

AGENDA ITEM SUMMARY

DATE: _____ DEPARTMENT: Legal DEPT. HEAD SIGNATURE: _____

SUBJECT:

Bicycle Ordinance

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a draft of a bicycle ordinance, which would replace our present Chapter 10.40 of the Hailey Municipal Code. The mayor requested that our municipal code be updated. I used much of Boise's bicycle ordinance for our version. I compared this draft with a chapter of the Idaho Code which addresses the rules of the road for bicycles. There are several issues which I would like to raise. First, this draft requires bicyclists to dismount when leaving a sidewalk onto a crosswalk or when a bicyclist enters into a crosswalk which is posted by a sign or road marking requiring a bicyclist to dismount. I would think many of the crosswalks on Main Street would be subject to this rule. You could elect to identify the intersections in advance or let staff select the appropriate intersections. Second, I made the violations a misdemeanor. You have the option of making some or all of the violations an infraction. Third, I made the registration of bicycles discretionary. The present ordinance makes registration mandatory. But, I doubt whether many bicycles are actually registered.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS Caselle # _____

Budget Line Item # _____ YTD Line Item Balance \$ _____

Estimated Hours Spent to Date: _____ Estimated Completion Date: _____

Staff Contact: _____ Phone # _____

Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

| | | | |
|------------------------|--------------------------------|------------------|----------------|
| _____ City Attorney | _____ Clerk / Finance Director | _____ Engineer | _____ Building |
| _____ Library | _____ Planning | _____ Fire Dept. | _____ |
| _____ Safety Committee | _____ P & Z Commission | _____ Police | _____ |
| _____ Streets | _____ Public Works, Parks | _____ Mayor | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss the ordinance and offer suggestions. If satisfied with the ordinance with or without modifications, instruct staff to place the ordinance on the next available agenda under public hearings.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 10.40 OF THE HAILEY MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 10.40, ENTITLED BICYCLES, TO ESTABLISH DEFINITIONS, TO ESTABLISH RULES OF THE ROAD FOR BICYCLES, TO PROVIDE FOR VOLUNTARY REGISTRATION, AND TO PROVIDE PENALTIES MAKING A VIOLATION OF CHAPTER 10.40 PUNISHABLE BY A FINE OF THREE HUNDRED DOLLARS AND/OR JAIL OF SIX MONTHS, OR BOTH SUCH FINE AND IMPRISONMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Hailey City Council wishes to update the regulations governing the use of bicycles on roadways and sidewalks; and

WHEREAS, the Hailey City Council believes the amendments of Chapter 10.40 of the Hailey Municipal Code promotes the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Chapter 10.40 of the Hailey Municipal Code is hereby repealed in its entirety and replaced by a new Chapter 10.40, as follows:

Chapter 10.40

BICYCLES

Sections:

- 10.40.010 Definitions.
- 10.40.020 Traffic Laws Apply to Persons Riding Bicycles
- 10.40.030 Required Bicycle Equipment
- 10.40.040 Riding on Bicycles
- 10.40.050 Clinging to Vehicles
- 10.40.060 Riding on Roadways
- 10.40.070 Using Provided Bicycle Lanes and Bicycle Paths
- 10.40.080 Riding on Sidewalks and Crosswalks
- 10.40.090 Passing Other Vehicles
- 10.40.100 Bicyclists not Required to Dismount when Stopping
- 10.40.110 Turn Signals
- 10.40.120 Riding in Groups
- 10.40.130 Bicycle Parking
- 10.40.140 Use of Bicycle Paths and Bicycle Lanes by Other Non-Motorized Modes of Transportation
- 10.40.150 Group Events

- 10.40.160 Unlawful Use of Bicycle Lanes and Bicycle Paths
- 10.40.170 Reckless Operation
- 10.40.180 Bicycle Licenses
- 10.40.190 Violation-Penalty.

10.40.010 Definitions. For the purposes of this chapter, the capitalized terms have the following meanings:

“Bicycle” shall mean every vehicle having wheels propelled exclusively by human power upon which any person may ride, including tricycles and other multicycles, but excluding scooter and similar devices.

“Bicycle Lane” shall mean a portion of a roadway that has been designated by signs and pavement markings for preferential or exclusive use by bicyclists. Bicycle lanes are facilities that are placed on both sides of a street, and they carry bicyclists in the same direction as adjacent vehicle traffic.

“Bicycle Path” or “Bikeway” shall mean any road, street or path that in some manner is specifically designated for Bicycle travel, regardless of whether such facilities are designated for the exclusive Bicycle use or are to be shared with other travel modes.

