

ORDINANCE NUMBER 852

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ZONING CODE, CHAPTER 17.92, AVALANCHE ZONE DISTRICT, SECTION 17.92.010.E.3, GENERAL NOTICE REQUIREMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 17.92, Avalanche Zone District, of Zoning Code Title 17 of the City of Ketchum, Idaho is hereby amended, altered and changed by deleting therefrom the words lined out and adding thereto the words underlined hereinbelow, to-wit:

Section 17.92.010.E. General Notice Requirements

3. Prior to the issuance of any building permit for construction or improvements within the Avalanche Zone, the applicant shall ~~appear before the council for the purpose of receiving~~ submit to the Building Inspector a written acknowledgment signed by the applicant under seal of a notary public of the applicant's actual knowledge that the proposed building or improvement will be located within the Avalanche Zone. The applicant will also acknowledge that he or she has actual knowledge of the studies conducted to date regarding the Avalanche Zone that are on file with the Planning Department.

The acknowledgment shall state the following:

"I, (applicant's name), the applicant named in Building Permit Number (#) intend to construct (type of building, outbuildings and/or improvements) on (property description, including legal description and (street address). I acknowledge that this development and the parcel of land on which the development will be situated are within the Avalanche Zoning District. I have thoroughly read and fully understand Ketchum Zoning Code Title 17, Chapter 17.92 'Avalanche Zone District' and the reports by Art Mears and Norman Wilson on file with the City of Ketchum Planning Department. I fully understand that building within the Avalanche Zone may pose a substantial hazard to life, health, and property for residents, guests, visitors, both invited and uninvited, children, city employees, utility workers, public servants, and animals. I also fully understand that City services, including fire protection, police, and medical and ambulance service may be suspended during times of high hazard.

I, on behalf of myself, my personal representatives and my heirs, hereby voluntarily agree to release, waive, discharge, hold harmless, defend and indemnify the City of Ketchum and its officers, employees, agents, and contractors from any and all claims, actions, or losses for bodily injury, death, wrongful death, property damages, and loss of services which may arise out of the construction of the buildings, outbuildings, and/or improvements that are the subject of my Building Permit Number ().

I also promise and agree to file an executed copy of this Acknowledgment, conformed or stamped as received by the Ketchum Planning Department as an addendum to my deed to the real property described herein with the County Recorder.

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. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO and approved by the Mayor this 4th day of December, 2000.



ATTEST:



GUY P. COLES
Mayor



For: SANDRA E. CADY
City Clerk

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Idaho Mountain Express

