

ORDINANCE NO. 1195

AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, FINDING AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE DUE TO ANTICIPATED FLOODING CAUSED BY WOOD RIVER VALLEY SNOWPACK BEING ONE HUNDRED AND THIRTY PERCENT (130%) ABOVE NORMAL AND THEREFORE AMENDING KETCHUM CITY CODE 17.88 TO PROVIDE FOR INSTALLATION OF TEMPORARY FLOOD PROTECTUON BARRIERS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to adopt emergency ordinances pursuant to Idaho Code § 67-6523; and

WHEREAS, the City first adopted an ordinance regulating development in the floodplain in 1974 with the passage of Ord. 208 and first distinguished between Floodplain and Floodway areas and established a streambank alteration permit in 1989 with the adoption of Ord. 525;

WHEREAS, the City participates in the Federal Emergency Management Agency (FEMA)'s National Flood Insurance Program (NFIP) in order to protect the health, safety, and welfare of its citizens and to ensure that flood insurance is available to them; and

WHEREAS, by participating in the NFIP the City's responsibilities include requiring permits for all development within the 100-year floodplain, ensuring all other permits required by local, State, and Federal laws are obtained, maintaining records of all development permits, and ensuring flood carrying capacity of altered or relocated watercourses is maintained; and

WHEREAS, the flooding that occurred in 2017 caused changes to the Big Wood River and in 2018 localized flooding occurred at lower flows than historic; and

WHEREAS, the snowpack in the Big Wood River Basin is approximately one hundred and thirty (130%) of median as of April 10, 2019; and

WHEREAS, as flooding within the City of Ketchum is anticipated to occur and the City Council finds that the high likelihood of flooding constitutes an imminent peril to the public health, safety, and welfare; and

WHEREAS, the City desires to implement regulations that facilitate the protection of property from inundation of flood waters that simultaneously mitigate reduction of the floodplain's carrying capacity; and

WHEREAS, the date of high water on the Big Wood River during the ten (10) highest water events recorded has occurred between May 21 to June 18; and

WHEREAS, adoption of this ordinance is necessary to address the imminent perils identified above and it is to be done as an emergency ordinance effective for a period of up to one hundred eight-two days pursuant to Idaho Code § 67-6523;

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

Section 1. AMENDMENTS TO CHAPTER 17.88 FLOODPLAIN MANAGEMENT OVERLAY ZONING DISTRICT. That Title 17 of the Ketchum Municipal Code be amended to add a new Section V. Temporary Flood Control Barriers to Chapter 17.88 Floodplain Management Overlay Zoning District as attached and incorporated as Exhibit A to this Ordinance.

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. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit B, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Section 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication, according to law. Pursuant to Idaho Code § 67-6523 the restrictions established by this emergency ordinance will be effective for a period of not longer than one hundred eighty-two (182) days.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this 15th day of April, 2019.

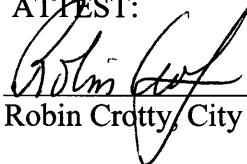
APPROVED BY the Mayor of the City of Ketchum, Idaho, this 15th day of April, 2019.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, City Clerk

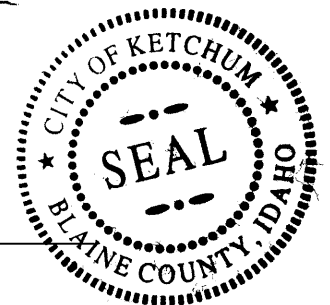


EXHIBIT A

Article V. Temporary Flood Control Barriers

17.88.320: USES PERMITTED

17.88.330: USE RESTRICTIONS

17.88.340: APPLICATION FOR TEMPORARY FLOOD CONTROL BARRIERS

17.88.350: ENFORCEMENT

17.88.320: USES PERMITTED:

A. Private use: Temporary flood control barriers, such as sandbags, bladder dams, and other similar non-permanent barriers placed on private property and located in such a manner to protect floodwaters from inundating a structure may be installed prior to imminent flooding or during a flood event.

B. Public use: Temporary flood control barriers, such as sandbags, bladder dams, and other similar non-permanent barriers placed on public or private property and located in such a manner to protect floodwaters from inundating a structure or public infrastructure may be installed prior to imminent flooding or during a flood event.

17.88.330: USE RESTRICTIONS:

The following restrictions are imposed upon use of temporary flood control barriers:

- A. Temporary flood control barriers shall be designed and located to protect structures or public infrastructure from inundation by flood waters but shall not be designed or located solely to divert or displace flood waters into the public right-of-way or adjacent private properties;
- B. Temporary flood control barriers shall be offset no further than 6' from the structure the barrier is protecting except in the case of barriers installed to protect public infrastructure;
- C. Temporary flood control barriers shall be removed within ninety days of installation unless inundation by floodwaters is prolonged and approval for an extension has been issued via a floodplain development permit.
 - a. Sand or other fill used within sandbags or similar devices shall not be emptied into the floodplain or river, creek, or stream.
 - b. Water used to fill a bladder dam shall not be emptied into a river, creek, or stream.

17.88.340: APPLICATION FOR TEMPORARY FLOOD CONTROL BARRIERS:

No application is necessary for the installation of temporary flood control barriers installed in accordance with the regulations of this section.

17.88.350: ENFORCEMENT:

Any person, firm, or corporation violating any provision of this article shall, for each offense, be subject to the enforcement procedures established in chapter 17.156 of this title.

EXHIBIT B

PUBLICATION SUMMARY OF ORDINANCE NO. 1195

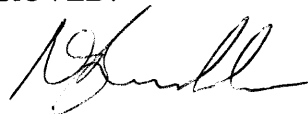
AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, FINDING AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE DUE TO ANTICIPATED FLOODING CAUSED BY WOOD RIVER VALLEY SNOWPACK BEING ONE HUNDRED AND THIRTY PERCENT (130%) ABOVE NORMAL AND THEREFORE AMENDING KETCHUM CITY CODE 17.88 TO PROVIDE FOR INSTALLATION OF TEMPORARY FLOOD PROTECTUON BARRIERS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1195 of the City of Ketchum, Blaine County, Idaho, adopted on April 15th 2019, is as follows:

- SECTION 1.** Amends Title 17, Chapter 17.88, to include a new section V. regulating the installation of temporary flood control barriers.
- SECTION 2.** Provides a savings and severability clause.
- SECTION 3.** Provides for publication of this Ordinance by Summary.
- SECTION 4.** Establishes an effective date.

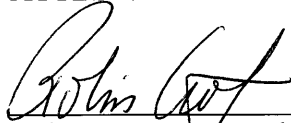
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

APPROVED:



Neil Bradshaw, Mayor

ATTEST:



Robin Crotty, City Clerk

