TITLE 50
MUNICIPAL CORPORATIONS

CHAPTER 9
ORDINANCES -- CITY CODE -- RECORDS

50-901. ORDINANCES -- STYLE -- PUBLICATION -- WHEN EFFECTIVE -- IMMEDIATE OPERATION IN EMERGENCIES. The style of all ordinances shall be: "Be it ordained by the mayor and council of the city of ....." and all ordinances of a general nature, unless otherwise required by law, shall, before they take effect and within one (1) month after they are passed, be published in full or by summary as provided in section 50-901A, Idaho Code, in at least one (1) issue of the official newspaper of the city, or mailed as provided in section 60-109A, Idaho Code; provided, however, that in cases of riot, infections or contagious disease, or other impending danger requiring immediate enforcement, such ordinances shall take effect upon the proclamation of the mayor or president of the council, posted in at least five (5) public places of the city; provided further, that nationally recognized codes such as, but not limited to, those establishing rules and regulations for the construction, alteration or repair of buildings, the installation of plumbing, the installation of electric wiring, fire prevention, gas piping installations, sanitary regulations, health measures, and statutes of the state of Idaho such as, but not limited to, those relating to the operation of motor vehicles, equipment of motor vehicles, traffic control devices, motor vehicle laws, liquor and beer laws, housing, construction, health and sanitation, may be adopted by a city council without including more than a particular reference to such code, and without publication or posting thereof, if adoption of such code be made in a regularly adopted and published ordinance; provided further, that at least one (1) copy of the supplemental code, duly certified by the city clerk, shall have been filed for use and examination by the public in the office of the clerk of the city prior to the adoption of the ordinance by the city council. Following its adoption by the city, one (1) copy of the supplemental code shall be retained by the city, which shall be filed in the office of the city clerk.

[50-901, added 1967, ch. 429, sec. 152, p. 1249; am. 1971, ch. 9, sec. 1, p. 20; am. 1979, ch. 19, sec. 1, p. 29; am. 1981, ch. 145, sec. 1, p. 250; am. 1982, ch. 66, sec. 1, p. 130; am. 2001, ch. 156, sec. 1, p. 563.]

50-901A. SUMMARIZATION OF ORDINANCES PERMITTED -- REQUIREMENTS. (1) In lieu of publishing the entire ordinance under section 50-901, Idaho Code, the city may publish a summary of the ordinance which summary shall be approved by the governing body and which shall include:

(a) The name of the city;

(b) The formal identification or citation number of the ordinance;

(c) A descriptive title;

(d) A summary of the principal provisions of the ordinance, including penalties provided and the effective date;

(e) Any other information necessary to provide an accurate summary; and

(f) A statement that the full text is available at the city hall.

(2) Subsection (1) of this section notwithstanding, whenever any publication is made under this section and the proposed or adopted ordinance contains legal descriptions, or contains provisions regarding taxation or penalties concerning real property, then the sections containing this mat-

ter shall be published in full and shall not be summarized. When a legal description of real property is involved, the notice shall also include the street address or addresses of the property described, if any. In the case of descriptions covering one or more street addresses, the street addresses of the corners of the area described shall meet this requirement. Maps may be substituted for written legal description of property provided they contain sufficient detail to clearly define the area with which the ordinance is concerned.

(3) Before submission of a summary to a newspaper for publication under this section, the legal advisor of the city shall sign a statement, which shall be filed with the ordinance, that the summary is true and complete and provides adequate notice to the public.

(4) The full text of any ordinance which is summarized by publication under this section shall be promptly provided by the city clerk to any citizen on personal request.

[50-901A, added 1979, ch. 19, sec. 2, p. 30; am. 1981, ch. 145, sec. 2, p. 250.]

50-902. PASSAGE OF ORDINANCES. The passage or adoption of every ordinance, and every resolution or order to enter a contract shall be by roll call of the council with the yea or nay of each being recorded, and to pass or adopt any ordinance or any such resolution or order, a majority of the council shall be required.

Ordinances shall be read on three (3) different days, two (2) readings of which may be by title only and one (1) reading of which shall be in full, unless one half (1/2) plus one (1) of the members of the full council shall dispense with the rule. In preparation, passage and publication, ordinances shall contain no subject which shall not be clearly expressed in the title, and no ordinance or section thereof shall be revised or amended unless all ordinances, which are intended to amend existing ordinances, shall have the words which are added to such ordinance underlined; when the amendment is to strike out or repeal any part of an existing ordinance, the letter, figure, word or words stricken or repealed shall be printed with a line through such letter, figure, word or words in the printed bill to indicate the part stricken or repealed. Provided, however, that when an ordinance includes or consists of the repeal of an entire section or chapter, it shall not be necessary to print such repealed section or chapter.

