

CITY OF KETCHUM, IDAHO, ORDINANCE NO. 1130

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING KETCHUM MUNICIPAL CODE BY ADDING CHAPTER 12, PLANNING AND ZONING COMMISSION TO TITLE 4, COMMISSIONS AND BOARDS, INCLUDING DEFINITIONS, CREATING A PLANNING AND ZONING COMMISSION, ESTABLISHING NUMBER OF MEMBERS TO BE APPOINTED, ESTABLISHING TERM OF OFFICE, AND REQUIRING COMPLIANCE WITH 67-6504; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Ketchum Planning and Zoning Commission was created by Ketchum Ordinance 721 on April 20, 1998; and that ordinance provided for definitions, creation of the Commission, rules and organization, meetings, duties of the Commission, and employees and expenditures;

WHEREAS, Subsection 2 of Ordinance 721 was amended by Ketchum Ordinance 782 on July 19, 1999; and that amendment added that no member shall serve more than two full consecutive terms, members may be removed for cause, and members are entitled to mileage and per diem set by resolution of the Council;

WHEREAS, thereafter, the sections and text contained in Ordinances 721 and 782 were codified into the Ketchum Municipal Code originally as Title 2, Chapter 2.36;

WHEREAS, Ketchum Municipal Code, Title 2, Chapter 2.36 became Title 4, Chapter 4.12 upon codification by Sterling Codifiers in 2006;

WHEREAS, Ketchum Ordinance 1114 adopted on March 3, 2014 repealed Title 4, Chapter 4.12 making findings in the whereas clauses that the rules contained in that chapter conflict with the Planning and Zoning Commission By-laws, that rules are best adopted by resolution, and that to prevent future conflict with these rules, this chapter should be deleted;

WHEREAS, research of Idaho Code, Title 67, State Government and State Affairs, Chapter 65, Local Land Use Planning, Section 67-6504, as it is currently in effect, requires that the ordinance establishing the Commission shall contain two particular provisions – one that it sets forth the number of members to be appointed and the second that it sets forth the specific length of term not less than 3 years and not more than 6 years;

WHEREAS, other mandatory requirements applying to the Planning and Zoning Commission are contained within I.C. Section 67-6504 but are not required to be contained

within the Ordinance creating the Commission although the City has the authority to adopt more stringent requirements than called out in Idaho Code, if it chooses;

WHEREAS, while Ordinance 721, creating the Commission, and Ordinance 782, amending 721, were not specifically repealed by Ordinance 1114, the required provisions remain effective and should be codified as part of the Ketchum Municipal Code;

WHEREAS, it is found appropriate to repeal the prior Ordinances and adopt a new Ordinance that contains the required sections and requires compliance with other rules contained in Idaho Code Section 67-6504 as may be amended from time to time;

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

SECTION 1. AMENDING KETCHUM MUNICIPAL CODE. Ketchum Municipal Code is hereby amended by the addition of Chapter 12, Title 4, Planning and Zoning Commission as follows, to wit:

CHAPTER 4.12

PLANNING AND ZONING COMMISSION

Section 4.12.010: DEFINITIONS. As used in this Ordinance, the following definitions shall apply:

- a. "Commission" shall mean the City of Ketchum Planning and Zoning Commission created by this Ordinance.
- b. "Appointive Members" shall mean all members appointed to the Commission by the Mayor and confirmed by a majority vote of the City Council, pursuant to I.C. 67-6504.
- c. "Governing Board" shall mean the Mayor and City Council of the City of Ketchum, Idaho.

Section 4.12.020: CREATION OF THE COMMISSION. A Planning and Zoning Commission for the City of Ketchum, Idaho, is hereby created pursuant to I.C. 67-6504. The appointment of members, filling vacancies, residency, length of service and removal for cause shall conform to requirements contained in I.C. 67-6504(a) as may be amended from time to time, unless more restrictive requirements are established in by-laws of the Commission adopted by resolution of the City Council.

Section 4.12.030: ESTABLISH NUMBER OF MEMBERS. The number of members to be appointed to the Commission shall be five (5), pursuant to I.C. 67-6504(a) that provides for not less than three (3) members and not more than twelve (12) members.

Section 4.12.040: ESTABLISH TERM OF OFFICE. The term of office shall be three (3) years, pursuant to I.C. 67-6504(a) that provides for not less than three (3) years and not more than six (6) years.

Section 4.12.050: COMPLIANCE WITH I.C. 67-6504. The bylaws of the Planning and Zoning Commission setting forth organization, rules, records, meetings, expenditures, and staff shall comply with I.C. 67-6504, as may be amended from time to time

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 the Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All Ordinances and parts of Ordinances of the City of Ketchum, Idaho, which are in conflict herewith, are hereby repealed. Specifically, Ordinance Numbers 721, 782 and 1114 are hereby repealed.

SECTION 4. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official Ketchum Municipal Code for proper revision of the code.

SECTION 5. PUBLICATION. This Ordinance 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.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this 2nd day of March, 2015.

APPROVED:



Nina Jonas, Mayor

ATTEST:



Sandra E. Cady, City Clerk