

**ORDINANCE NUMBER 1167**

**AN ORDINANCE OF THE CITY OF KETCHUM IN BLAINE COUNTY, IDAHO, REPEALING IN PART AND AMENDING IN PART TITLE 8 OF THE KETCHUM MUNICIPAL CODE; PROVIDING FOR THE GENERAL PUBLIC EDUCATION AND ENFORCEMENT REGARDING NOXIOUS WEEDS BY AMENDING REGULATIONS AFFECTING NOXIOUS WEED LANGUAGE IN TITLE 8, CHAPTER 8.08.050 AND ADDING CHAPTER 8.11: NOXIOUS WEEDS; DECLARING CERTAIN PLANT SPECIES AS CITY NOXIOUS WEEDS, PROHIBITING THE SALE, PLANTING, AND POSSESSION OF ANY PLANT ON THE NOXIOUS WEED LIST, AND PROVIDING PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Council desires to provide for public education and enforcement regarding the existence and removal of noxious weeds within city limits; and,

**WHEREAS**, the City Council finds it in the public interest to update and clarify the City's regulation and enforcement concerning noxious weeds; and

**WHEREAS**, Blaine County Code 3-2-1 has created a noxious weed extermination area encompassing the entirety of Blaine County in accordance with Idaho Code Title 22, Chapter 24; and.

**WHEREAS**, Blaine County Code 3-2-2 adopts the State noxious weed list and control standards and Blaine County Code 3-2-4 makes it each private landowner's responsibility to eradicate and control noxious weeds on their property; and,

**WHEREAS**, Idaho Code Section 22-2406(1)(k) authorizes counties to designate noxious weeds that are not on the State noxious weed list as County noxious weeds, but such additional species are not subject to the provisions of the State noxious weed law; and,

**WHEREAS**, the City Council finds it in the public interest for the City's noxious weeds list to at minimum mirror the noxious weeds list of Blaine County; and,

**WHEREAS**, there are certain introduced non-native species of yew plants (Genus: *Taxus*) that are present in Blaine County that are highly poisonous when consumed by humans, wildlife, domestic animals, and livestock; and,

**WHEREAS**, foraging wildlife are drawn to populated areas in winter in search of food, especially in high snow years, which increases their interaction with the urban interface and residential development within Ketchum city limits; and,

**WHEREAS**, foraging wildlife have consumed toxic yew plants in residential areas of Blaine County, which has led to death of numerous animals in the past few years, as confirmed by experts at the Idaho Department of Fish and Game; and,

**WHEREAS**, the City Council finds that the presence and overall health of wildlife, domestic pets, and livestock is an important component of the health and safety of the City of Ketchum; and,

**WHEREAS**, the City Council finds that toxic yew plants pose an imminent danger of injury to wildlife, and a more broad danger to pets and livestock; and,

**WHEREAS**, eradicating toxic yew plants from residential areas within the city will promote the public health, safety, and welfare.

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

**SECTION 1. AMENDMENTS TO CHAPTER 8.08: NUSIANCES.** That Section 8.08.050 (A) (2) of the Ketchum Municipal Code be repealed in its entirety.

**SECTION 2. ADDITION OF NEW CHAPTER 8.11 TO TITLE 8.** That Title 8 of the Ketchum Municipal Code be amended by adding a new Chapter 8.11: NOXIOUS WEEDS as follows:

**8.11.010: NOXIOUS WEEDS:**

1. Noxious Weed List. The following plant species are hereby declared to be noxious weeds for the purpose of this code:

(a) All noxious weed species as determined and listed by Blaine County, Idaho,

2. It is unlawful to sell, plant, or possess any plant species listed on the noxious weed list. For purposes of this section, "possess" shall mean a landowner, as defined in Blaine County Code, with knowledge of the presence of any noxious weed on the landowner's property.

3. Landowner's responsibility:

(a) It shall be the duty of all landowners to adhere to the control guidelines as set forth by Idaho Code Title 22 Chapter 24, and any amendments thereto. "Landowner" under Idaho Code Section 22-2401 means:

(i)The person who holds legal title to the land, except that portion for which another person has the right to exclude others from possession of the parcel; or

(ii)A person with an interest in a parcel of land such that the person has the right to exclude others from possession of the parcel.

4. Enforcement:

- a) Any landowner failing to comply with this chapter may be dealt with in accordance with the provisions of Idaho Code Section 22-2409, and any amendments thereto.
- b) Violations including the possession, planting, or sale of any plant species on the noxious

weed list are infractions punishable by the penalties set forth in the Ketchum Municipal Code.

**SECTION 3. REPEALER CLAUSE.** All City of Ketchum ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 4. 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 5. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Idaho Code § 50-901A, 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 of Ketchum this 21st day of February, 2017.

CITY OF KETCHUM, IDAHO

  
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Nina Jonas, Mayor

ATTEST:

  
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Robin Crotty  
Interim City Clerk