

TITLE 50
MUNICIPAL CORPORATIONS

CHAPTER 23
REORGANIZATION OF CITIES UNDER GENERAL LAWS

50-2301. CITIES ORGANIZED UNDER GENERAL INCORPORATING ACT OR SPECIAL CHARTER -- ORGANIZATION UNDER GENERAL LAWS. Any city within the state of Idaho organized under a general incorporating act or special charter may become organized as a city under the provisions of this act, and the general laws of the state of Idaho by proceedings as hereinafter provided.

[50-2301, added 1967, ch. 429, sec. 445, p. 1249.]

50-2302. PETITION FOR ORGANIZATION UNDER GENERAL LAWS -- ELECTION. Upon receipt of a petition signed by registered qualified electors equal in number to twenty-five percent (25%) of the total number of voters casting ballots at the last preceding general city election, the governing body shall by resolution issued within ten (10) days after filing of said petition, submit to the qualified electors of the city the question of organizing as a city, under this chapter, and the general laws of the state of Idaho. The election shall be held on the next date authorized by section [50-405](#), Idaho Code, which is more than forty-five (45) days after adoption of the resolution by the city council.

[50-2302, added 1967, ch. 429, sec. 446, p. 1249; am. 2009, ch. 341, sec. 138, p. 1061.]

50-2303. SUBMISSION OF PROPOSITION TO ELECTORATE -- FILING OF CERTIFICATES -- PROCLAMATION OF GOVERNOR. At such election, conducted under this chapter, the proposition to be submitted to the electors shall be substantially: "Shall the proposition to organize the City of (name of city) as a city under this chapter, and the general laws of the state of Idaho be adopted?". An election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. Immediately after, if such proposition be adopted, the county clerk shall transmit a certified statement with the date on which such proposition was adopted: to the governor; to the secretary of state; and to the county auditor of the county in which such city is located.

Upon receipt of said statement, the governor shall thereupon by public proclamation declare that such city shall cease to function under its previous organization, and shall henceforth be governed by this chapter, and the general laws of the state of Idaho.

[50-2303, added 1967, ch. 429, sec. 447, p. 1249; am. 2009, ch. 341, sec. 139, p. 1061.]

50-2304. GOVERNING BODY TO CONTINUE IN OFFICE. If a majority of the votes cast shall be in favor of the city becoming a city as provided in said election, then the governing body of such city organized under special charter or general incorporating act shall continue to hold office and function as the governing body of the city with all the powers, authority and duties granted a city under the general laws of the state of Idaho thereunto pertaining and shall continue to act until the officers provided for a city

by this act, and the general laws of the state of Idaho shall be elected at the next general city election succeeding the issuance of the proclamation of the governor, as herein provided.

[50-2304, added 1967, ch. 429, sec. 448, p. 1249.]

50-2305. EFFECT OF ELECTION -- OFFICIALS. Immediately upon the proclamation by the governor the authority of the governing body under the special charter or general incorporating act shall cease, and said officials shall have such powers and duties as are provided under this act, and the general laws of the state of Idaho.

[50-2305, added 1967, ch. 429, sec. 449, p. 1249.]

50-2306. PROOF OF CORPORATE EXISTENCE. All courts within the county within which said city is situated shall take judicial notice of the corporate capacity and existence of such city, and of the fact that such city is identical with and a continuation of such city formerly organized as a city under a special charter or general incorporating act. In all other courts of the state, the corporate capacity and existence of such city may be proved by a copy of the proclamation issued by the governor declaring the same to be a city, duly authenticated and certified by the clerk of such city or the secretary of state, a copy of which proclamation shall be filed in each of said offices.

[50-2306, added 1967, ch. 429, sec. 450, p. 1249.]

50-2307. EXISTING RIGHTS NOT AFFECTED. Any city organized under the provision[s] of section[s] 50-2301 through 50-2308 shall for all purposes be deemed and taken to be, in law, the identical corporation theretofore incorporated and existing under the special charter or general incorporating act; and such reorganization shall in no wise affect or impair the title to any property owned or held by such corporation or in trust therefor, or any debts, demands, liabilities, or obligations existing in favor of or against such corporation, or any proceeding then pending, nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any persons from any liability, civil, criminal then existing, for any violations of any such ordinance, but such ordinances, so far as the same are not in conflict with the general laws, shall be and remain in force until repealed or amended by the said city council; provided, that proceedings theretofore commenced shall, after such reorganization, be conducted in the same manner as though the change herein provided had not taken place.

[50-2307, added 1967, ch. 429, sec. 451, p. 1249.]

50-2308. ELECTION OF OFFICERS. If a majority of the votes cast shall be in favor of the city becoming organized under the general laws of the state of Idaho, the next general city election succeeding the issuance of said proclamation by the governor shall in all respects be conducted in the manner required for conducting elections in cities under the general laws of the state of Idaho. The officers elected at such election shall be the same as are provided in this chapter, and the governing body of the city, holding office at the time of issuance of such proclamation, shall have full power to

prescribe such rules and regulations not in conflict with the general laws of the state for the holding of such election as may be necessary for carrying into effect the provisions of sections [50-2301](#) through [50-2308](#), Idaho Code.

[50-2308, added 1967, ch. 429, sec. 452, p. 1249; am. 2009, ch. 341, sec. 140, p. 1061.]

CHAPTER 24
POLICE COURTS -- [REPEALED]