

ORDINANCE NO. 221

AN ORDINANCE OF THE CITY OF CLARK FORK, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PERTAINING TO PLATTED PARCELS: PROVIDING FOR STREET EXTENSIONS; PROVIDING FOR WATER FACILITIES; PROVIDING FOR WAIVER OF REQUIREMENTS; PROVIDING FOR SEPARABILITY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, the Mayor and City Council have deemed it in the public interest that those developing property pay the costs of extending city facilities to the property;

WHEREAS, Idaho Code section 67-6518 authorizes the City to adopt standards for development; and

WHEREAS, a public hearing was conducted on the 26th day of July, 2000, at 6:00 p.m. on this Ordinance with the City Council acting as both governing board and planning and zoning commission;

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

SECTION 1. STREET EXTENSIONS

- A. Any owner seeking to develop property within the City shall be responsible for paying for extensions of such streets to the property.
- B. All streets shall be built as per attachment "A".
- C. All street extensions shall be designed by a licensed engineer. Plans must be approved by the City Engineer and paid for by the developer, prior to construction and "as-built" plans shall be provided to the City.

SECTION 2. WATER FACILITIES

Water lines within the City shall comply with the following standards:

- A. The Idaho Standards For public Works Construction, latest edition published by the Idaho Standards for Public Works Construction Committee, are hereby adopted.
- B. The City may require that water lines be sized to

provide services beyond the needs of the property being developed. In such case, the city shall pay the incremental costs related to increasing the size of the line.

- C. All water line extensions shall be designed by a licensed engineer. Plans must be approved by the City Engineer and paid for by the developer, prior to construction and "as-built" plans shall be provided to the City.
- D. All water line extensions shall be made in accordance with all City, State and Federal standards including fire hydrants. Water main line extensions are covered by the separate Water Ordinance.
- E. Fire hydrants shall be constructed every 600 feet, or less.

SECTION 3 WAIVER OF REQUIREMENTS

The City may waive any of the foregoing requirements for small projects (four or fewer parcels) that front on an existing road.

SECTION 4. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5 VIOLATIONS

Failure to comply with the provisions of this Ordinance shall constitute a misdemeanor. Each day such violation exists may be considered a separate offense, subject to the penalty of a fine of \$300.00, and not more than thirty (30) days incarceration in the County Jail, or both such fine and imprisonment. In addition to the criminal penalties above, the City of Clark Fork may proceed against the violator by initiating civil legal action in a court of competent jurisdiction. In the event the City prevails, the violator shall be responsible for all costs, including a reasonable sum for attorney's fees. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such legal action as may be necessary to restrain or prevent any violation of this Ordinance or the Idaho Code.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its approval, passage and publication according to law.

PASSED by the City Council with a roll call vote and APPROVED by the Mayor this 16th day of August, 2000.

Linda V. Reed
Linda V. Reed, Mayor

City Council Members	YES	NO	ABSESNT	ABSTAIN
Lynn Siple	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Kathy Johnson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Tom Shields	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Mary Milotz	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

ATTEST:

Elizabeth Parenti
Elizabeth Parenti, City Clerk

EXHIBIT "A"

Residential Street

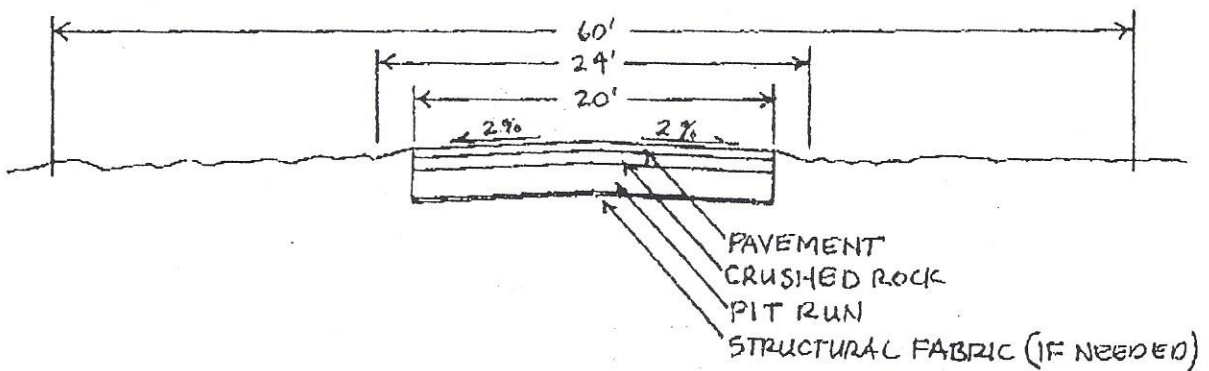
Right of Way = 60 ft.

