of the City and to provide a conformed copy to the Planning and Zoning Director.

Section 5: Effective Date

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

STAFF REVIEW FOR COUNCIL

Staff has provided Council with highlights of the sections of the municipal code proposed for revision. The proposed revisions are a result of Staff review of the existing Titles, and input from the Mayor, Star Police Chief, Star City Engineer, and Legal Council.

Staff has provided Council with the following information:

- 1. Sections from each Title being revised.**