

ORDINANCE NUMBER 845

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 15 FIRE CODE SECTION 08.130(A) PENALTIES BY DELETING CERTAIN LANGUAGE AND ADDING NEW LANGUAGE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Idaho Senate has passed SB No. 1361 amending Idaho Code §50-302, allowing cities to provide for infraction penalties for minor violations instead of misdemeanors.

WHEREAS, it is in the best interest of the City to amend Section 15.08.130(A) of the Ketchum Municipal Code allowing for an infraction penalty.

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

SECTION 1. Section 15.08.130(A) of the Ketchum Municipal Code is amended, altered and changed by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

15.08.130 Penalties.

- A. Any person who violates any of the provisions of the Uniform Fire Code as adopted and amended in this chapter or fails to comply with the code, or who violates or fails to comply with any order made under the code, or who builds in violation of any detailed statement of specifications or plans submitted and approved under the code, or any certificate or permit issued under the code, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of a ~~misdemeanor~~, infraction and upon conviction, shall be subject to a fine not to exceed three hundred dollars (\$300.00) pursuant to Idaho Code §50-302, ~~or imprisonment not exceeding thirty (30) days or both~~. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. It is unlawful for any person to violate this chapter, to permit or maintain a violation, or to refuse to obey any provisions of this chapter. Proof of any violation or failure to act shall be deemed prima facie evidence that such an act is that of the owner of the premises. Prosecution or lack of prosecution of any person for any violation of this chapter shall in no way release any other responsible person for the same violation.

- B. Any person, firm or corporation found guilty of an infraction shall be fined not less than ten dollars (\$10.00) for the first offense. Any person, firm or corporation found guilty of a second violation, occurring after the first conviction but within one year of the first conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person, firm or corporation found guilty of a third violation, or any additional violation after the third, occurring within one year after the first offense shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. For the purposes of this paragraph, only violations of the same ordinance provision at the same location shall be considered second or third offenses.
- C. It is the intent of this ordinance that cases ordinarily will be started by citations rather than by arrests. This shall not prevent the court from issuing a warrant for a failure to appear for a required court hearing, or the arrest of a suspect under conditions where an arrest is lawful for other reasons. Nothing in this section shall be interpreted as preventing the issuance of a warrant for an arrest. Arrests shall be made by members of the police department.

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

SECTION 4. 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 10th day of August 2000.



Guy P. Coles, Mayor


ATTEST:

SANDRA E. CADY, City Clerk

Publish: August 16, 2000
Idaho Mountain Express

