

ORDINANCE NUMBER 972

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 10 OF THE KETCHUM MUNICIPAL CODE BY ADDING A NEW CHAPTER 10.05 WHICH CREATES A TRAFFIC AUTHORITY AND AMENDING CHAPTER 10.08 "PARKING" BY AUTHORIZING SUCH TRAFFIC AUTHORITY TO REGULATE TRAFFIC AND PARKING; AND REPEALING ORDINANCE NUMBERS 661, SECTION 15, 668, 682, 814, 830, 847, 860, SECTION 5, 867, 877, 888, 895, 926, SECTION 2, AND 928 WHICH ALL PERTAIN TO TIME-LIMIT PARKING; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, over the years parking and traffic regulation ordinances and sections of ordinances have been amended and replaced by subsequent ordinances which has led to confusion and inconsistencies in the regulation of traffic and parking; and

WHEREAS, it is in the best interests of the City of Ketchum to repeal the current parking Ordinances in order to consolidate all such Ordinances into a single clear and correct Ordinance establishing standards and regulations to protect the public safety by creating a set of rules intended to facilitate safe, expeditious and orderly conduct upon the streets, alleys, and all public rights-of-way in the city and to create and empower a traffic authority to administer such Ordinance.

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

SECTION 1. ORDINANCES REPEALED. The following ordinances and sections of ordinances of the City of Ketchum are hereby repealed in their entirety:

Ordinance No. 661, Section 15
Ordinance No. 668
Ordinance No. 682
Ordinance No. 814
Ordinance No. 830
Ordinance No. 847
Ordinance No. 860, Section 5
Ordinance No. 867
Ordinance No. 877
Ordinance No. 888
Ordinance No. 895
Ordinance No. 926, Section 2
Ordinance No. 928

SECTION 2. NEW KMC SECTION 10.05. Section 10.05 "Traffic Authority" is hereby added as a new Section in the Ketchum Municipal Code as follows:

Chapter 10.05

TRAFFIC AUTHORITY

10.05.010 Creation of Traffic Authority.

A Traffic Authority is hereby created for the City of Ketchum

10.05.020 Purpose.

The Traffic Authority is created to advise the Mayor and City Council on all matters related to traffic, parking and the regulation of vehicular and pedestrian use of the City's streets, alleys and rights-of-way and to administer the same.

10.05.030 Composition.

The Ketchum Traffic Authority shall consist of the City Administrator, the Chief of Police, the Planning Director, the Superintendent of Streets and one City Council Member who shall serve *ex officio* appointed by the Mayor.

10.05.040 Powers, Duties and Responsibilities.

The Traffic Authority shall have the following powers, duties and responsibilities:

- To inform the City Council of any proposed substantial changes in traffic circulation, parking or related matters and to seek policy guidance from the City Council on the same.
- To give reasonable notice and seek input from parties who may be substantially effected by any decisions of the Traffic Authority.
- To recommend amendments to any portion of the Ketchum Municipal Code or any Ketchum Ordinance which in any manner relates to traffic or parking.
- To establish locations within the City for the regulation of all matters relating to parking including without limitation, time limit parking, no parking, loading and unloading zones, bus stops, taxi zones, handicapped parking, school zones and pedestrian zones and to erect appropriate signage therefore.
- To establish locations for cross walks and speed humps and to erect appropriate signage therefore.
- To establish locations for one-way traffic and to erect appropriate signage therefore.
- To establish locations for all markings on curbs and in the rights of way.
- To establish locations for all traffic regulations including, without limitation, speed limits, yield signs, stop signs, truck routes, traffic lights and to erect appropriate signage therefore.
- To establish requirements for disabled persons parking zones and spaces within the City

of Ketchum pursuant to Idaho Code and to erect appropriate signage therefore.

- To determine the installation, location and proper timing and maintenance of traffic-control devices.
- To conduct analyses of traffic accidents and conditions and to devise remedial measures therefore.
- To plan the operation of traffic on the streets and to cooperate with other City officials, employees and agents in the development of ways to improve traffic conditions, and to carry out the additional powers and duties imported by the provisions of this Code.

