

ORDINANCE NO. 275  
**Land Use Appeals/Reconsiderations**

AN ORDINANCE OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CREATING LAND USE APPEAL PROCEDURES; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clark Fork maintains a regular set of regulations and procedures for decisions made by the City Council in matters governed by the Local Land Use Planning Act; and

WHEREAS, from time-to-time it is beneficial to review and revise those regulations and procedures to remain in compliance with applicable procedural standards.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council that the City of Clark Fork hereby adopts the following procedures to be applied in matters concerning land use related reconsiderations and appeals:

**Section 1. General Provisions:**

- A. Appeals: The Council shall hear and decide appeals where it is alleged there is error in any order, requirement, recommendation or determination made by department officials and employees in the enforcement of a city ordinance, resolution or policy. Appeals to the Council concerning interpretation or administration may be taken by any person aggrieved. All appeals involving interpretation and enforcement shall first be presented to the City Council and recourse from the decision of the Council shall be to the courts as provided by law.
- B. Reconsideration: Any applicant or affected person seeking reconsideration shall submit a written request that must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards.

**Section 2. Procedures:**

- A. Appeals and Reconsiderations: Appeals and reconsiderations shall be filed within a reasonable period of time, not to exceed fourteen (14) days after the final action from which relief is sought, by filing with the Council through the City Clerk a notice of appeal or reconsideration as appropriate, specifying the grounds thereof. The City may charge a reasonable fee to be paid at the time of filing the appeal. The Council shall fix a reasonable time, for the hearing, give notice to the parties in interest, and decide the same within a reasonable time following the hearing. At the hearing, any affected party may appear in person, by agent or attorney.

B. Decision: A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request or the request is deemed denied.

**Section 3. Proceedings Stayed:** The filing of an appeal or reconsideration stays all proceedings in furtherance of the action, unless the Council finds, after the notice is filed with it, that by reason of facts stated in the appeal or reconsideration, a stay would, in their opinion cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the courts after having due cause shown.

**Section 4. Severability:** Should any portion of this ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

**Section 5. Repeal of Conflicting Provisions:** All provisions of the ordinances of the City of Clark Fork which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 6. Effective Date:** The Ordinance shall be effective upon passage and publication as provided by law.

**PASSED and APPROVED** by the City Council and the Mayor under suspension of the rules upon which a roll call vote was taken and duly enacted as an Ordinance of the City of Clark Fork, Bonner County, Idaho at a meeting of the Clark Fork City Council held on the 14th day of January, 2019.



CITY OF CLARK FORK, IDAHO

By: *Russell Schenck*  
Russell Schenck, Mayor

ATTEST:

*Amber M Burgess*  
Amber Burgess, City Clerk

CITY COUNCIL MEMBERS	YES	NO	ABSENT
Shari Jones	<u>  √  </u>	_____	_____
Sharon Banning	<u>  √  </u>	_____	_____
Jay White	<u>  √  </u>	_____	_____
Stanley Spanski	<u>  √  </u>	_____	_____