

FREMONT COUNTY ORDINANCE NO. ~~2004-07~~ 490087

AN ORDINANCE CREATING THE FORT HENRY MOSQUITO ABATEMENT DISTRICT; PROVIDING DEFINITIONS; ESTABLISHING REGULATIONS AND REQUIREMENTS FOR OFFICIALS OF THE ABATEMENT DISTRICT; ESTABLISHING POWERS AND DUTIES OF ABATEMENT DISTRICTS; PROVIDING THE METHOD OF FINANCING; AND, PROVIDING FOR THE EFFECTIVE DATE HEREOF.

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

Section 1.0 Short Title.

Section 1.1 Pursuant to Idaho Code §§ 39-2801 through 39-2811, this ordinance shall be known and cited as the Fremont County Fort Henry Mosquito Abatement District Ordinance.

Section 2.0 Purpose.

Section 2.1 The purpose of this ordinance is to provide additional and cumulative remedies to prevent, abate and control the spread of mosquitoes and/or other vermin affecting the public health, safety and welfare of the people south of Henry's Fork, Fremont County, Idaho, in the area more specifically described as: all of Township 7 North, Range 39 East Section 24, 25, and 26, South of Henry's Fork and Township 7 North, Range 40 East Section 19 and 30, South of Henry's Fork, Salem area, Fremont County, Idaho. See attached Exhibit A.

Section 3.0 Definitions.

Section 3.1 Except as provided herein, all words and phrases used in this ordinance shall be given their ordinary, commonly understood and accepted meaning.

Section 4.0 Exceptions.

Section 4.1 This ordinance does not apply to Fremont County residents residing outside of the following: all of Township 7 North, Range 39 East Section 24, 25, and 26, South of Henry's Fork and Township 7 North, Range 40 East Section 19 and 30, South of Henry's Fork, Salem area, Fremont County, Idaho.

Section 5.0 Selection of Officials.

Section 5.1 A five (5) member board of trustees shall be appointed from within the abatement district. Each trustee shall be a resident property owner and registered voter.

Section 5.2 Trustees shall be appointed for four (4) years on staggered appointments. To initiate the board, two (2) members are appointed for two (2) years, one (1) for three (3) years and two (2) for four (4) years. All subsequent appointments shall be for four (4) years.

Section 5.3 Trustees shall serve without compensation but will be reimbursed for necessary expenses involved with the performance of their official duties.

Section 5.4 The trustees appointed shall at the first meeting of each year elect a president, secretary, and treasurer to serve during the ensuing year.

Section 5.6 The officers of the board shall be bonded to the extent of Five Hundred Dollars (\$500.00) to Five Thousand Dollars (\$5,000.00) as set by the board of County Commissioners.

Section 5.7 The County Health Officer and County Agent shall be ex officio members of the board.

Section 5.8 The directors and/or heads of the following state departments or their designated representatives shall be considered ex officio members of the board: Agriculture, Fish and Game, Lands, Transportation, Water Resources and Health and Welfare.

Section 6.0 Powers and Duties.

Section 6.1 The Abatement District board of trustees are authorized to appoint a director to direct the activities of the district; appoint such other persons as necessary, determine their duties and compensation, and make rules and regulations respecting them; take all necessary and proper steps for the control of mosquitoes and other vermin of public health importance in the district and for these purposes shall have the right to enter upon any and all lands; to sue and be sued; contract to purchase, hold, dispose of, and acquire by gift real and personal property in the name of the district; to exercise the right of eminent domain and for the purposes to condemn any necessary land and/or rights of way in accordance with general law; to abate as nuisances breeding places of

mosquitoes and/or other vermin of public health importance within the district or within migrating distance of the district by use of chemicals and/or permanent control measures and in this connection have the right to enter upon any and all lands' work with the lateral ditch water users associations, irrigation, drainage and flood control districts and other cooperating organizations; to file annually with the Board of County Commissioners, an estimate of funds required for the next year, a plan of the work to be done, and the methods to be employed, to file annually, or by February 1 for the succeeding year, to the Board of County Commissioners, an audit, and a report setting forth the moneys expended during the previous year, methods employed, and work accomplishments.

Section 7.0 Financing.

Section 7.1 The Board of County Commissioners must levy upon taxable property within the district a tax at a rate not greater than sufficient to raise the amount determined by the Board of Trustees as approved by the Board of County Commissioners, as necessary for the operation of the district for the ensuing year. In no event shall such tax exceed one tenth of a percent (.1%) of the market value for assessment purposes of all taxable property within the Abatement District.

Section 7.2 Such funds may be withdrawn from the County treasury upon warrant of the Board of Trustees of the Abatement District, signed by the president of the board and countersigned by its secretary, for the activities of the Abatement District. The funds withdrawn can not exceed what has been collected by the Treasurer's Office.

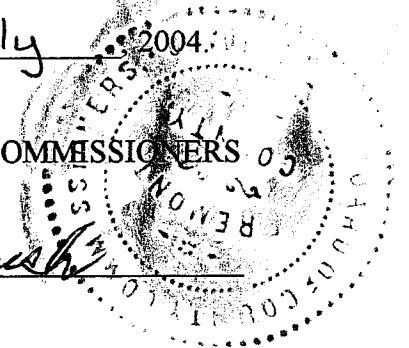
Section 8.0 Publication and Effective Date.