10.05.050 MUTCD standards adopted.

The Manual on Uniform Traffic Control Devices for Streets and Highways, by the Federal Highway Administration, 2003 edition, and all subsequent amendments thereto is adopted for all streets, alleys and public rights-of-way within the City of Ketchum.

10.05.060 Appeals.

Any person aggrieved by any decision made by the Traffic Authority under the provisions of this chapter may make an appeal there from to the City Council by delivering notice of such appeal to the City within thirty (30) days of such decision. Such notice shall be in writing, addressed to the Traffic Authority and shall be hand-delivered or mailed via certified mail to the Traffic Authority. Failure to deliver such notice within the thirty-day period shall result in the waiver of the right to appeal. After receipt of such notice, the City shall schedule a hearing at the next regularly-scheduled City Council meeting which takes place more than five (5) business days after receipt of such notice. At such hearing, the City Council shall determine whether the decision appealed is reasonable, and shall thereupon sustain, over rule, or modify such decision or remand to the Traffic Authority for further consideration. The City Council Member who serves *ex officio* on the traffic authority shall participate and vote in proceedings under this Section 10.05.60 unless otherwise unable to do so

SECTION 3. AMENDMENT OF KMC SECTION 10.08. The Ketchum Municipal Code, Section 10.08, Parking, is hereby amended as follows:

Chapter 10.08

PARKING AND TRAFFIC

10.08.020 Definitions.

“City Administrator” means the duly appointed City Administrator of the City of Ketchum.

“City Street Superintendent” means the duly appointed City Street Superintendent of the City of Ketchum.

“Planning Director” means the duly appointed Planning Director of the City of Ketchum.

“Traffic Authority” means the Ketchum Traffic Authority as created by Ordinance No. 972 and codified in Ketchum Municipal Code 10.05.010.

10.08.130 ~~Park & Ride p~~Public parking lots—Designated.

~~The property commonly described as Tax Lots 5110, 6689 and 6690 situated in the city of Ketchum, Blaine County, Idaho, is designated as the park and ride public parking lots and shall be referred to as the park and ridge public parking lots. (Ord. 661 § 13, 1995)~~

The Traffic Authority may establish public parking lots upon any real property located within the city, which is either leased or owned by the city which shall be effective upon signage.

10.08.150 Time limit parking and all amendments thereto. 10.08.150 is hereby repealed in its entirety and replaced with the following: The Traffic Authority, upon finding it in the best interests of the community health, safety or welfare to prohibit the parking or standing of vehicles upon a street during the nighttime or at other times during the day, may post or erect signs prohibiting or limiting the stopping, standing or parking of any vehicle upon the streets of the City. No owner or operator of any vehicle shall ever allow or cause such vehicle to be parked longer than the period of time set forth on the applicable sign erected by the Traffic Authority.

10.08.250 State Speed Laws Applicable

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets, alleys and rights-of-way within this City, except as the Traffic Authority shall establish by erecting appropriate signage, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so posted when signs are in place giving notice thereof.

10.08.260 Basic Rule

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

10.08.270 Prima Facie Speed Limits

Except when a special hazard exists that requires lower speed for compliance with Section 10.08.260, the limits specified in this Section or established as hereafter authorized shall be lawful speeds, and any speeds in excess of the limits specified shall be prima facie evidence that such speed is not reasonable or prudent, and that it is unlawful.

- A. Ten (10) miles per hour in any alley.
- B. Fifteen (15) miles per hour when passing any school building or when crossing any marked school zone, such zone to extend one hundred fifty feet (150'), unless otherwise posted, in either direction from any marked school crossing when appropriate signs giving notice thereof are erected.

