

ORDINANCE NUMBER 1064

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.156.010(D), ENFORCEMENT, BY DELETING LANGUAGE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has initiated the deletion of this section pursuant to legal advice from the Ketchum City Attorney.

WHEREAS, the provision that is proposed to be removed was merely intended to acknowledge that the Ketchum Municipal Code does not affect or impair any rights that may exist between private citizens.

WHEREAS, the section causes confusion with the public, and it is recommended that it be removed.

WHEREAS, even with this section removed, the Municipal Code will not affect or impair any rights that currently exist between private citizens.

WHEREAS, the Planning and Zoning Commission considered the application for a text amendment and made a recommendation to the City Council at a duly notice public hearing on February 25, 2010; and,

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

SECTION 1. Amends Section 17.156.010(D), Enforcement, by deleting thereto the stricken language hereinbelow, to wit:

No owner or agent of the owner shall construct, use or occupy any building, structure or improvement upon real property in violation of this title. The landowner, tenant, subdivider, builder, or any other person who commits, allows, participates in, assists in or maintains such violation shall be found guilty of such a violation. The provisions of this title shall be enforced in the following manner:

- A. A violation of this title shall be a misdemeanor, punishable by a fine not to exceed three hundred dollars (\$300.00), or imprisonment in the Blaine County jail for a period not to exceed six (6) months, or both. Each day that such a violation continues shall constitute a separate criminal offense.
- B. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

C. No building permit or other approval or permit shall be issued for the construction of any building, structure or improvement in violation of this title. The issuance or granting of a permit or approval shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title or of any other ordinance, rule or regulation of the city. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid.

~~D. Nothing in this chapter shall be construed as preventing any private citizen from pursuing any available civil remedy for the prevention of any activity which constitutes a violation of this title.~~

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.

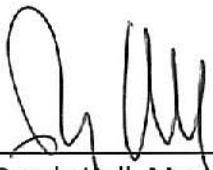
SECTION 3. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

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 5th day of April, 2010.



Randy Hall, Mayor

ATTEST:


Sandra E. Cady, EMC
City Treasurer/Clerk



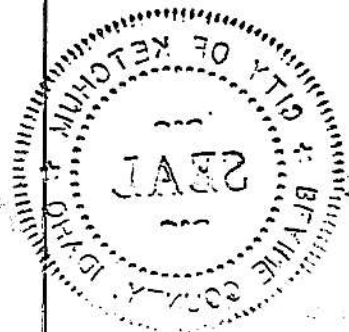


EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1064
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.156.010(D), ENFORCEMENT, BY DELETING LANGUAGE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1064 of the City of Ketchum, Blaine County, Idaho, adopted on April 5, 2010, is as follows:

Section 1. Amends Section 17.156.010(D), Enforcement, by deleting thereto the stricken language hereinbelow, to wit:

~~D. Nothing in this chapter shall be construed as preventing any private citizen from pursuing any available civil remedy for the prevention of any activity which constitutes a violation of this title.~~

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 April 14, 2010.


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

Publish: Idaho Mountain Express

Date: April 14, 2010