

ORDINANCE NO. 96- 8

AN EMERGENCY ORDINANCE OF BOISE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RESTATING AUTHORITY AND PURPOSES, CONTINUING ESTABLISHED MAXIMUM ALLOWABLE SUBDIVISION ROAD GRADES AUTHORIZED BY ORDINANCE 96-1, CONTINUING ESTABLISHED STANDARDS FOR ONE-LANE SUBDIVISION ROADS AUTHORIZED BY ORDINANCE 96-1, REPEALING PROVISIONS WHICH CONFLICT, PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE AND DURATION.

BE IT ORDAINED by the Board of Commissioners of Boise County, Idaho as follows:

Section 1. STATEMENT OF AUTHORITY AND PURPOSES.

The Board of Commissioners of Boise County finds that the continued lack of permanent maximum road grade standards and single-lane road standards presents an imminent threat to the well-being of residents who might live within or travel roads located within subdivisions served by roads with grades too steep for safe travel, particularly in inclement weather conditions. Spring road conditions pose a particular threat to the well-being of such subdivision residents.

In order to prevent harm which cannot be subsequently remedied, The Board of Commissioners has determined that it is both important and necessary that appropriate road standards be continued on an emergency basis until an interim or regular ordinance concerning such matters can be enacted.

This ordinance is enacted pursuant to the authority granted by Idaho Code §67-6523. It shall remain in full force and effect for one hundred twenty (120) days from the date of its initial enactment unless expressly repealed or superseded. This ordinance shall be applicable to any act of subdivision which takes place subsequent to its date of enactment until subsequently repealed or until it expires by operation of law. It is an extension of Boise County Ordinance 96-1 approved by the Board of Commissioners on December 4, 1995.

Section 2. MAXIMUM ALLOWABLE SUBDIVISION ROAD GRADES.

From the effective date of this ordinance, inclusive of the time period encompassed by Ordinance 96-1, all common use public or private subdivision roads shall not exceed the grades allowed by Boise County Ordinance 96-1.

Section 3. ONE-LANE ROAD CONSTRUCTION CRITERIA

A road may be designed according to the One-Lane Road Design Standards if it meets the criteria set forth in Ordinance 96-1.

Section 4. SEVERABILITY.

The provisions of this Ordinance shall be deemed severable. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and shall be interpreted in a manner to effectuate the intent of the Ordinance as a whole.

Section 5. RELATIONSHIP TO OTHER ORDINANCES - REPEAL OF CONFLICTING ORDINANCES.

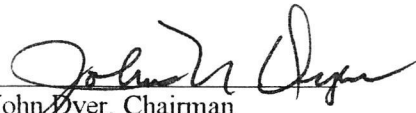
Should any zoning, subdivision, or other ordinance adopted pursuant to authority granted by Idaho Code Title 67, Chapter 65 or Title 50, Chapter 13, existing as of the effective date of this ordinance or adopted during the effective duration of this emergency ordinance, conflict with the terms of this ordinance, such conflicting provisions of said other ordinances are hereby repealed and/or invalidated to the extent of such conflict. A subsequently adopted ordinance may supersede the provisions of this ordinance if it expressly states that such is its intent.

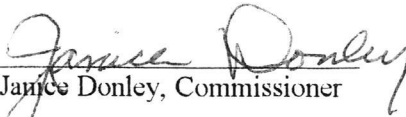
Section 6. EFFECTIVE DATE.

This ordinance shall be effective for 120 days from the date of its enactment, April 1, 1996.

APPROVED as an emergency ordinance of Boise County, Idaho, on the 1st day of April, 1996.

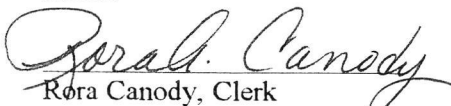
BOISE COUNTY COMMISSIONERS


John Dyer, Chairman


Janice Donley, Commissioner


Harold E. Raper, Commissioner

Attest:


Rora Canody, Clerk