All ordinances may be proved by a certificate of the clerk under the seal of the city and when printed or published individually in book or pamphlet form by authority of the city, shall be read and received in evidence in all courts and places without further proof.

[50-902, added 1967, ch. 429, sec. 153, p. 1249; am. 1972, ch. 18, sec. 1, p. 24.]

50-903. GRANT OF POWER. Any city is hereby empowered to revise, codify, and compile from time to time and to publish in book or pamphlet form all ordinances of such city of a general and permanent nature and to make such changes, alterations, modifications, additions and substitutions therein as it may deem best to the end that a complete simplified code of such ordinances then in force shall be presented, but with errors, inconsistencies, repetitions and ambiguities therein eliminated.

[50-903, added 1967, ch. 429, sec. 154, p. 1249.]

50-904. ARRANGEMENT OF ORDINANCES. The ordinances in such revision, codification and compilation shall be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signatures of the mayor, attestations and other formal parts.

[50-904, added 1967, ch. 429, sec. 155, p. 1249.]

50-905. REPEAL OF CONFLICTING PROVISIONS. Such revision shall be by one (1) ordinance embracing all ordinances of a general and permanent nature preserved as changed or added to and perfected by such revision, codification and compilation and shall be a repeal of all ordinances in conflict with such revision, codification and compilation, but all ordinances then in force shall continue in force after such revision, codification and compilation for the purpose of all rights acquired, fines, penalties and forfeitures and liabilities incurred and actions therefor. The only title necessary for such ordinance shall be "An ordinance for revising, codifying and compiling the general ordinances of the city of ....."

[50-905, added 1967, ch. 429, sec. 156, p. 1249.]

50-906. PUBLICATION IN BOOK OR PAMPHLET FORM. Such ordinances when so revised, codified, compiled and published in book or pamphlet form by authority of the city need not be printed or published in any other manner.

[50-906, added 1967, ch. 429, sec. 157, p. 1249.]

50-907. CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS. (1) "Permanent records" shall consist of:

(a) Adopted meeting minutes of the city council and city boards and commissions;

(b) Ordinances and resolutions;

(c) Building plans and specifications for commercial projects and government buildings;

(d) Fiscal year-end financial reports;

(e) Records affecting the title to real property or liens thereon;

(f) Cemetery records of lot ownership, headstone inscriptions, interment, exhumation and removal records, and cemetery maps, plot plans and surveys;

(g) Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, and notices of election; and

(h) Other documents or records as may be deemed of permanent nature by the city council.

Permanent records shall be retained by the city in perpetuity, or may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

(2) "Semipermanent records" shall consist of:

(a) Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;

(b) Contracts;

(c) Building applications for commercial projects and government buildings;

(d) License applications;

(e) Departmental reports;

(f) Bonds and coupons; and

(g) Other documents or records as may be deemed of semipermanent nature by the city council.

Semipermanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within the record.

(3) "Temporary records" shall consist of:

(a) Building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval;

(b) Cash receipts subject to audit;

(c) Election ballots and duplicate poll books; and

(d) Other documents or records as may be deemed of temporary nature by the city council.

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the city's financial audit as provided in section 67-450B, Idaho Code.

(4) "Historical records" shall consist of records which, due to age or cultural significance, are themselves artifacts of historical value. Historical records have enduring value based on the administrative, legal, fiscal, evidential or historical information they contain. Historical records shall be retained by the city in perpetuity or may be transferred to the Idaho state historical society's permanent records repository pursuant to subsections 8. and 9. of section 67-4126, Idaho Code, upon resolution of the city council.

(5) Each city council shall adopt by resolution a records retention schedule, listing the various types of city records and the retention period for each type of record.

(6) The city may reproduce, retain and manage records in a photographic, digital or other nonpaper medium. The medium in which a document is retained shall accurately reproduce the record in paper form during the period for which the document must be retained and shall preclude unauthorized alteration of the document.

(a) If the medium chosen for retention is photographic, all film used must meet the quality standards of the American national standards institute (ANSI).

(b) If the medium chosen for retention is digital, the medium must provide for reproduction on paper at a resolution of at least two hundred (200) dots per inch.

