

AGENDA ITEM SUMMARY

DATE: 8/29/11 DEPARTMENT: Community Dev DEPT. HEAD SIGNATURE: Beth Robrahn

SUBJECT

Third reading of Ordinance 1089 – Repealing the Sunset Clause of Section 11 or Ordinance 1055

AUTHORITY: ID Code 50-1017 IAR _____ City Ordinance/Code _____

BACKGROUND:

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Budget Line Item # _____ YTD Line Item Balance \$ _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:

____ City Attorney ____ Clerk / Finance Director ____ Engineer ____ Mayor
____ P & Z Commission ____ Parks & Lands Board ____ Public-Works ____ Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to conduct 3rd reading of ordinance 1089

FOLLOW UP NOTES:

HAILEY ORDINANCE NO. 1089

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING THE SUNSET CLAUSE OF SECTION 11 OF ORDINANCE 1055; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance conform to the Hailey Comprehensive Plan;

WHEREAS, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the uses are compatible with the surrounding area; and

WHEREAS, the amendment will promote the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 11 of the Hailey Zoning Ordinance No. 1055 is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

~~Section 11. Sunset Clause. This ordinance shall expire one (1) year from its date of publication, requiring a separate ordinance to extend or continue the provisions of this ordinance.~~

Section 2. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.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 the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF JUNE, 2011.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: _____
Idaho Mountain Express