

## ORDINANCE NUMBER 1080

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 8, CHAPTER 8.09, IDLING VEHICLES, SECTION 6, PENALTIES, BY AMENDING THE FEE STRUCTURE FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City passed Ordinance Number 1056, Idling Vehicles, on October 5, 2009, which makes it a violation of City Code for a driver of a motor vehicle to idle for three or more minutes, and which provides for a civil penalty of \$100.00 for the first violation and \$300.00 for the second and subsequent violations; and

WHEREAS, the State of Idaho has a code provision related to unattended vehicles which is similar to the City's Idling Ordinance, the fine for violation of which is fifty-two dollars (\$52.00); and

WHEREAS, the City's fee structure for violations of its Parking Ordinance provides a warning for the first violation, a twenty-five dollar (\$25.00) fine for the second violation, and a fifty-two dollar (\$52.00) fine for the third and subsequent violations; and

WHEREAS, the City desires to amend the fee structure for the Idling Ordinance to match the State of Idaho's unattended vehicle penalty and the fee structure of the City's Parking Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:

**SECTION 1.** Amends Section 8.09.060, Penalties, by adding thereto the underlined language hereinbelow and deleting wherefrom the stricken language hereinbelow, to wit:

~~After the one year education period, a person who violates this chapter is subject to civil penalty of one hundred dollars (\$100.00) for the first violation and three hundred dollars (\$300.00) for the second violation or any subsequent violation.~~ A person who violates this chapter will be issued a written warning for the first violation; a person who violates this chapter a second time will be issued a civil penalty of twenty-five dollars (\$25.00); and a person who violates this chapter a third and subsequent times will be issued a civil penalty of fifty-two dollars (\$52.00).

**SECTION 2. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 3. CODIFICATION CLAUSE.** The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

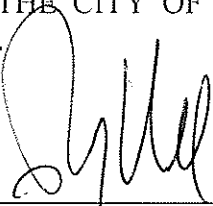
**SECTION 4. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form attached hereto as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 5. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 3<sup>rd</sup> day of January, 2011.



  
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Randy Hall, Mayor

ATTEST:

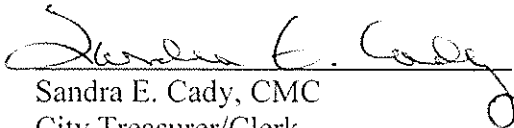
  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1080  
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 8, CHAPTER 8.09, IDLING VEHICLES, SECTION 6, PENALTIES, BY AMENDING THE FEE STRUCTURE FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A CODIFICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1080 of the City of Ketchum, Blaine County, Idaho, adopted on January 3, 2011, is as follows:

**Section 1.** Amends Section 8.09.060, Penalties, by adding thereto the underlined language hereinbelow and deleting wherefrom the stricken language hereinbelow, to wit:

~~After the one-year education period, a person who violates this chapter is subject to civil penalty of one hundred dollars (\$100.00) for the first violation and three hundred dollars (\$300.00) for the second violation or any subsequent violation. A person who violates this chapter will be issued a written warning for the first violation; a person who violates this chapter a second time will be issued a civil penalty of twenty-five dollars (\$25.00); and a person who violates this chapter a third and subsequent times will be issued a civil penalty of fifty-two dollars (\$52.00).~~

**Section 2:** Provides a savings and severability clause.

**Section 3:** Provides a codification clause.

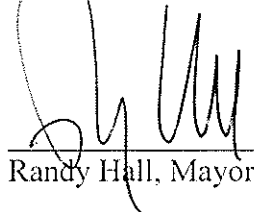
**Section 4:** Provides for publication of a summary of the Ordinance.

**Section 5:** Provides a repealer clause.

**Section 6:** Establishes the effective date of January 12, 2011.

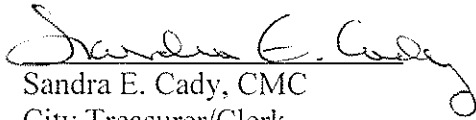
The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO



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Randy Hall, Mayor

ATTEST:

  
Sandra E. Cady, CMC  
City Treasurer/Clerk



Publish: Idaho Mountain Express, Date: January 12, 2011