ORDINANCE NUMBER 970

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING MUNICIPAL CODE TITLE 15, "BUILDINGS AND CONSTRUCTION", BY ADDING A NEW CHAPTER, 15.16, TO BE KNOWN AS THE DEMOLITION ORDINANCE AND REGULATING THE DEMOLITION OF IMPROVEMENTS TO REAL PROPERTY; PROVIDING GOALS; PROVIDING DEFINITIONS; PROVIDING THE APPLICABILITY, ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER; PROVIDING FOR PERMITS; PROVIDING REGULATIONS; PROVIDING PUBLIC NOTICE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the public's best interest to promote and encourage greater public awareness of the historic resources within the City of Ketchum; and,

WHEREAS, the loss of historic buildings impacts the character of the community; and,

WHEREAS, a waiting period and public notice of the intent to demolish a historic building increases the awareness of the loss and may preserve the building on the original site or another site within the community; and,

WHEREAS, the City of Ketchum does not intend to prohibit demolition of historic structures; and,

WHEREAS, the maintenance and restoration of all properties following demolition is important to the health, welfare, and aesthetics of the community; and,

WHEREAS, the City Council, at their regular meeting of February 22, 2005, held a discussion regarding the creation of a demolition ordinance. The City Council directed Planning and Zoning Department Staff to begin work on a demolition ordinance; and,

WHEREAS, the City Council held a Public Hearing on the proposed amendments on October 17, 2005. The Public Hearing was re-scheduled for the meeting of December 5, 2005 and continued to meeting of December 19, 2005; and,

WHEREAS, at their meeting of December 19, 2005, the City Council directed Staff to draft an ordinance amending Ketchum Municipal Code Title 15; and,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

SECTION 1. NEW CHAPTER. That a new Chapter be added to Title 15 of the Ketchum Municipal Code to be known as Chapter 15.16, titled "Demolition Ordinance", to read as follows:

Title 15, Buildings and Construction
Chapter 15.16 Demolition Ordinance

15.16.010 Demolition Ordinance Purpose and Goals

1. Maintain the health, safety, and general welfare of the City of Ketchum;
2. Ensure the safety of properties, property owners adjacent to the demolition site and the residents of and visitors to the City of Ketchum;
3. Ensure that the environment and aesthetics of the site are maintained following demolition;
4. Provide for the documentation of historically significant buildings and structures;
5. Provide notice to the public of proposed demolition or relocation of historic buildings and structures within the City of Ketchum;
6. Encourage property owners and residents to seek out persons or groups who may be willing to purchase, preserve, rehabilitate, restore, or relocate structures proposed for demolition;
7. Promote sustainable development by encouraging public awareness towards conservation of historic buildings; and,
8. Promote conservation of locally significant buildings and limit the detrimental effect of demolition on the traditional character of neighborhoods.

15.16.020 Definitions

"Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which includes but is not limited to the following:

1. Permanently affixed to the land; or,
2. Contains one or more floors and a roof.

Any appendages to said structure, such as decks, roof overhangs and porte cocheres are part of said building for purposes of determining building coverage, setbacks or other regulations unless otherwise specified.

"Demolition" means any act of pulling down, destroying, removing, razing or moving a structure or any portion thereof, or commencing the work of moving or of total or substantial destruction of a structure or portion thereof.

"Historic" means, without limitation, a building or structure that is fifty (50) years of age or older or a building or structure that has been documented in the City of Ketchum Windshield Survey of Historic Properties dated August 2005 by Walsworth and Associates and subsequent amendments, revisions, and updates thereof.

"Structure" means, without limitation, anything permanently constructed in or on the ground, or over the water; excluding fences less than six (6) feet in height, decks less than thirty (30) inches above grade, paved areas, and structural or nonstructural fill.

15.16.030 Permit Process for Demolition of a Non-Historic Building

A. The person or entity submitting an application for a demolition permit for a building must be the owner of record or the authorized agent of the owner(s). Submittal requirements shall be as follows:

1. Required application;
2. Required application filing fee;
3. Construction date of the building as indicated by the Office of the Blaine County Accessor or other records; and,
4. Site plan, grading plan, and timeline for removal of debris and revegetation of the site, long term plan for noxious weed abatement, and continued maintenance of the site if construction will not commence immediately following demolition.

