

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



December 7, 2012

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

Consideration of Ordinance No. 1103, Amending Ketchum Municipal Code, Title 15, Buildings and Construction, Section 15.16, Demolition of Structures Deleting reference in 15.16.030B and 15.16.040B requiring a building permit to demolish a building.

Staff Report

As presently drafted, Title 15, Chapter 15.16.030 and 15.16.040 governing the permit process for the demolition of an existing structure requires a building permit prior to demolishing a structure and the associated issuance of a demolition permit. It is staff's opinion that this requirement does not apply to all requests for demolitions as in the case where no new construction is contemplated. Provided the applicant procures a validly issued demolition permit which requires the submission of a complete application package including a security agreement / letter of credit ensuring the demolition is performed properly and demolition debris removed, it should not be necessary to additionally obtain a building permit. Adopted by the City, the International Building Code does not require a building permit purely for the demolition of a structure. The Building Division does, however, review and issue Demolition Permits. Removing the building permit requirement, however, does not relieve an applicant from obtaining a building permit for any subsequent or contemporaneous commencement of construction of additional improvements to the property that would otherwise require a building permit.

Attachments

- Attachment A – Ordinance Number 1103.

Recommendation

I respectfully recommend the City Council to conduct the second reading of Ordinance Number 1103 and continue the ordinance to January 7, 2013 for a third reading. Amending Title 15, Buildings and Construction does not require a public hearing (as opposed to Title 16 or 17).

Suggested Motion

“Pursuant to Idaho Code §50-902, I move for the second reading of Ordinance Number 1103, amending Ketchum Municipal Code, Title 15, Buildings and Construction, Section 15.16, Demolition of Structures Deleting reference in 15.16.030B and 15.16.040B requiring a building permit to demolish a building, and scheduling of a third reading for January 7, 2013.”

Sincerely,

Paul Fitzer
City Attorney

ORDINANCE NUMBER 1103

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.16, DEMOLITION OF STRUCTURES; DELETING REFERENCE IN 15.16.030B AND 15.16.040B TO REQUIRE A BUILDING PERMIT TO DEMOLISH A BUILDING; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the City of Ketchum is a municipal corporation operating under the laws of the State of Idaho; and

WHEREAS, the City of Ketchum has adopted the International Building Code; and

WHEREAS, pursuant to Idaho Code 39-4116, the City is empowered to adopt additional standards and/or revisions to the International Building Code to reflect local concerns; and

WHEREAS, the International Building Code does not require a building permit in order to demolish a building; and

WHEREAS, the Mayor and City Council of the City of Ketchum deem it to be in the public interest to amend its ordinance regulating the permit process required to demolish buildings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, Blaine County, Idaho:

Section 1: That Title 15, Chapter 15.16.030 B, Ketchum City Code be, and hereby is, amended as follows:

B. Permit Processing Procedure:

1. The building official or his/her designee shall route one copy of the application package to the building official or his/her designee and one copy of the application package to the planning director or his/her designee.

2. The building official shall review and approve the application only if the following conditions are met: (1) A complete demolition permit application with all required supporting materials has been submitted to the building department; (2) A security agreement has been entered into between the owner of the property and the city of Ketchum, and a letter of credit or savings account in the amount of one hundred fifty percent (150%) of the estimated cost of demolition and site restoration improvements has been established. The security agreement will be released when the following conditions have been met:

a. Demolition debris has been removed from the site; and

b. Site is restored.

~~b. Completion of the approved site improvements or construction commences under a valid building permit.~~

Section 2: That Title 15, Chapter 15.040 B, Ketchum City Code be, and hereby is, amended as follows:

B. Permit Processing Procedure:

1. The building official or his/her designee shall route one copy of the application package to the building official or his/her designee and one copy of the application package to the planning director or his/her designee.

2. Within seven (7) calendar days of the planning director or his/her designee certifying that the application file is complete, the planning director or his/her designee shall, at the applicant's expense, publish a notice of intent to demolish a historic building in the official newspaper of the city of Ketchum; post the notice on the website; post on the subject property a notice of intent to demolish a historic building; mail notice of intent to demolish a historic building to property owners within three hundred feet (300') of the subject property, the Ketchum/Sun Valley Historical Society, and the Ketchum historic preservation commission. The property and the city website shall be posted, and the notice mailed on the publication date of the notice in the official newspaper of the city of Ketchum.

3. The sixty (60) day demolition waiting period shall begin the day following the publication of notice of intent to demolish a historic building. The waiting period shall end at five o'clock (5:00) P.M. on the sixtieth day. The building official or his/her designee and the planning director or his/her designee shall approve the demolition permit only if the following conditions are met:

a. A complete demolition ~~building~~-permit application with all required supporting materials has been submitted to the building department;

b. Payment of all required fees including, but not limited to, application fees and impact fees, has been received by the building department;

c. Building official or his/her designee certifies the application complete;

d. A security agreement has been entered into between the owner of the property and the city of Ketchum, and a letter of credit or savings account in the amount of one hundred fifty percent (150%) of the estimated cost of demolition and site restoration improvements has been established. The security agreement will be released when the following conditions have been met:

(1) Demolition debris has been removed from the site; and

(2) Site restored.

~~(2) Construction commences under a valid building permit.~~

Section 3: If any part of this ordinance shall be held unconstitutional or void, such part shall be deemed separable and its invalidity shall not affect the remaining parts of the ordinance.

Section 4: All provisions of any City of Ketchum ordinance or resolution not consistent with this ordinance are hereby repealed as of the effective date of this ordinance.

Section 5: The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

Section 6: This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

PASSED AND ADOPTED by the Council of the city of Ketchum, Idaho this _____ day of _____, 2012.

APPROVED by the Mayor of the City of Ketchum, Idaho this _____ day of _____, 2012.

Randy Hall,
Mayor

ATTEST:

Sandra E. Cady, CMC
City Clerk

(SEAL)

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

[Report].GL Account Number = "0110000000"- "9449008022", "9910000000"- "9911810000"

Vendor Name	Invoice Number	Description	Net Invoice Amount
GENERAL FUND			
LEGAL			
01-4160-4200 PROFESSIONAL SERVICES			
MOORE SMITH BUXTON & TUR	43743	1536-03 - General	10,919.91
MOORE SMITH BUXTON & TUR	43744	1536-03B - Additional Billing - General	4,631.05
MOORE SMITH BUXTON & TUR	43748	1536-39 - RPP Application	6,887.81
Total LEGAL:			22,438.77
Total GENERAL FUND:			22,438.77
WATER FUND			
WATER EXPENDITURES			
63-4340-4200 PROFESSIONAL SERVICES			
MOORE SMITH BUXTON & TUR	43746	1536-24 - Water Rights	11,728.85
MOORE SMITH BUXTON & TUR	43752	1536-46 - Water Rights	2,682.25
Total WATER EXPENDITURES:			14,411.10
Total WATER FUND:			14,411.10
Grand Totals:			36,849.87