

through 218 of this act, the provisions of such statute, or local ordinance or regulation shall govern.

SECTION 217. The city council may provide, by ordinance, for the enforcement of the provisions of sections 209 through 218 of this act and of any ordinance or regulations made hereunder. A violation of any provision of sections 209 through 218 of this act, or of such ordinance or regulation is hereby declared to be a misdemeanor and such city council may provide, by ordinance, for the punishment thereof by fine or imprisonment, or by both, and may prescribe civil penalties for such violation.

SECTION 218. In order to avail itself of the power conferred in sections 209 through 218 of this act, the city council shall appoint a commission to be known as the zoning commission to recommend the boundaries of the various districts and the regulations to be enforced therein. Such commission shall hold public hearings thereon before submitting its report; and the council shall not hold its public hearings or take action until it has received the report of such commission. The council shall accept the recommendations of the commission report unless rejected by a vote of one-half ($\frac{1}{2}$) plus one (1) of the members of the full council. Where a city planning commission exists, it may be appointed as the zoning commission.

SECTION 219. The following definitions shall apply to terms used in sections 219 through 243 of this act.

1. *Owner*: The proprietor of the land, (having legal title);

2. *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;

3. *Subdivision*: A tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands. Cities may adopt their own definition of subdivision in lieu of the above definition.

4. *Street*: A public street, road, thoroughfare, alley or highway; a right-of-way for public use;

5. *Easement*: A right of use, falling short of ownership, and usually for a certain stated purpose.

SECTION 220. Every owner proposing a subdivision, as defined above, shall cause the same to be surveyed and a plat made thereof which shall particularly and accurately describe and set forth all the streets, easements, public grounds, blocks or lots, and other essential information, and shall record said plat. This section is not intended to prevent the filing of other plats. Description of lots or parcels of land, according to the number and designation on such recorded plat, in conveyances or for the purposes of taxation, shall be deemed good and valid for all intents and purposes.

SECTION 221. The initial point of all town plats, subdivisions and cemetery plats, shall be marked with a monument, either of concrete or galvanized iron pipe; if concrete be used, it shall not be less than that six (6) inches by six (6) inches by twenty-four (24) inches, and if galvanized iron pipe be used it shall not be less than two (2) inches in diameter and three (3) feet long, which said monuments shall be set or driven six (6) inches below the surface of the ground. The intersections of all streets, avenues, and public highways and all points on the exterior boundary where the boundary line changes direction shall be marked with monuments either of concrete, galvanized iron pipe or iron or steel rods; if concrete be used they shall not be less than six (6) inches by six (6) inches by twenty-four (24) inches, if galvanized iron pipe be used they shall not be less than one (1) inch in diameter and thirty (30) inches long, and if iron or steel rods be used they shall not be less than five-eighths ($\frac{5}{8}$) of an inch in least dimension and thirty (30) inches long. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-tenth ($\frac{1}{10}$) of a foot. All lot corners shall be marked with monuments of either galvanized iron pipe, not less than one-half ($\frac{1}{2}$) inch in diameter, or iron or steel rods, not less than one-half ($\frac{1}{2}$) inch in least dimension and two (2) feet long. All lot corners of a burial lot within a platted cemetery need not be marked with a monument, but one or more monuments shall be placed within the cemetery in accordance with sound surveying principles and practice, and at a location or locations that will permit the accurate identification of each burial lot within the cemetery. The monuments shall be of either galvanized iron pipe or iron or steel rods or bars not less than one-half ($\frac{1}{2}$) inch in least dimension and two (2) feet long; or caps not less than one (1) inch in diameter made of bronze or brass, or any other

metal of equal or greater durability set in concrete columns. The locations and descriptions of all monuments within a platted cemetery shall be carefully recorded upon the plat, and the proper courses and distances of all boundary lines shall be shown, but may be shown by appropriate legend. The survey for the final map shall be not lower than third order accuracy, in accordance with recognized surveying practice.

SECTION 222. All plats offered for record in any county shall be made in black india ink, upon a good quality of white cold-pressed, double-mounted drawing paper eighteen (18) inches by twenty-four (24) inches in size, with a three (3) inch flexible binding strip at one end. The drawing shall be of such a scale, and the writings and letterings thereon shall be of such size or type as will permit the whole thereof to be placed upon one single sheet of paper, but no part thereof shall come nearer any edge of said sheet than one inch. All of such diagram or drawing shall be on one side or page of the sheet, but the dedications or other written matter may be on the other side. Signatures may be in reproducible black ink.