(c) A record retained by the city in any form or medium permitted under this section shall be deemed an original public record for all purposes. A reproduction or copy of such record, certified by the city clerk, shall be deemed to be a transcript or certified copy of the original and shall be admissible before any court or administrative hearing.

(d) Once a semipermanent or temporary record is retained in a nonpaper medium as authorized by this section:

(i) The original paper document shall be considered a duplicate of the record, and may be summarily disposed of or returned to the sender; and

(ii) The provisions of this section related to retention and destruction of semipermanent and temporary records shall apply only to the record retained in the nonpaper medium.

(e) Once a permanent record is retained in a nonpaper medium as authorized by this section:

(i) The original paper document shall be considered a copy of the record and may be destroyed after compliance with the provisions of this subparagraph. Prior to destruction of original paper documents, the city clerk shall provide written notice, either by electronic or physical delivery, including a detailed list of the documents proposed for destruction to the Idaho state historical society. The Idaho state historical society shall have thirty (30) days after receipt of the notice to review the list and respond in writing, either by electronic or physical delivery, to the city clerk identifying any documents that will be requested to be transferred from the city to the historical society for retention in the permanent records repository. Any documents that will not be transferred for retention in the permanent records repository may be destroyed. If the city clerk receives no written response within thirty (30) days after the notice was received by the historical society, then the records proposed for destruction may be destroyed.

(ii) The provisions of this section related to retention of permanent records shall only apply to the record retained in the nonpaper medium.

(f) Even if a historic record is retained in a nonpaper medium as authorized by this section, the original paper record shall also be retained by the city in perpetuity, or it may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

(g) Whenever any record is retained in a nonpaper medium, the city clerk shall maintain, throughout the scheduled retention period for such record, suitable equipment for displaying such record at not less than original size and for making copies of the record.

(h) Whenever any record is retained in a nonpaper medium, it shall be made in duplicate and the custodian thereof shall place one (1) copy in a fire-resistant vault or off-site storage facility, and he shall retain the other copy in his office with suitable equipment for displaying such record at not less than original size and for making copies of the record.

(7) Destruction or transfer of records:

(a) Permanent records shall not be destroyed, except for paper originals of permanent records retained in a nonpaper medium as provided in subsection (6)(e) of this section. Permanent records may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

(b) Semipermanent records may be destroyed only by resolution of the city council and upon the advice of the city attorney, except for paper originals of semipermanent records retained in a nonpaper medium as provided in subsection (6)(d) of this section. Such disposition shall be under the direction and supervision of the city clerk. The resolution ordering destruction shall list in detail records to be destroyed.

(c) Temporary records may be destroyed only by resolution of the city council and upon the advice of the city attorney, except for paper originals of temporary records retained in a nonpaper medium as provided in subsection (6)(d) of this section. Such disposition shall be under the direction and supervision of the city clerk. The resolution ordering destruction shall list in detail records to be destroyed.

(d) Historical records may not be destroyed but may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

[50-907, added 2005, ch. 41, sec. 2, p. 164; am. 2016, ch. 226, sec. 1, p. 621.]

50-908. DESIGNATION, POWERS AND RESPONSIBILITIES OF MUNICIPAL RECORDS MANAGEMENT OFFICERS -- DUTIES OF CITY OFFICIALS CONCERNING RECORDS. (1) The city clerk shall serve as the municipal records manager in each city, and each department may designate a department records manager who reports to the city clerk. The municipal records manager shall supervise the administration of city records, including:

(a) Ensuring the orderly and efficient management of municipal records in compliance with state and federal statutes and regulations and city ordinances, resolutions and policies;

(b) Identification and appropriate administration of records of enduring value for historical or other research;

(c) Overseeing retention and destruction of municipal records as directed by state and federal statutes and regulations and city ordinances, resolutions and policies; and

(d) Coordinating transfer of permanent records to the Idaho state historical society's permanent records repository, with the assistance of the state archivist.

(2) All city officials, elected, appointed and staff, shall:

(a) Protect the records in their custody;

(b) Cooperate with the municipal records manager on the orderly and efficient management of records including identification and management of inactive records and identification and preservation of records of enduring value; and

(c) Pass on to their successor records necessary for the continuing conduct of city business.

All city records are property of the city, and no city official, elected, appointed or staff, shall have any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction or removal of city records is prohibited.

[50-908, added 2005, ch. 41, sec. 3, p. 165.]