B. Permit Processing Procedure

1. The Building Official or his/her designee shall route one (1) copy of the application package to the Building Official or his/her designee and one (1) copy of the application package to the Planning Director or his/her designee.
2. The Building Official shall review and approve the application only if the following conditions are met:
   a. A security agreement has been entered into between the owner of the property and the City of Ketchum and a letter of credit or savings account in the amount of one hundred fifty (150) percent of the estimated cost of improvements has been established. The security agreement will be released when the following conditions have been met:
      i. Demolition debris has been removed from the site; and,
      ii. Completion of the approved site improvements or construction commences under a valid building permit.

15.16.040 Permit Process for Demolition of a Historic Building

A. The person or entity submitting an application for a demolition permit for a historic building must be the owner of record or the authorized agent of the owner(s). Submittal requirements shall be as follows:

1. Required application;
2. Required application filing fee;
3. Construction date of the building as indicated by the Office of the Blaine County Assessor or the Windshield Survey of Historic Properties on file with the City of Ketchum Planning and Zoning Department;
4. Two (2) copies of the following submittal documents;
   a. Color photographs measuring at least four (4) inches by six (6) inches of at least two (2) elevations of the building at the time of permit submittal. If the building faces one or more public streets, the two (2) elevations shall be of the street facing sides;
   b. Height, square footage, and current use of building; and,
   c. Historical photograph, black and white or color, of the building, if feasible.

B. Permit Processing Procedure

1. The Building Official or his/her designee shall route one (1) copy of the application package to the Building Official or his/her designee and one (1) copy of the application package to the Planning Director or his/her designee.
2. Within seven (7) calendar days of the Planning Director or his/her designee certifying that the application file is complete, the Planning Director or his/her designee shall, at the applicant's expense, publish a Notice of Intent to Demolish a Historic Building in the official newspaper of the City of Ketchum; post the notice on the website; post on the subject property a Notice of Intent to Demolish a Historic Building; mail Notice of Intent to Demolish a Historic Building to property owners within three hundred (300) feet of the subject property, the Ketchum/Sun Valley Historical Society; and, the Ketchum Historic Preservation Commission. The property and the City website shall be posted and the notice mailed on the publication date of the notice in the official newspaper of the City of Ketchum.
3. The sixty (60) day demolition waiting period shall begin the day following the publication of Notice of Intent to Demolish a Historic Building. The waiting period shall end at five o'clock (5:00) p.m. on the sixtieth (60th) day. The Building Official or his/her designee and the Planning Director or his/her designee shall approve the demolition permit only if the following conditions are met:
   a. A building permit application with all required supporting materials has been submitted to the Building Department;
   b. Payment of all required fees, including but not limited to application fees and impact fees, has been received by the Building Department;
   c. Building Official or his/her designee certifies the application complete;
   d. A security agreement has been entered into between the owner of the property and the City of Ketchum, and a letter of credit or savings account in the amount of one hundred fifty (150) percent of the estimated cost of improvements has been established. The security agreement will be released when the following conditions have been met:
      i. Demolition debris has been removed from the site; and,
      ii. Construction commences under a valid building permit.

15.16.050 Condemnation and Demolition by Neglect

In the event of imminent and substantial danger to the health or safety of the public due to neglect or condemnation of the building as determined by the Building Official or his/her designee, a historic building may be exempt from the provisions of Section 15.16.040, but not from Section 15.16.030. Prior to demolition of the structure, a security agreement shall be entered into between the owner of the property and the City of Ketchum.

15.16.060 Penalty for Violation

This Demolition Ordinance shall be enforced pursuant to enforcement provisions pursuant to Chapter 17.156 of Title 17, Ketchum Zoning Code.

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

SECTION 4. 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 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 6th day of March, 2006.

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

EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 970
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, BY ADDING A NEW CHAPTER, CHAPTER 15.16, TO BE KNOWN AS THE DEMOLITION ORDINANCE; PROVIDING GOALS; PROVIDING DEFINITIONS; PROVIDING THE APPLICABILITY, ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER; PROVIDING FOR PERMITS; PROVIDING REGULATIONS; PROVIDING PUBLIC NOTICE; PROVIDING A SAVINGS AND SEVERABILITY 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. 970 of the City of Ketchum, Blaine County, Idaho, adopted on March 6, 2006, is as follows:

Section 1: Amends Ketchum Municipal Code Title 15, by adding a new Chapter, 15.16, to be known as the Demolition Ordinance.

Section 2: Provides a savings and severability clause.

Section 3: Provides a repealer clause.

Section 4: Provides for publication of a summary of the Ordinance.

Section 5: Establishes the effective date.

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

Randall Hall, 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. 967 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 6th day of March, 2006.

Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: March 15, 2006