

ORDINANCE NUMBER 1051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, AMENDING ORDINANCE NUMBER 1019 AND ADDING NEW LANGUAGE REGARDING IMMOBILIZATION OF VEHICLES WITH OVERDUE PARKING CITATIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is in the best interests of the City of Ketchum to make the following changes in order to aid in the collection of outstanding money owed for parking violations, late fees and administrative fees; and

WHEREAS, the City has determined that the immobilization of vehicles will simplify the procedure of taking control of the delinquent vehicles until the money owed is paid; and

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

SECTION 1. Chapter 10.08.230(B)(2) is hereby amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

B. In order to eliminate burdening courts with violations of ordinances and to eliminate, insofar as possible, public inconvenience, each person receiving a parking ticket under this section left upon his or her vehicle shall:

1. a. Within fifteen (15) days of the time of such parking ticket, pay to the police department, in full satisfaction of such violation, the fee indicated in the fee schedule in section 10.08.300 of this chapter for each parking ticket left upon his or her vehicle. If the driver of the vehicle feels the citation was issued in error, (s)he may challenge the ticket by filing an appeal form with the Police Department within the same fifteen (15) day period. If the driver does not prevail with the appeal, (s)he must pay the fee for the ticket, minus the late charge. If a violation is identified in more than one section of the penalty schedule in section 10.08.300 of this chapter, the greater penalty amount shall govern.

b. For violations of section 10.08.150, "Time Limit Parking", of this chapter, all citations after the third will be at the maximum rate set forth in the penalty schedule in section 10.08.300 of this chapter until the vehicle has gone three hundred sixty five (365) consecutive days without a parking offense. If the vehicle goes three hundred sixty five (365) days without an offense, the vehicle will be restored to a first offence status.

2. Any vehicle that has three (3) or more overdue parking citations, ~~with one or more being ninety (90) days' delinquent,~~ shall be placed on the scofflaw list. Once a vehicle is placed on the scofflaw list, the code officer shall send a notice to the registered owner of the vehicle, by personal service or first class certified mail to the address listed on the vehicle registration, notifying the owner that the vehicle has been placed on the scofflaw list. Said notice shall also include the following:

- a. A list of the outstanding citations that have been issued.
- b. The last fees attached to each citation, as well as the addition of an administrative fee of twenty five dollars (\$25.00) for the processing of the notice.
- c. That the owner has fifteen (15) days to respond to the notice with a payment, or agree to a payment plan set forth by the code officer, or make arrangements to make payment or post a chase bond and contest the tickets in magistrate court. The posting of the bond will suspend any further action by the city with respect to the outstanding tickets until the court reaches a decision. If the owner is successful, said bond will be released.
- d. That the consequences of failing to respond and/or pay the debt will result in the impounding or immobilization of the owner's vehicle ~~upon the issuance of the next parking citation,~~ and that the owner will be liable for the added cost of towing, impounding, and storage or immobilization removal fees.
- e. The amount of the cost of towing, impounding and storage fees or immobilization removal fees at the time of the notice.
- f. That the vehicle may not be released until the owner pays all outstanding fines and fees; provided, however, that an owner may post a cash bond in the amount covering all outstanding fines, fees and expenses, including towing and storage fees, and contest the citations in magistrate court. If the owner is successful, said bond will be released.

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

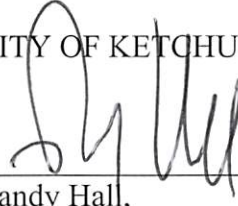
SECTION 4. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 5. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed 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 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 and APPROVED by the Mayor this 17 day of November, 2008.

CITY OF KETCHUM, IDAHO



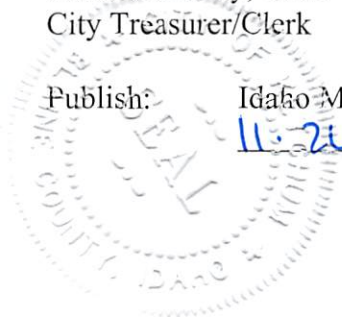
Randy Hall,
Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

Publish: Idaho Mountain Express
11-26, 2008



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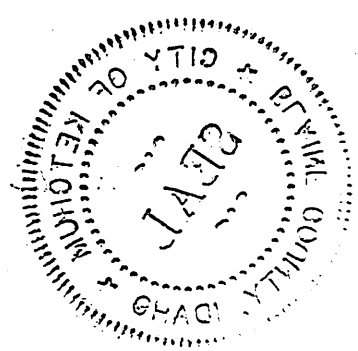


EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1051
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, AMENDING ORDINANCE NUMBER 1019 AND ADDING NEW LANGUAGE REGARDING IMMOBILIZATION OF VEHICLES WITH OVERDUE PARKING CITATIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A CODIFICATION CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1051 of the City of Ketchum, Blaine County, Idaho, adopted on November 17, 2008, is as follows:

Section 1: Amends Ordinance Number 1019 by adding new language regarding immobilization of vehicles with overdue parking citations and amending the requirements for the scofflaw list.

Section 2: Provides a savings and severability clause.

Section 3: Provides a codification clause.

Section 3: Provides a repealer clause.

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

Section 5: Establishes the effective date of November 26, 2008.


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



Randy Hall, Mayor

ATTEST:

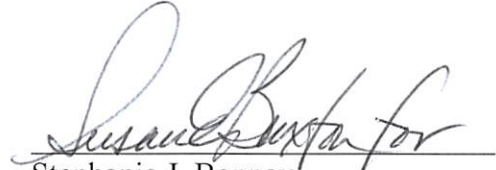


Sandra E. Cady, CMC
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1051 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 17 day of November, 2008.


Stephanie J. Bonney,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: November 26, 2008