

## **ORDINANCE NO. 1219**

**AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, FINDING AN IMMINENT PERIL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE DUE TO SEVERE DROUGHT CONDITIONS; PROHIBITING THE USE OF FIREWORKS IN THE CITY OF KETCHUM, PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, A REPEALER CLASE, A PUBLICATION PROCESS AND PROVIDING AN EFFECTIVE DATE.**

- A. Lack of precipitation in the Big Wood Basin since 2019 has created severe drought conditions and extreme fire danger in Blaine County.
- B. The use of fireworks within the area would present an imminent and severe fire threat based on current conditions.
- C. The use of fireworks would constitute an impending danger to public health, safety, and welfare requiring immediate enforcement of this prohibition.
- D. Idaho Code §50-901 provides for the immediate effect, upon posting in five public places of the city, and enforcement of emergency ordinances in situations of impending danger requiring immediate enforcement.

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

**Section 1. FINDING OF IMMINENT PERIL TO THE PUBLIC HEALTH SAFETY AND WELFARE.** The City Council hereby finds that an imminent peril and impending danger to the public health, safety, and welfare exists caused by the severe drought and the high risk of severe fire danger associated with use of fireworks in such conditions.

**Section 2. DECLARATION OF PROHIBITION AND IMMEDIATE EFFECT.** Effective immediately upon posting of this ordinance, the use of fireworks is prohibited within the city limits of the City of Ketchum. This prohibition shall be in effect for one-hundred and eighty (180) days from the effective date of this Ordinance, unless earlier rescinded by the City Council.

**Section 3. 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 4. REPEALER CLAUSE.** All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herein are hereby repealed.

**Section 5. POSTING, PUBLICATION, AND EFFECTIVE DATE.** Finding that there is impending danger necessitating immediate enforcement, this Ordinance shall take effect immediately by proclamation of the Mayor pursuant to Idaho Code §50-901 and upon posting in five public places of the City. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall further be published once in the official newspaper of the City.

**Section 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect immediately upon its passage, and upon approval and proclamation by the Mayor with posting according to law.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this 28<sup>th</sup> day of June, 2021.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this 28<sup>th</sup> day of June 2021.

APPROVED:

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Neil Bradshaw  
Mayor

ATTEST:

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Tara Fenwick, City Clerk

POSTED in the following five public places on June 28, 2021:

1. Ketchum City Hall
2. .
3. .
4. .
5. .

ACKNOWLEDGMENT OF POSTING

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Tara Fenwick, City Clerk