

ORDINANCE NO. 09-16

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING
ORDINANCE NO. 95-5, ENACTED APRIL 3, 1995, AND ORDINANCE 95-13,
ENACTED OCTOBER 12, 1995**

Whereas, the City of Sky Valley recognizes that all rights of way within the corporate limits of the City of Sky Valley are a valuable and limited resource and must be utilized to promote the public health, safety, and welfare, economic development of the City and to protect public infrastructure; and,

Whereas, in the past the City of Sky Valley has permitted under certain circumstances encroachments on public rights of way pursuant to ordinances and pursuant to action of the governing authority of the City of Sky Valley.

The Council of the City of Sky Valley hereby ordains:

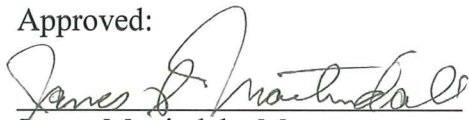
- I. (a) Ordinance No. 95-5 of the Code of Ordinances of the City of Sky Valley, a copy of which is attached hereto as Exhibit "A" is hereby deleted in its entirety from the Code of Ordinances of the City of Sky Valley.
- (b) Ordinance No. 95-13, a copy of which is attached hereto and designated as Exhibit "B" is hereby deleted from the Code of Ordinances of the City of Sky Valley.
- (c) All persons who have been permitted pursuant to action of the governing authority of the City of Sky Valley to encroach on public rights of way of the City of Sky Valley retain whatever rights were given to them by action of the governing authority of the City of Sky Valley in allowing said encroachment on the public right of way.
- II. The City of Sky Valley will permit flowers, shrubs, and decorative plants on its right of way adjacent to private property. Prior to permitting these flowers, shrubs, and decorative plants on the right of way, the property owner must make an application and this application must be approved by the City of Sky Valley. Permitting will not be approved for any plantings on the City side of the ditch line nor within five (5) feet of the edge of the road. To the extent that flowers, shrubs, and decorative plants are allowed on the right of way, these improvements will be allowed on a temporary basis, and the use of the right of way may be reclaimed at any time by the City of Sky Valley when it is determined by the City of Sky Valley that the right of way is needed for any public purpose. The City of Sky Valley will have no responsibility or obligation to pay for the flowers, shrubs, and decorative plants if removed nor any responsibility to pay for damage to said flowers, shrubs, and decorative plants.
- III. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART

SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

IV. THIS ORDINANCE IS TO BE BECOME EFFECTIVE January 1, 2009.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this ____ day of _____, 2009.

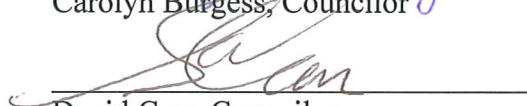
Approved:


James Martindale, Mayor


Ray Becker, Council President


Richard Boyle, Councilor


Carolyn Burgess, Councilor


David Carr, Councilor


Helen Kleiber, Councilor

Attested:


Mandi Cantrell, City Clerk