

ORDINANCE NO. 2014-01

AN ORDINANCE AMENDING CARIBOU ORDINANCES 00-01 and 2013-01, AN ORDINANCE OF CARIBOU COUNTY, IDAHO, PRESCRIBING METHODS BY WHICH THE CARIBOU COUNTY WEED DEPARTMENT SHALL ESTABLISH ANO SPRAY ZONES@ ALONG COUNTY ROADS; ESTABLISHING PROCEDURES TO INCLUDE PROPERTY IN A ANO SPRAY ZONE": IF THE APPLICANT FAILS TO COMPLY WITH THE TERMS OF THE ORDINANCE; REQUIRING THE APPLICANT TO COMPLETE A FORM AGREEING TO KEEP SAID ANO SPRAY ZONE@ CLEAR OF NOXIOUS WEEDS AND TO PROPERLY POST SAID ZONE WITH SIGNS; ESTABLISHING THE SIZE, CONTENT, AND LOCATION OF ANO SPRAY ZONE@ SIGNS; REQUIRING SAID SIGNS TO BE KEPT IN A GOOD CONDITION OF REPAIR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; DISPENSING WITH THE REQUIREMENT THAT THIS ORDINANCE BE READ ON THREE SEPARATE OCCASIONS AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO, AS FOLLOWS:

- Section 1** Some residents who own real property adjoining County roadways do not desire herbicide spraying by the County along the County roadways for the killing of weeds. It is the intent of this Ordinance to prescribe the methods by which the Caribou County Weed Department shall establish "No Spray Zones" along County roads.
- Section 2** The owner of real property which adjoins County roads may request that the County refrain from engaging in the spraying of weeds along the County road adjoining his property. This area where no spraying shall take place by the County shall be designated as a "No Spray Zone".
- Section 3** In order to be exempt from County herbicide spraying along County roads adjoining the applicant's real property, the applicant shall be required to complete an application. Said application shall acknowledge that the applicant is aware of the requirements of the "No Spray Zone", and the applicant's duties to properly post said zone and to properly keep said zone free and clear of all weeds. The applicant shall comply with this Ordinance, and all other relative Rules/Ordinances established by the

Board of County Commissioners. The applicant shall be required to complete

such application on an annual basis, or the "No Spray Zone" for the applicant shall be terminated.

Section 4 If the applicant fails to comply with this Ordinance, or the rule established by the Board of County Commissioners in regard to the "No Spray Zone", then said property adjoining the roadway shall be sprayed by the County with herbicides, and the applicant shall no longer be entitled to qualify for the "No Spray Zone" status.

Section 5 If the applicant desires to establish a "No Spray Zone", he shall complete a form at the County Weed Department as is prepared by that Department. The applicant shall keep the right-of-way free and clear of all noxious weeds at his/her own expense. All noxious weeds shall be removed by the applicant from the pavement, or the traveled portion of the roadway, to any fence line or logical boundary. A sign shall be placed by the applicant at the beginning of the requested "No Spray Zone". Said sign shall be placed in the "No Spray Zone" and said sign shall face oncoming traffic. Additionally, the sign shall be no less than two (2) feet and no more than four (4) feet from fence, not on County right-of-ways on their property line or logical boundary of the applicant. The sign shall be blue in color, with conspicuous white lettering, and shall be no smaller than Eight and a half (8 1/2) inches by Eleven (11) inches and mounted Thirty-Six (36) inches to Forty (40) inches high. Said sign shall be self supported and not attached to any fence, public utility pole, or any other existing structure. It shall read "NO SPRAY ZONE" in conspicuous white lettering. Said sign shall be located on the side of the road which the applicant desires to be free of herbicide spraying. If the applicant owns ground on both sides of the road which he requests to be exempt from spraying, signs shall be posted on both sides of the roadway. At the end of each zone, a second sign of the same color, size, height and conspicuous lettering shall be placed in the same manner, reading "END NO SPRAY ZONE".

To get a "No Spray Status", the applicant must pick up a "No Spray Zone" Requirement Form at the Caribou County Weed Control Office. The applicant must sign and return the Requirement Form to said office.

The "No Spray Zone" Requirement Form must be returned, and the signs in place prior to the spray season.

Section 6 It shall be the duty of the applicant to keep his signs properly placed along said roadway in a location where authorized by the County Road

Department and County Weed Department. The signs shall be kept in a good condition of repair, painted and properly lettered. The applicant shall be solely responsible for the maintenance and upkeep of said signs. Said signs shall be placed by April 1, of the year in which applicant wished to

have a "No Spray Zone" and shall remain in place until October 1 of the same year.

Section 7 All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 8 The rule requiring the reading of this Ordinance on three separate occasions is hereby waived.

Section 9 This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Section 10 If the applicant fails to comply with this Ordinance, they shall be subject to the following:

1. The first violation of this Amended Ordinance shall result in the violator receiving a written warning. Each subsequent violation(s) are subject to the costs of the chemical and man hours associated with redress and will be assessed on the end-of-the-year property tax assessment.

PASSED AND DATED this 14 day of April, 2014.

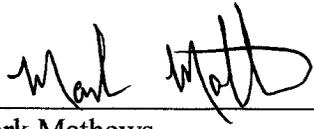
CARIBOU COUNTY COMMISSIONERS



Earl Somsen,
Chairman of Board of County Commissioners



Phil Christensen,
County Commissioners



Mark Mathews,
County Commissioners

ATTEST:


Veda Mascarenas, Clerk of Caribou County