

ORDINANCE # 42

AN ORDINANCE OF THE VILLAGE OF CASTLEFORD , TWIN FALLS COUNTY, IDAHO, PROVIDING FOR REGULATION BY THE VILLAGE OF CASTLEFORD IDAHO , OF IRRIGATION WATER WITHIN THE BOUNDARIES OF THE VILLAGE OF CASTLEFORD , IDAHO, AND PROVIDING FOR SHUTTING OFF OF IRRIGATION WATER WITHIN THE BOUNDARIES OF SAID VILLAGE BETWEEN THE 15 DAY OF NOVEMBER AND THE 15th DAY OF MARCH EACH YEAR HEREAFTER , AND PROVIDING GENERAL REGULATIONS AND PENALTIES.

WHEREAS, at the present time the Village of Castleford, Twin Falls County Idaho, has no ordinance regulating the use of irrigating water within said Village or for shutting off of said water during the winter months of each year hereafter , and,

Whereas, conditions have arisen which necessitate the regulation of and shutting off of irrigating water within said Village from November 15th until March 15th of each year hereafter , and,

WHEREAS, THE Village of Castleford, Idaho , is empowered by Section 50-707 and 50-1109, Idaho Code to make regulations and to pass ordinances to secure the general welfare health and safety of said Village.

Now therefore, BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF CASTLEFORD COUNTY OF TWIN FALLS IDAHO:

SECTION 1. This ordinance is declared to be an ordinance to promote the general health, welfare and safety of the people of the Village of Castleford Idaho, and for the protection of the public health and safety and the spread of nuisances and disease.

Section 11. Irrigation water is defined as including any and all water running by any means from without the Village of Castleford into said Village boundaries from any source whatsoever, whether acquired by purchase or water right appurtenant to property located within said Village.

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SECTION III. No person, firm, partnership, corporation male or female, shall permit any irrigation water to flow or in any manner come from without the boundaries of said Village to within the boundaries of said Village between the 15th day of November and the 15th day of March of each and every year, commencing on the 15th day of November 1953.

SECTION IV. That the Village of Castleford and its authorized agents or representatives shall upon the 15th day of November of each and every year, commencing on the 15th day of November, 1953 use whatever means necessary to shut off, divert or block any irrigation water whatsoever from coming from without the boundaries of the Village of Castleford to within the boundaries of said Village of Castleford and shall begin on the 15th day of November and end on the 15th day of March of each and every year, thus preventing any of said water from coming into said Village.

SECTION V. That all persons hereinto defined shall between the 15th day of March of each year hereafter and the 15th day of November of said year shall employ and use irrigating water upon any premises within the boundaries of the Village of Castleford, Idaho in such manner as to not damage any adjoining property owner and shall control the flow of said irrigation water and disposal thereof as to prevent running upon the streets of said Village or from flooding any property therein, or any basements within said Village.

SECTION VI. The responsibility for administering this ordinance shall be vested in any officer of the Village of Castleford duly authorized. Upon notification by the Village Marshall or his representative, all persons must within five (5) days after notification concerning the violation hereunder, shall correct the violation and comply with the provisions of this ordinance or shall be ~~found~~ deemed guilty of a misdemeanor punishable as this ordinance provides.

Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed One Hundred Dollars (\$100.00), and costs, or, upon failure to pay such fine and costs, shall be confined in the Village Jail at the rate of \$1.50 per day until such fine and costs are paid in full.

SECTION VII. This ordinance shall take effect from and after its passage, approval and publication, an emergency exists therefor.

Passed and approved this 9 day of November, 1953

Darel W Phillips
Chairman of the Board of Trustees
of the Village of Castleford

Attest:

S. A. Gillett
Village clerk