

32 Except that utility providers may submit an emergency request at any time, any party applying for an
33 encroachment permit shall provide the following information on an application form provided by the
34 city at least five (5) business days prior to the commencement of any encroachment,:

35 A. Owner's name, address and telephone number, and:

36 1. The applicant's name if different than the owner.

37 2. The address of the property for which the encroachment permit application is made.

38 B. Purpose of the proposed encroachment.

39 C. Description of the requested encroachment including a landscape or improvement plan and/or
40 sketch showing the intended use.

41 D. Time period within which the proposed encroachment will be completed.

42 E. Any additional information required by the city. (Ord. 382, 10-25-2006)

43
44 7-4-3: REVOCATION AGREEMENT

45 A. The encroachment permit shall contain an agreement and understanding that the permit is
46 revocable in writing at the sole discretion of the city, subject to the right of appeal to the city council,
47 after reasonable notice, or without notice in case of an emergency or hazardous situation; that the
48 City is not responsible for maintenance or damage to the encroachments; and that removal of any
49 and all improvements or uses shall be done at the sole cost and expense of the applicant and at no
50 cost or expense to the city. (Ord. 382, 10-25-2006)

51 B. The revocation agreement must be signed and notarized by the property owner requesting said
52 encroachments prior to the issuance of the permit; the signed, notarized agreement shall then be
53 recorded with the Blaine County Recorder prior to the commencement of the encroachment. A copy
54 of the recorded document shall be transmitted or delivered to the city's Community Development
55 Department.

56
57 7-4-4: CITY ACTION ON PERMIT APPLICATION

58 The city staff may issue the encroachment permit only after determining the following:

59 A. Granting the request will not require public expense.

60 B. The permitted improvements will not interfere with the full use, safety, and enjoyment of the right
61 of way or easement by the public and by the city, including the plowing of snow or other street
62 maintenance activities.

63 C. Granting the request will not jeopardize the public health, safety or general welfare. (Ord. 382, 10-
64 25-2006)

65
66 7-4-5: CITY STANDARDS

67 All improvements shall be constructed in accordance with applicable city standards adopted in this
68 title, including the most current version of the Idaho Standards for Public Works Construction
69 (ISPWC).

70 A. Construction will be conducted in such a way that pedestrian and vehicular circulation needs can
71 be reasonably met.

72 B. Drainage systems and other utilities must be regularly maintained and will not be adversely
73 affected.

74 1. Berms and earthwork higher than record grade are not permissible within the right-of-way unless
75 the applicant can make a compelling case that the grading is necessary for safety or drainage
76 purposes.

77 C. Immediately following construction, the right of way, easement or property will be restored to its
78 original, usable condition unless specifically approved by permit. (Ord. 455, 12-6-2012)

79 D. Permitted landscaping improvements shall require regular maintenance by the property owner.

80 1. Only low-ground cover vegetation, such as grasses and shrubs, shall be permitted within the first
81 eight feet of the right-of-way from the edge of pavement.

82 2. Trees and shrubs in, or adjacent to, the right-of-way shall be pruned to keep clear of the roadway
83 and to a distance of fourteen (14) feet above the road surface.

84 3. Grasses shall be mowed or maintained in such a manner which doesn't obstruct visibility, access,
85 or parking.

86 E. New driveways and approaches within the city-owned right-of-way shall require a permit.

87 1. Paver driveways shall not be extended to meet the roadway; the first three feet of the driveway
88 approach must be concrete, asphalt, or similar material to that of the adjacent road.

89 2. Existing paver driveways as of the date of adoption of this code, with or without a permit, are
90 exempt from the permit requirements and standards of E.1 except in the applicability of E.3.

91 3. New or reconstructed driveways and approaches, including those affected by road or path
92 maintenance, shall meet the intent of E.1 of this section.

93 F. Snow from privately owned properties shall not be placed or disposed of in the right-of-way.

94 Disposal of snow which originates on private property, and which obstructs the right-of-way or

95 impairs the ability of the city to store snow within the right-of-way, will result in a citation to the
96 offending party.

97 G. Utility boxes, junctions, meters, or other utility access points within the right of way shall contain
98 standardized identification and markings for emergency services access and for avoidance by
99 municipal snow removal operators, to the satisfaction of the Streets Superintendent, Fire Chief, and
100 Police Chief.

101
102 7-4-6: TIME LIMITS ON CUTTING PAVEMENT

103 A. No cutting of pavement shall be permitted prior to March 31 or after November 15, unless
104 emergency or mitigating circumstances are found to exist by the city.

105 B. No cutting of pavement shall be permitted within five (5) years of a newly paved road unless the
106 applicant is unable to bore under the roadway after trying up to three (3) times. (Ord. 382, 10-25-
107 2006)

108
109 7-4-7: PROHIBITED ACTS

110 A. No irrigation or watering of property shall be done in such a manner as to cast, spray or flood water
111 upon pavement or pavement shoulders within city rights of way, easements or property.

