

CITY OF HAILEY ORDINANCE NUMBER 816

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, DECLARING AN EMERGENCY MORATORIUM NOT TO EXCEED ONE HUNDRED TWENTY (120) DAYS; STATING THE FINDINGS AND REASONS FOR A MORATORIUM; IMPOSING A MORATORIUM ON ADDING FILL IN THE FLOODPLAIN HAZARD OVERLAY DISTRICT; PROVIDING FOR A DURATION, SAVINGS AND SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the land use regulations currently in effect in the City have been found to be incomplete and inconsistent, allowing for the placement of fill in the Floodplain Hazard Overlay District for the purpose of artificially elevating a building site; and do not provide adequate protection for properties adjacent to new construction in the floodplain; and

WHEREAS, the Goals and Policies of the Flood Hazard element of the City's Comprehensive Plan direct the City to reduce the potential threat to loss of life, limb or property and minimize public expenditures due to flooding; and

WHEREAS, a moratorium on the placement of fill in the Floodplain Hazard Overlay District is necessary to enable the City Council to amend and enact ordinance(s) that will prevent a change in the flow of water or increase flood elevations altering the floodplain; and

WHEREAS, the City Council finds that enactment of this ordinance constitutes an emergency, due to the fact that the current city ordinances and regulations do not adequately address the potential environmental, economic, infrastructure, and aesthetic impacts associated with altering the floodplain within the City of Hailey; and

WHEREAS, Idaho Code Section 67-6523 authorizes the City to adopt a moratorium on the issuance of selected classes of permits for a period of not longer than one hundred twenty (120) days; and

WHEREAS, the City Council finds that the moratorium imposed by this ordinance is necessary for the protection of the public health, safety, property or peace;

NOW, THEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, DO ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 67-6523, Idaho Code, the Hailey City Council ("Council") finds there is an imminent peril to the public health, safety and welfare that requires an emergency moratorium for a period of one hundred twenty (120) days, to prohibit the placement of any fill in the Floodplain Hazard Overlay District, unless the placement of fill is permitted or associated with existing and lawful permits.

Section 2. The Planning Department shall make revisions to the land use regulations governing the Flood Hazard Overlay District within the City, and shall submit them for consideration by the Planning and Zoning Commission and the Council on the earliest available agendas.

Section 3. Notice of, and hearing on this ordinance in the normal course, would undermine effective City planning by allowing applications for new construction in the floodplain where the builder intends to artificially elevate the building site by bringing in fill dirt submitted between the time notice was published, and the time the ordinance was adopted, to vest in City regulations which may be inadequate to protect the public health, safety and general welfare. The moratorium imposed in this ordinance shall become effective immediately upon passage of this ordinance and shall continue for 120 days unless repealed, extended, or modified by the City.

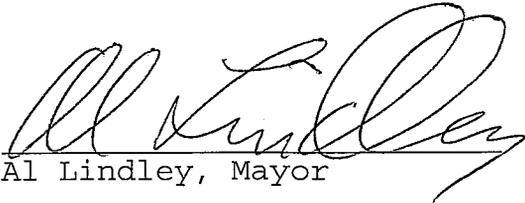
Section 4. It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance.

Section 5. The emergency moratorium declared by this ordinance shall exist for a period of one hundred twenty (120) days from the date of passage and proclamation of the moratorium as indicated in the last paragraph hereof.

Section 6. Based on the findings set out above, the Council finds that there is an imminent peril to the public health, safety and welfare which constitutes an emergency and which requires a moratorium as provided herein. This ordinance shall be in full force and effect from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Hailey.

PASSED AND APPROVED by the Hailey City Council and APPROVED by the Mayor of Hailey on this 22nd day of July, 2002.

POSTED: Hailey City Hall
United State Post Office, Hailey Branch
Hailey Chamber of Commerce
Atkinson's Square
Paul's Market


Al Lindley, Mayor

ATTEST:


Heather Dawson, City Clerk

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