Section 8.1 This ordinance shall be in full force and effect from and after its passage by the County Commissioners of the County of Fremont and its due publication as required by law.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY this 26th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS

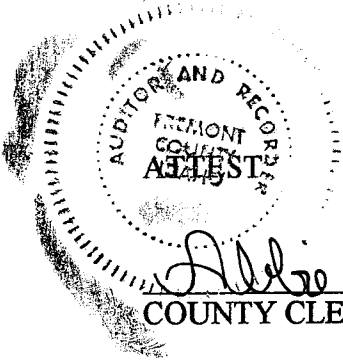
Bill Forlush
CHAIRMAN



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Donald D. Trapp
COMMISSIONER

John R. Hess
COMMISSIONER



Alvin Mac
COUNTY CLERK

Published: _____

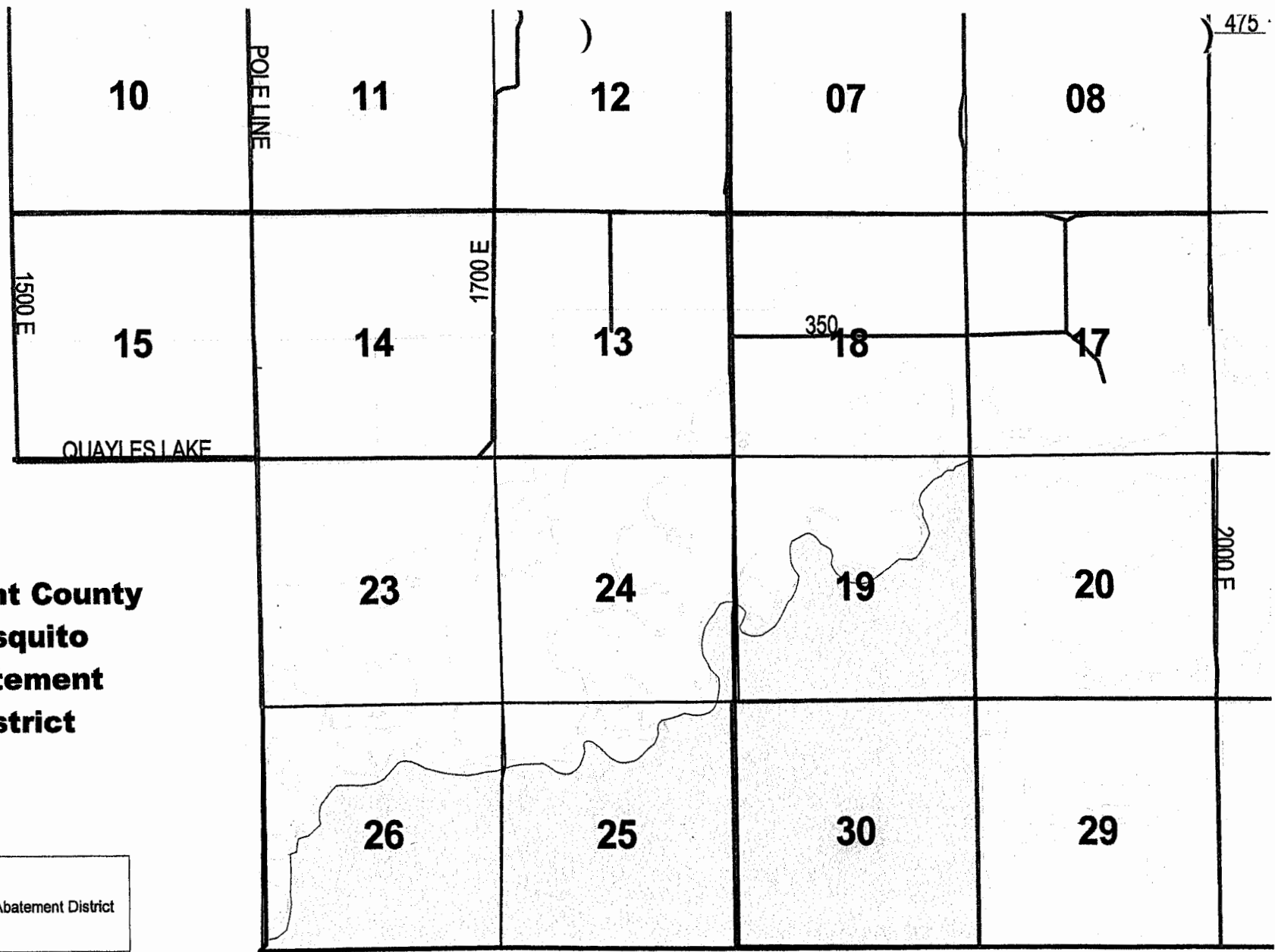
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EXHIBIT A



**Fremont County
Mosquito
Abatement
District**

Legend:
- Roads (represented by a line with a zigzag pattern)
- Mosquito Abatement District (represented by a shaded area)
- Water (represented by a wavy line)



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