

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 390

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

AN ACT

RELATING TO PLATS AND VACATIONS; AMENDING SECTION 50-1301, IDAHO CODE, TO REVISE THE DEFINITION OF "SANITARY RESTRICTION."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-1301, Idaho Code, be, and the same is hereby amended to read as follows:

50-1301. DEFINITIONS. The following definitions shall apply to terms used in this section and sections 50-1302 through 50-1334, Idaho Code.

(1) Basis of bearing: The bearing in degrees, minutes and seconds, or equivalent, of a line between two (2) monuments or corners that serves as the reference bearing for all other lines on the survey;

(2) Easement: A right of use, falling short of ownership, and usually for a certain stated purpose;

(3) Functioning street department: A city department responsible for the maintenance, construction, repair, snow removal, sanding and traffic control of a public highway or public street system which qualifies such department to receive funds from the highway distribution account to local units of government pursuant to section 40-709, Idaho Code;

(4) Idaho coordinate system: That system of coordinates established and designated by chapter 17, title 55, Idaho Code;

(5) Land survey: Measuring the field location of corners that:
(a) Determine the boundary or boundaries common to two (2) or more owners;
(b) Retrace or establish land boundaries;
(c) Retrace or establish boundary lines of public roads, streets, alleys or trails; or
(d) Plat lands and subdivisions thereof.

(6) Monument: A physical structure or object that occupies the position of a corner;

(7) Owner: The proprietor of the land (having legal title);

(8) Plat: The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals;

(9) Private road: A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system;

(10) Public highway agency: The state transportation department, any city, county, highway district or other public agency with jurisdiction over public highway systems and public rights-of-way;

(11) Public land survey corner: Any point actually established and monumented in an original survey or resurvey that determines the boundaries of remaining public lands, or public lands patented, represented on an official plat and in the field notes thereof, accepted and approved under authority

1 delegated by congress to the U.S. general land office and the U.S. department
2 of interior, bureau of land management;

3 (12) Public right-of-way: Any land dedicated and open to the public and
4 under the jurisdiction of a public highway agency, where the public highway
5 agency has no obligation to construct or maintain said right-of-way for ve-
6 hicular traffic;

7 (13) Public street: A road, thoroughfare, alley, highway or bridge un-
8 der the jurisdiction of a public highway agency;

9 (14) Reference point: A special monumented point that does not occupy
10 the same geographical position as the corner itself and where the spatial re-
11 lationship to the corner is known and recorded and that serves to locate the
12 corner;

13 (15) Sanitary restriction: The requirement that no building or shel-
14 ter which will require a water supply facility or a sewage disposal facility
15 for people using the premises where such building or shelter is located shall
16 be erected until written approval is first obtained from the ~~state board of~~
17 ~~health and welfare by its administrator~~ director of the department of envi-
18 ronmental quality or his delegate approving plans and specifications either
19 for public water and/or sewage facilities, or individual parcel water and/or
20 sewage facilities;

21 (16) Street: A road, thoroughfare, alley, highway or a right-of-way
22 which may be open for public use but is not part of a public highway system nor
23 under the jurisdiction of a public highway agency;

24 (17) Subdivision: A tract of land divided into five (5) or more lots,
25 parcels, or sites for the purpose of sale or building development, whether
26 immediate or future; provided that this definition shall not include a bona
27 fide division or partition of agricultural land for agricultural purposes.
28 A bona fide division or partition of agricultural land for agricultural pur-
29 poses shall mean the division of land into lots, all of which are five (5)
30 acres or larger, and maintained as agricultural lands. Cities or counties
31 may adopt their own definition of subdivision in lieu of this definition;

32 (18) Witness corner: A monumented point on a lot line or boundary line
33 of a survey, near a corner and established in situations where it is imprac-
34 ticable to occupy or monument the corner.