

ORDINANCE NO. 1029

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, RESCINDING ORDINANCE NO. 993 AND KETCHUM MUNICIPAL CODE, TITLE 17, LAND USE CODE, CHAPTER 17.114, "WORKFORCE HOUSING LINKAGE REGULATIONS" AND AUTHORIZING AND DIRECTING THE CITY CLERK TO REFUND ALL MONIES COLLECTED PURSUANT TO SUCH CODE OR ORDINANCE; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A CODIFYING CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 15, 2006, the City of Ketchum adopted Ordinance No. 993 authorizing the collection of affordable workforce housing linkage fees; and

WHEREAS, pursuant to Ordinance No. 993 the City has collected such linkage fees as a prerequisite to the issuance of certain building permits; and

WHEREAS, on July 3, 2007, the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Blaine issued its decision in Phil and Lynn Schaefer v. City of Sun Valley, Blaine County Case No. CV-06-882, holding that such linkage fees constitute an illegal tax; and

WHEREAS, in light of such decision, the City finds that it is appropriate to refund all monies collected under Ordinance No. 993.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho, Title 17 Ketchum Municipal Code as follows:

SECTION 1: That Chapter 17.114, Title 17 of the Ketchum Municipal Code, WORKFORCE HOUSING LINKAGE REGULATIONS and Ordinance No. 993, are hereby rescinded in their entirety and the City Clerk is hereby authorized and directed to refund all monies collected to date pursuant to such Code and Ordinance.

SECTION 2. SAVINGS AND SEVERABILITY. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 3. CODIFICATION. The City Clerk is instructed pursuant to Section 1-1-3 of the City of Ketchum Municipal Code 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 All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon the date of its publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETHUM, IDAHO, and approved by the Mayor on this 19th day of November, 2007.

APPROVED:



Randy Hall, Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:

By: 
Benjamin W. Worst,
City Attorney

Publish: Idaho Mountain Express
Date: November 28, 2007



LINKAGE FEES COLLECTED 2007

APPL NUMBER	DATE	PROJ_NAME	PROJ_ADDR	CONTRACTOR	Linkage
07-004	2/7/07	Hughes	180 Edelweiss Ave.	Brashears & Sons	3300
07-007	2/12/07	Anderson	132 Belmont Drive	Watson Builders Inc.	6000
				Sub-Total	9300
07-015	3/19/07	McCambridge	218 Glade Court	Thomas E. Held Inc.	8250
				Sub-Total	8250
07-030	4/17/07	Coughlin	580 Wood River Drive	Wilson Construction	5400
07-035	4/20/07	Fryberger	706 Wood River Drive	Jeremy Fryberger	6000
07-039	4/27/07	Fabian	315 Skiway Drive	Daniel Hunt	723
07-041	4/27/07	Irby	333 Topaz Street	Storey Construction	900
				Sub-Total	13023
07-045	5/8/07	Wessel	122 Andora Lane	Murphy Construction LLC	850
07-046	5/14/07	Smith	112 Badger Lane	Owner/Builder	850
				Sub-Total	1700
	6/1/07				
				Sub-Total	0
07-077	7/2/07	Peterson (MPP, LLC)	125 Northwood Way, A	Sturdivant Construction Inc.	900
07-084	7/20/07	Kesting	612 Wood River Drive	Elias Construction	850
07-087	7/24/07	Turner	1035 Hideaway Lane	Bashista Construction	24600
				Sub-Total	26350
Total					58623