

ORDINANCE NO. 985

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 8, CHAPTER 8.08, KETCHUM MUNICIPAL CODE "HEALTH AND SAFETY", SECTION 8.08.050 "NUISANCES ENUMERATED", BY ADDING NEW LANGUAGE DEFINING BARRIERS, DIVERSIONS AND OTHER STRUCTURES AND USES WHICH CAUSE DAMAGE TO PROPERTY AND RECKLESS ENDANGERMENT AS NUISANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ketchum Municipal Code Section 8.08.020 currently defines a "nuisance" in part as any use of property which unlawfully obstructs the free passage or use, in the customary manner, of any river, stream, canal or basin; and

WHEREAS, Ketchum Municipal Code Section 8.08.050 enumerates certain nuisances; however, such enumeration does not include diversions and levees which cause damage to other properties; and

WHEREAS, Ketchum Municipal Code Section 9.12.010 defines reckless endangerment, but does not provide for any enforcement mechanism; and

WHEREAS, due to the impending threat of flooding in Ketchum, such definitions have been deemed necessary additions to Section 8.08.050;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

SECTION 1: That Section **8.08.050 Nuisances Enumerated** of the Ketchum City Code is hereby amended, altered, and changed by adding thereto the underlined language herein below, to wit:

8.08.050 Nuisance enumerated.

11. Any structure, levee, bladder, berm, barrier, rip rap, diversion, trench, ditch, canal, building, dam, bridge, or other device or condition on one's property which diverts flood waters from one's property and causes damage or an immediate threat thereof to the public health, safety or welfare or to any other public or private property.

12. Reckless endangerment as defined in Chapter 9.12, Section 9.12.010, of the Ketchum Municipal Code.

~~13.~~ 13. Any other use of property which is specifically declared by resolution of the city council to be a nuisance, after compliance with the notice and hearing requirements of Section 8.08.060.

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

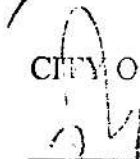
Ordinance is for any reason held to be invalid for any reason under the jurisdiction, such decision shall not affect the validity of the Ordinance.

SECTION 3. REPEALER CLAUSE. All City resolutions or parts thereof which are in conflict herewith are

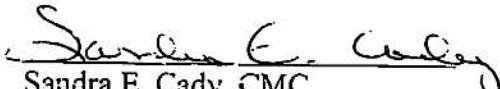
SECTION 4. PUBLICATION. This Ordinance in compliance with Section 50-901A, Idaho Code, substantially as Exhibit "A," shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. 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 1st of May

CITY OF

Randy H.
Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AND COUNTERSIGNED:

By: 
Benjamin
City Attorney


by a court of competent jurisdiction, the remaining portions of this Ordinance shall

Ketchum ordinances or resolutions are hereby repealed.

or a summary thereof in the form annexed hereto as an exhibit to the Ordinance, and shall take effect immediately upon its passage, approval, and publication.

shall be in full force and effect from and after its passage, approval, and publication.

OF KETCHUM, IDAHO 2006.

CITY OF KETCHUM, IDAHO


ED AS TO FORM AND CONTENT:



W. Worst,
City Attorney

EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 985
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 8, CHAPTER 8.08, KETCHUM MUNICIPAL CODE "HEALTH AND SAFETY", SECTION 8.08.050 "NUISANCES ENUMERATED", BY ADDING NEW LANGUAGE DEFINING BARRIERS, DIVERSIONS AND OTHER STRUCTURES AND USES WHICH CAUSE DAMAGE TO PROPERTY AND RECKLESS ENDANGERMENT AS NUISANCES; PROVIDING A SAVINGS AND SEVERABILITY 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. 985 of the City of Ketchum, Blaine County, Idaho, adopted on May 1, 2006, is as follows:

Section 1: Adds any structure, levee, bladder, berm, barrier, rip rap, trench, ditch, canal, building, dam, bridge, diversion, or other device or condition on one's property which diverts flood waters from one's property and causes damage or an immediate threat thereof to the public health, safety or welfare or to any other public or private property and "reckless endangerment" as defined in KMC Section 9.12.010 to the list of nuisances enumerated in KMC Section 8.08.050.

Section 2: Provides a savings and severability clause.


Section 3: Provides a repealer clause.

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

Section 5: 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

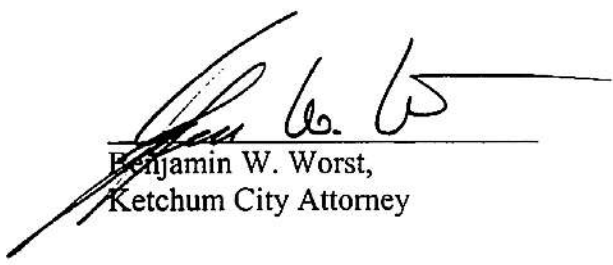
ATTEST:


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. 985 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 2nd day of May, 2006.


Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: _____