

ORDINANCE NUMBER 923

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 12 OF THE KETCHUM MUNICIPAL CODE, CHAPTER 12.08, EXCAVATIONS OF CITY STREETS AND CITY UTILITY EASEMENTS, SUBSECTIONS 12.08.030(A) AND 12.08.030(A) 4.C APPLICATION FOR PERMIT, SECTION 12.08.050 PROHIBITION PERIOD AND SECTION 12.08.070 PREVENTION OF UNAUTHORIZED ACTIVITY BY ADDING AND DELETING CERTAIN LANGUAGE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 12.08 of the Ketchum Municipal Code, Subsections 12.08.030(A) and 12.08.030(A) 4(c) Application for Permit is hereby amended, altered, and changed by deleting therefrom the words lined out and adding thereto the words underlined herein below, to wit:

12.08.30 Application For Permit.

~~Submission~~ The city will require completion of a written application for a permit on a form to be provided by the city and ~~filed with the sewer superintendent in the case of a sewer hookup and in all other cases to be filed with the building inspector~~ approved by the City Administrator, or his delegate, and the payment of the appropriate application fee. Said application form shall include, but not be limited to the following information:

12.08.030 (A)

4. A provision requiring the contractor to meet the following conditions in performing any excavation work in the city streets or alleys:
 - c. The last ~~twelve (12)~~ thirty (30) inches of backfill shall consist of ~~three-quarters inch minus road gravel only~~ lean concrete. Notwithstanding the forgoing, the city may require full lean concrete backfill whenever weather conditions warrant.

SECTION 2. That Chapter 12.08 of the Ketchum Municipal Code, Section 12.08.050 Prohibited Period is hereby amended, altered, and changed by deleting therefrom the words lined out and adding thereto the words underlined herein below, to wit:

12.08.050 Prohibited Period.

With the provisions contained in Sections 12.08.030 and 12.08.040 notwithstanding, no permit will be issued for work to be performed during the period of ~~September 15th~~ November 1st of each year to May 1st of the

following year to dig or excavate, or trench in any street or alley within the city where said digging, excavating or trenching will cut existing pavement Ketchum city limits. The purpose of this prohibition is twofold: 1) To allow for sufficient time for asphalt repairs to be made to streets or alleys that have existing pavement, the city to repair the street or alley being cut with an asphalt pavement patch prior to the onset of inclement weather; and Where no cuts in existing pavement are involved, no permit will be issued during the period of October 31st of each year to May 1st of the following year because of frozen, or potentially frozen ground conditions. 2) To guarantee that no digging takes place in any city street or alley, paved or unpaved, during times of frozen or potentially frozen ground conditions. The City Administrator may grant An exception in writing to the above prohibitions will be allowed if the applicant can show demonstrate extraordinary circumstances and if the purposes of this chapter are met this approval may require full lean concrete backfill from the bedding material to the base material, in addition to other restoration requirements deemed necessary by the Administrator under the circumstances. (Ord. 315 § 2, 1979)

SECTION 3. That Chapter 12.08 of the Ketchum Municipal Code, Section 12.08.070 Prevention of Unauthorized Activity is hereby amended, altered, and changed by deleting therefrom the words lined out and adding thereto the words underlined herein below, to wit:

12.08.070 Prevention of Unauthorized Activity.

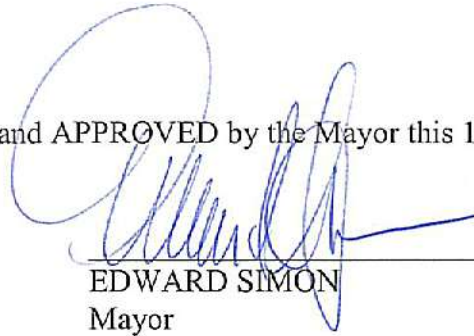
The city ~~building inspector or sewer superintendent~~ may stop the work at any time that ~~in his opinion the work~~ it is being done is beyond the scope of the description of work as found in the application filed with the city, or at any time that the work is progressing or being done in such a way as to be injurious to, or potentially injurious to, the health, safety and welfare of the people of the city. (Ord. 295 § 7, 1979)

SECTION 4. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts hereof of this Ordinance shall be severable. If any 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 portion of this Ordinance.

SECTION 5. REPEALER CLAUSE. Any Ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.


SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon its passage, approval and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this 15th day of
September, 2003



EDWARD SIMON
Mayor

ATTEST:



Sandra E. Cady, CMC
City Clerk

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September 24, 2003