

ORDINANCE NUMBER 1261

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 12.04.250(B) AND SECTION 15.04.050(C) OF THE PAYETTE CITY CODE TO ALLOW EXCEPTIONS TO THE REQUIREMENT OF SIDEWALKS, CURBS AND GUTTERS ON ALL NEW RESIDENTIAL CONSTRUCTION, AND TO PROVIDE FOR LANDOWNER PARTICIPATION IN FUTURE LOCAL IMPROVEMENT DISTRICTS; REPEALING CONFLICTING ORDINANCES; ALLOWING PUBLICATION BY SUMMARY; SETTING AN EFFECTIVE DATE, PROVIDING A PENALTY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

SECTION 1: Section 12.04.250(B) Specifications Designated:

B. Sidewalks shall be required on all new residential construction. Sidewalks in residential areas shall be four feet (4') wide and constructed to specifications of the City. Any deviation in width must have the permission of the Planning Commission and will only be allowed in order for sidewalks to conform to existing sidewalks adjacent to said lots. **The Mayor, City Clerk, City Engineer, or their appointed agent, may authorize an exception in a specific instance or instances where sidewalks are impossible or impractical to construct. Conditions can be imposed which shall require a developer to make the improvements which have been waived at some time in the future when construction of the improvements are practical.**

SECTION 2: Section 15.04.050(C) building Permit – Issuance Prerequisites – Final Inspection

C. Prior to the issuance of a building permit, either acceptable curbs and gutters shall have been constructed, or an amount equal to one and one-half times the estimated cost of construction of curbs and gutters shall have been deposited with the clerk. **The Mayor, City Clerk, City Engineer, or their appointed agent, may authorize an exception in a specific instance or instances where curbs and gutters are impossible or impractical to construct. Conditions can be imposed which shall require a developer to make the improvements which have been waived at some time in the future when construction of the improvements are practical.**

Said sums shall be forfeited in the event the construction of curbs and gutters was not completed by the applicant as of the date of final inspection of all the construction for which the building permit was issued; it shall be refunded to the applicant if the construction of curbs and gutters was completed as of said date. It is not intended that this Section shall make any other provision in this municipal code less restrictive.

SECTION 2: Any ordinances or resolutions which are in conflict with this ordinance are hereby repealed, but only in-so-far as the conflict exists.

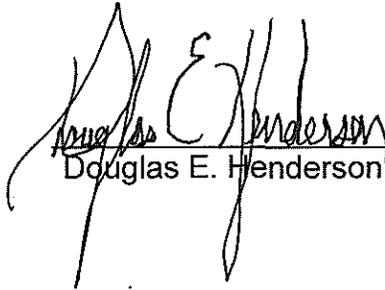
SECTION 3: This ordinance may be published in summary form.

SECTION 4: Any violation of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

SECTION 5: This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

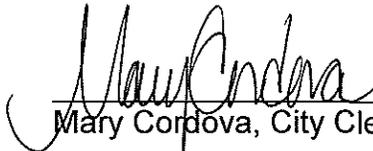
Dated this 5th day of June, 2006.

CITY OF PAYETTE



Douglas E. Henderson, Mayor

Attest:



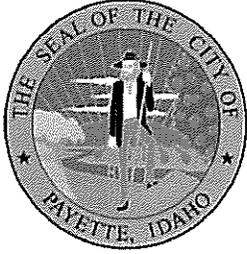
Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 5th day of June, in the year of 2006, before me Jennifer A. Kelley, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

Jennifer A Kelley
Notary Public For Idaho
Residing at: Payette ID
Commission expires: 12-11-2008





CITY OF PAYETTE, IDAHO

AGENDA STATEMENT

To: Honorable Mayor Henderson & Members of the Payette City Council
From: Mary Cordova, City Clerk *MC*
Date: 5/12/2006
Re: Ordinance 1261 – Allowing Exceptions to Sidewalks, Curbs and Gutters on New Construction

BACKGROUND & JUSTIFICATION:

It has come to our attention that in some cases, existing code is too restrictive on the requirement of sidewalks, curbs and gutters on new construction. Some parts of town the roads are very narrow, making curbs and sidewalks impractical. In addition, surrounding neighbors would not have sidewalks, curbs or gutters. A sidewalk, curb or gutter constructed in the middle of a block which does not have such could impede existing drainage, and cause other related problems.

Presented for your consideration tonight are changes to the code to allow the City to make an exception in instances where sidewalks, curbs and gutters are impractical. At the same time, the new code will allow the City to impose conditions on the homeowner to participate in the construction of these improvements when the situation is practical; such as mandatory participation in a Local Improvement District.

We will still enforce the requirement of sidewalks, curbs & gutters on new planned subdivisions.

RECOMMENDATION:

We ask that the Council make a motion to approve the ordinance as presented.

*Published
6-7-06*