

ORDINANCE NO. 1002

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.144 APPEALS, SECTIONS 17.144.010(C) AND 17.144.020(C) OF THE KETCHUM MUNICIPAL CODE TO ALLOW APPELLANTS TO SUBMIT WRITTEN ARGUMENTS IN ADDITION TO ORAL ARGUMENTS ON APPEAL; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current sections only allow for oral presentation by the appellant at the appeals hearing; and

WHEREAS, the City Council desires to amend Ketchum Municipal Code, Title 17, Chapter 17.144, Sections 17.144.010(C) and 17.144.020(C), "Appeals," so oral and written presentation is allowed.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:

SECTION 1. AMENDMENT OF TEXT IN SECTIONS 17.144.010(C) AND 17.144.020(C) OF THE KETCHUM MUNICIPAL CODE. Sections 17.144.010(C) and 17.144.020(C), of the Ketchum City Code are hereby amended, altered, and changed by adding thereto the underlined language herein below and by deleting there from the language stricken through, to wit:

C. Authority of Commission. Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the planning and zoning administrator and the notice of appeal together with oral presentation and written legal arguments by the appellant and the planning and zoning administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the planning and zoning administrator.

C. Authority of Council. Upon hearing the appeal, the council shall consider only matters which were previously considered by the commission as evidenced by the record, the order, requirement, decision or determination of the commission and the notice of appeal together with oral presentation and written legal arguments by the appellant, the applicant, if different than the appellant, and the commission and/or staff representing the commission. The council shall not consider any new facts or evidence at this point. The council may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the commission. Furthermore, the council may remand the application to the commission for further consideration with regard to specific criteria stated by the council.

SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any

paragraph, part, section, subsection, sentence clause, or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. CODIFICATION CALUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

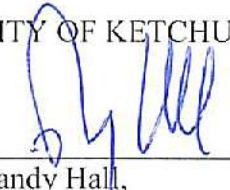
SECTION 4. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its publication as provided by law which is February 28, 2007.

PASSED by the City Council and APPROVED by the Mayor this 20th day of February 2007.

CITY OF KETCHUM, IDAHO



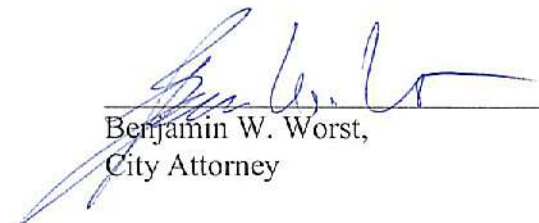
Randy Hall,
Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:



Benjamin W. Worst,
City Attorney

Publish: Idaho Mountain Express
February 28, 2007



EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1002
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.144 APPEALS, SECTIONS 17.144.010(C) AND 17.144.020(C) OF THE KETCHUM MUNICIPAL CODE TO ALLOW APPELLANTS TO SUBMIT WRITTEN ARGUMENTS IN ADDITION TO ORAL ARGUMENTS ON APPEAL; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1002 of the City of Ketchum, Blaine County, Idaho, adopted on February 20, 2007, is as follows:

Section 1: Amends Title 17, Chapter 17.144 "Appeals", Sections 17.144.010(C) and 17.144.020(C) of the Ketchum Municipal Code, to allow appellants and City staff to submit written legal argument in addition to oral arguments as part of the presentation to the Commission/Council. This section also clarifies that neither the Commission nor Council will consider new facts or new evidence at the hearing.

Section 2: Provides a savings and severability clause.

Section 3: Provides a codification clause.


Section 4: Provides a repealer clause.

Section 5: Provides for publication of a summary of the Ordinance.

Section 6: Establishes the effective date of February 28, 2007.

The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO



Randy Hill, Mayor

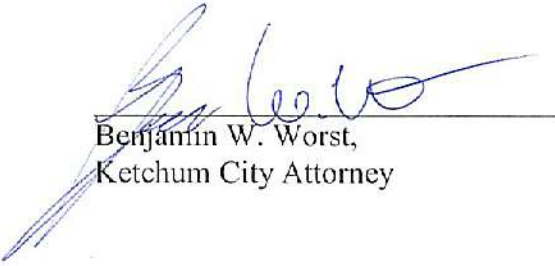
ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1002 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 21st day of February, 2007.



Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: February 28, 2007