Paved Travel way = 20 ft. (with a 2% crown)

Overall Width = 24 ft. (20 ft. travel way with 2 ft. shoulders)

Section: Place structural fabric over native sub grade (if sub grade is non-granular material), then 12" of 4 inch minus pit run, then 4" of 3/4 inch minus crushed rock, then 2.5" of asphalt cement paving.

An alternative to installing 2.5" of AC would be to install 6" of 3/4" minus crushed rock (instead of 4") and apply a double shot BST.



SUMMARY OF CLARK FORK STREET EXTENSION ORDINANCE
ORDINANCE NO. 221

The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 221, an ordinance providing for street extensions pertaining to platted parcels within the City of Clark Fork. The ordinance contains the following provisions: a section providing for street extensions, including responsibility for payment, construction and design; a section providing for water facilities, including standards, design and sizing; a section on waiver of requirements; a section providing severability; a section providing penalties for violation, including fines, misdemeanor criminal penalties and civil remedies; and provides that the ordinance shall be effective following its passage on the 16th day of August, 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Street Extension Ordinance is available at City Hall in Clark Fork.

Dated this 16th day of August, 2000.

Elizabeth Parenti
Elizabeth Parenti, City Clerk

Sent above to Daily Bee on 8/17/00
for publication

SUMMARY OF CLARK FORK STREET EXTENSION ORDINANCE
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Dated this 16th day of Aug., 2000.


Elizabeth Parenti, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Street Extension Ordinance dated August 16, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.


Terry J. Lopez, Attorney
Dated: June 16, 2000

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Jones

_____ being first duly sworn on oath
deposes and says that he/she is Book Keeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Ord # 221

as it was published in the regular and entire issue of the
said paper for a period of 1 day consecutive weeks,
commencing on 23 day of Aug, 2000
and ending on the 23 day of Aug, 2000
and that said notice was published in said newspaper.

On this 23 day of Aug in the year
of 2000, before me, a Notary Public, personally
appeared Sherilyn Jones,

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me
first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

Sandpoint

My Commission expires:

8/06

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EXTENSION ORDINANCE
ORDINANCE NO. 221

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Dated this 16th day of August, 2000.

/s/Elizabeth Parenti, City Clerk
Legal SNP#2000
August 23, 2000

2000

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath
deposes and says that he/she is Bookkeeper
of the Bonner County Daily Bee, a newspaper printed and
published at Sandpoint, Bonner County, Idaho; that the
said newspaper has been continuously and uninterruptedly
published in said Bonner County during a period of 12
months prior to the first publication of the hereto attached
notice of publication in the case of:

Ord. #221

as it was published in the regular and entire issue of the
said paper for a period of 1 day consecutive weeks,
commencing on 7 day of July, 1900
and ending on the 7 day of July, 1900
and that said notice was published in said newspaper.

On this 7 day of July in the year
of 2000, before me, a Notary Public, personally
appeared Sherilyn Plunk,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Cawlyn L. Inge
Notary Public for Idaho

Residing at

Sandpoint

My commission expires:

7/00

**SUMMARY OF CLARK FORK
STREET EXTENSION
ORDINANCE
ORDINANCE NO. 221**

The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 221, an ordinance providing for street extensions pertaining to platted parcels within the City of Clark Fork. The ordinance contains the following provisions: a section providing for street extensions, including responsibility for payment, construction and design; a section providing for water facilities, including standards, design and sizing; a section on waiver of requirements; a section providing severability; a section providing penalties for violation, including fines, misdemeanor criminal penalties and civil remedies; and provides that the ordinance shall be effective following its passage on the 14th day of August, 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Street Extension Ordinance is available at City Hall in Clark Fork.

Dated this 3rd day of July, 2000.

Elizabeth Parenti, City Clerk

**STATEMENT OF
LEGAL ADVISOR**

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Street Extension Ordinance dated June 16, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

/s/Terry J. Lopez, Attorney

Dated: June 16, 2000

Legal SNP#1885

July 7, 2000

1885