10.08.280 Authority to Alter Maximum Limits

Whenever the Traffic Authority determines on the basis of an engineering and traffic investigation that the maximum speed permitted under this Chapter is greater or less than is reasonable and safe under the conditions found to exist upon a street, alley, right-of-way or part thereof, it may determine and declare a reasonable and safe maximum limit which shall be

effective immediately after appropriate signs giving notice thereof are erected upon the same

10.08.290 Speeding Within a School Zone

No person shall operate a vehicle in a marked school zone in excess of the speed limited as established in 10.08.270, Ketchum Municipal Code. Any person that violates this section shall be assessed a fixed penalty of One Hundred Dollars (\$100) excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding One Hundred Dollars (\$100) and for which no period of incarceration may be imposed. There is no right to a trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

SECTION 4. REPEAL SHALL NOT REVIVE ANY ORDINANCES. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinances or revive any ordinances that have been repealed thereby.

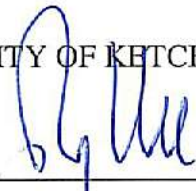
SECTION 5. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

SECTION 6. 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 7. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

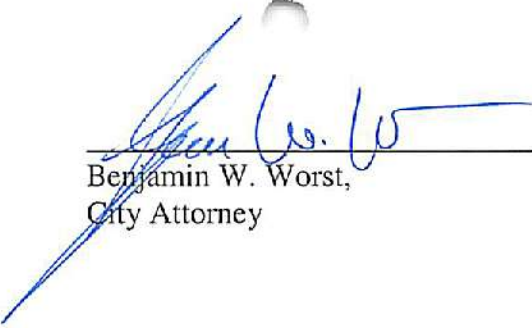
PASSED by the City Council and APPROVED by the Mayor this 7th day of August, 2006.

CITY OF KETCHUM, IDAHO


Randy Hall,
Mayor

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:



Benjamin W. Worst,
City Attorney

Publish: Idaho Mountain Express
August 16, 2006

EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 972
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 10 OF THE KETCHUM MUNICIPAL CODE BY ADDING A NEW CHAPTER 10.05 WHICH CREATES A TRAFFIC AUTHORITY AND AMENDING CHAPTER 10.08 "PARKING" BY AUTHORIZING SUCH TRAFFIC AUTHORITY TO REGULATE TRAFFIC AND PARKING; AND REPEALING ORDINANCE NUMBERS 661, SECTION 15, 668, 682, 814, 830, 847, 860, SECTION 5, 867, 877, 888, 895, 926, SECTION 2, AND 928 WHICH ALL PERTAIN TO TIME-LIMIT PARKING; PROVIDING A SAVINGS AND SEVERABILITY 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. 972 of the City of Ketchum, Blaine County, Idaho, adopted on August 7th, 2006, is as follows:

Section 1: Repealing Ordinance Numbers 661, Section 15, 668, 682, 814, 830, 847, 860, Section 5, 867, 877, 888, 895, 926, Section 2, and 928.

Section 2: Adds a new Section 10.05 in the Ketchum Municipal Code, Traffic Authority.

Section 3: Amends Section 10.08 of the Ketchum Municipal Code, Parking and Traffic.

Section 4: Provides that repeal shall not revive any ordinances.

Section 5: Provides a savings and severability clause.

Section 6: Provides for publication of a summary of the Ordinance.

Section 7: Provides a repealer clause.

Section 8: Establishes the effective date.

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:

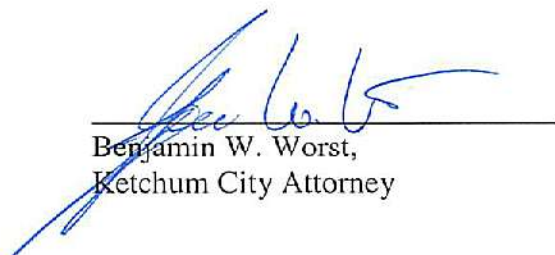
A handwritten signature in blue ink that reads "Sandra E. Cady". The signature is written in a cursive style with a horizontal line underneath the name.

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. 972 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 7th day of August, 2006.



Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: August 7, 2006