112 B. Loading, unloading or operation of vehicles equipped with metal tracks or lugs on paved areas of
113 city rights of way, easements or property is prohibited. (Ord. 382, 10-25-2006)

114
115 7-4-8: FEES

116 All applications submitted for encroachments shall be accompanied by a fee as adopted by city council
117 resolution. (Ord. 382, 10-25-2006)

118
119 7-4-9: BONDING REQUIREMENT

120 All commercial enterprises or operators providing services related to the installation and maintenance
121 of encroachments, including, but not limited to, utility providers, paving contractors, general
122 contractors, subcontractors and landscapers submitting an application under the provisions of this
123 chapter shall provide evidence that the applicant possesses a valid state of Idaho contractor's
124 registration number. The community development director may require that the proposed work is
125 covered by a bond or surety in the minimum amount and process in accordance with title 9 of this
126 code. The bond or surety amount may be increased by the city when the nature and value of the

127 project and its impact on the neighborhood or the city warrants a higher amount. (Ord. 382, 10-25-
128 2006)

129

130 7-4-10: ABATEMENT

131 A. The city will complete a regular census of right-of-way encroachment locations and types, and will
132 maintain a list of the encroachments. Abatement or remediation of noncompliant, unpermitted
133 encroachments shall occur in the following priority order, where:

134 1. Fire hydrant access has been impaired;

135 2. Line-of-sight has been negatively impacted at curves and intersections;

136 3. Road thru-width and turnaround areas have been reduced in utility;

137 4. Shading by landscaping is unduly causing ice buildup on the roadways and/or pathways, particularly
138 on curves;

139 5. Drainage has been impaired;

140 6. Municipal snow storage capacity has been reduced;

141 7. Landscaping, monuments, and other improvements are obstructing travel, access, or other
142 municipal functions.

143 B. Encroaching property owners who enjoy any encroachment, regardless of their action or
144 responsibility in creating said encroachment, will be found responsible for its abatement.

145 C. Property owners immediately appurtenant to an identified encroachment will be notified by
146 certified mail of the encroachment and the city's intent to abate. Notified property owners will have
147 sixty (60) days to remediate the encroachment, at their own expense, before the city abates the
148 encroachment.

149 D. The city, in abating the nuisance, may opt to seek repayment of expenses from the offending
150 property owner.

151

152 7-4-1011: APPEALS

153 Any affected party having been denied an encroachment permit after having made proper application
154 and having paid for the same, or who, after making proper application and having paid for the same,
155 disagrees with the staff interpretation of any matter relating to the application of the requirements
156 of this chapter, may submit an appeal, in writing, within ten (10) days of the date of such denial to the
157 city council. Any recipient of an abatement notice may also submit an appeal to the city council within
158 ten (10) days of the date of receipt said notice. Such appeals, if submitted more than ten (10) days

159 prior to the next regular council meeting, shall be heard at that meeting; ~~or~~ otherwise, the appeal
160 shall be heard by the council at a regular or special meeting within forty five (45) days of the date of
161 the appeal request. (Ord. 382, 10-25-2006)

162

163 7-4-12: PENALTIES

164 Offenders, upon receiving a duly-processed citation per Section 10 of this Chapter, shall be cited with
165 an infraction in accordance with Section 1-4-1 of the Sun Valley Municipal Code. Each day the violation
166 persists beyond the allotted period of compliance in 7-4-10-D shall result in an additional fine. The
167 City may impose a tax lien on the property in question to recover all applicable fines, fees, and
168 abatement expenses; encroachments are deemed to be nuisances pursuant to Idaho Code Section
169 50-334 and a special tax levy for abatement may be imposed pursuant to Idaho Code Section 50-1008.

170

171 **SECTION 2: CODIFICATION.** The City Clerk is instructed pursuant to Section 1-1-3 of the City of Sun Valley
172 Municipal Code to immediately forward this ordinance to the codifier of the official municipal code for
173 proper revision of the code.

174

175 APPROVED BY THE SUN VALLEY CITY COUNCIL THIS 4th day of MAY, 2016.

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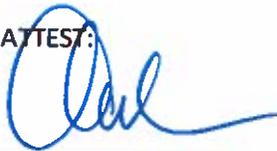
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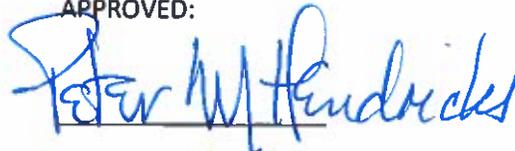
ATTEST:



Alissa Weber, City Clerk
City of Sun Valley



APPROVED:



Peter Hendricks, Mayor
City of Sun Valley