The plat shall show (a) the streets and alleys, with widths and courses clearly shown; (b) each street named; (c) lots numbered consecutively in each block, and each block lettered or numbered, provided, however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name; (d) each and all lengths of the boundaries of each lot shall be shown, provided, however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend; (e) the exterior boundaries shown by distance and bearing; (f) descriptions of survey monuments; (g) initial point and tie to at least two (2) government corners, or in lieu of government corners, to monuments recognized by the city engineer or county engineer or surveyor; and also, if required by the city or county governing bodies, give coordinates based on the State Plane Coordinate System, Idaho Zone.

SECTION 223. The county shall choose and require a legally qualified surveyor or engineer to perform land surveying in Idaho to sufficiently check the plat and computations thereon to determine that the requirements herein are met, and said engineer or surveyor shall certify such compliance on the plat. For performing such service the county shall collect from the subdivider a fee not to exceed fifty dollars (\$50) plus one (1) dollar per lot.

SECTION 224. All plats situate within one (1) mile outside the limits of any incorporated city shall first be submitted to the said city, and approved by the council of said city before the same shall be recorded. Items which may be considered by the city include, but are not limited to, continuity of street pattern, street widths, and drainage provisions. If the city has adopted a subdivision ordinance and/or a comprehensive general plan, then these documents may be used as guide lines for approving plats. Such city approval shall be in addition to county approval. Within one mile of the city, a city subdivision ordinance shall prevail over a county subdivision ordinance unless the city and county mutually agree upon any differences. Where the jurisdiction of two (2) cities overlaps, then the jurisdiction shall be assumed by the larger city.

SECTION 225. Plats of towns, subdivisions or additions must not bear the name of any other town or addition in the same county, nor can the same word or words similar or pronounced the same, be used in making a name for said town or addition, except the words city, place, court, addition or similar words, unless the same is contiguous and laid out and platted by the same party or parties platting the addition bearing the same name, or a party files and records the written consent of the party or parties who platted the addition bearing the same name. All plats of the same name must continue the block numbers of the plat previously filed.

SECTION 226. If a subdivision is not within the corporate limits of a city, the plat thereof shall be submitted, accepted and approved by the board of commissioners of the county in which the tract is located in the same manner and as herein provided. If the city or county has established a planning commission, then all plats must be submitted to said commission in accordance with provisions of section 208. No plat of a subdivision requiring city approval shall be accepted for record by the county recorder unless said plat shall have first been submitted to the city and has been accepted and approved and shall have written thereon the acceptance and approval of the said city council and bear the signature of the city engineer and city clerk.

SECTION 227. The owner or owners of the land included in said plat shall make a certificate containing the correct description of the land, with the statement as to their intentions to include the same in the plat, and make a dedication of all streets and alleys shown on said plat, which certificate shall be acknowledged before an officer duly au-

thorized to take acknowledgments and shall be endorsed on the plat. The surveyor or engineer making the survey shall certify the correctness of said plat.

SECTION 228. All approved plats shall, upon the payment of the required fees, be filed by the county clerk or county recorder, and such filing with the date thereof shall be endorsed thereon. The plat shall then be bound with other plats of like character in a proper book designated as "Records of Plats".

At the time of filing such plat, the owner or his representative shall also file with the county clerk or county recorder a transparency thereof, made upon good quality tracing cloth or film, certified to be an exact copy by the surveyor or engineer, and shall then be filed in the archives of such county and be preserved by binding in board covers without folding.

SECTION 229. The said books of "record of plats" shall be provided in the front part thereof with indices, in which shall be duly entered in alphabetical order all maps, plats and diagrams recorded therein, and when so filed, bound and indexed, shall be the legal record of all such maps, plats, diagrams, dedication and other writings.

SECTION 230. The acknowledgment and recording of such plat is equivalent to a deed in fee simple of such portion of the premises platted as is on such plat set apart for streets or other public use, or as is thereon dedicated to charitable, religious or educational purposes.

SECTION 231. No street or alley hereafter dedicated by the owner to the public shall be deemed a public street or alley, or be under the use or control of said city unless the dedication shall be accepted and confirmed by the city council.

SECTION 232. Whenever the owners of any tract of land have divided and sold or conveyed five (5) or more parts thereof, or invested the public with any right therein, and have failed and neglected to execute and file a plat for record, as provided in the thirteen (13) foregoing sections of this act, the county recorder shall notify some or all of such owners and proprietors by mail or otherwise, and demand an execution of such plat; if such owners or proprietors, whether notified or not, fail and neglect to execute and file for record said plat within thirty (30) days after the issuance of such notice, the recorder shall cause to be made a plat of such tract and any surveying necessary therefor.