10.40.20 Traffic Laws Apply to Persons Riding Bicycles.

- A. Every person, regardless of age, who operates a Bicycle upon a roadway, public parking lot, sidewalk, Bicycle Path, Bicycle Lane or other public vehicular right-of-way in the City of Hailey shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by the laws of the State of Idaho, and the provisions of Title 10 of the Hailey City Code not in conflict with and as authorized under Title 49, Idaho Code; except where provisions of those laws and ordinances by their very nature can have no application to Bicycles, or where portions of this Ordinance direct otherwise.
- B. Any peace officer of jurisdiction as defined in Idaho Code § 19-5101 (d), operating a Bicycle during the course of his or her duties is exempt from the requirements of section A. if the Bicycle is being operated under any of the following circumstances:
 - a. In response to an emergency call.
 - b. While engaged in rescue operations.
 - c. In the immediate pursuit of an actual or suspected violator of the law.

This section does not relieve a peace officer from the duty to operate a Bicycle with due regard for the safety of all persons.

10.40.030 Required Bicycle Equipment. No person shall operate a Bicycle without the following equipment:

- A. Brakes capable of causing the Bicycle to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement.
- B. A permanent seat designed for the Bicycle being operated.
- C. A bell, the human voice or other audible warning device capable of being heard at least one hundred feet (100'), except that no Bicycle shall be equipped nor shall any person use upon a Bicycle any siren or whistle.
- D. When in use at nighttime, a red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of lawful upper beams of a motor vehicle, and a forward-facing white light attached either to the Bicycle or the bicyclist which is visible from a distance of at least five hundred feet (500') in front of the Bicycle. A Bicycle shall be equipped with a front-facing white or yellow reflector when the bicyclist uses a generator powered light which is unlit when the Bicycle is stopped.

10.40.040 Riding on Bicycles.

- A. No person riding or operating a Bicycle shall ride other than upon or astride a permanent and regular seat attached thereto.
- B. No Bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- C. No person shall operate a Bicycle which is either too large or too small for such person to operate safely.
- D. Every person operating a Bicycle shall keep at least one hand on the handlebar at all times, and shall carry nothing which prevents full control of the Bicycle or obstructs the operator's vision.

10.40.50 Clinging to Vehicles. Persons riding or operating Bicycles shall not attach themselves or such Bicycles to a moving vehicle. This section shall not prohibit attaching a trailer device to a Bicycle which is designed to accommodate such a device.

10.40.060 Riding on Roadways.

- A. No person shall operate a Bicycle on a roadway against the flow of motorized traffic, except where permitted by official signs or pavement markings.
- B. Every person operating a Bicycle upon a two-way roadway which does not contain a Bicycle Lane is entitled to use the lane appropriate for the intended destination, including the right-hand lane, and any designated bus lane. The Bicycle rider shall proceed in the same direction of travel as other vehicles authorized to use that lane. On one-way roadways, a Bicycle may be operated in any existing lane.
- C. The operator of a Bicycle traveling at a rate of speed which delays a vehicle or vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the Bicycle is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the bicyclist is within fifty feet (50') of an intersection, he shall not be required to move to the right or left until he has moved through the intersection.
- D. In right turn only lanes where traffic signs or signals indicate a bus, trolley or street car is permitted to go straight rather than turn right, a Bicycle operator shall be permitted to go straight rather than turn right.

10.40.070 Using Provided Bicycle Lanes and Bicycle Paths.

- A. Wherever a Bicycle Lane is present upon a roadway, a bicyclist shall use that lane and shall not use the roadway; except that the bicyclist shall not be required to use or remain in a Bicycle Lane:
 1. When the lane is of insufficient width to permit safe Bicycle operation;
 2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe Bicycle operation in the lane;
 3. When moving into position to make a right or left turn;
 4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.
- B. Wherever a Bicycle Path has been provided immediately adjacent to a roadway, a bicyclist shall use that path and shall not use the roadway if official signs or markings so direct; except that a bicyclist shall not be required to use or remain on a Bicycle Path:

1. When the path is of insufficient width to permit safe Bicycle operation; or
2. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe Bicycle operation on the path.

10.40.080 Riding on Sidewalks and Crosswalks.

- A. A Bicycle may be operated upon a sidewalk, except when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe because of the risk of colliding with one of the pedestrians, in which case the Bicycle rider must dismount and walk the Bicycle to an area where safe riding may resume. If a bicyclist leaves a sidewalk with an official traffic control device or a marking on the roadway requiring a bicyclist to dismount, the bicyclist shall dismount from his/her Bicycle and cross the roadway by walking the Bicycle only within a marked crosswalk.
- B. A Bicycle may be operated upon and within a crosswalk, unless an official traffic control device or a marking on the roadway requires a bicyclist to dismount, in which case a bicyclist shall dismount from his/her Bicycle and cross the roadway by walking the Bicycle only within a marked crosswalk.
- C. Any bicyclist riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.
- D. A bicyclist riding upon the sidewalk, or across a roadway upon or within a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.
- E. A bicyclist riding on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

10.40.090 Passing Other Vehicles. The operator of a Bicycle may pass another vehicle upon the right when traveling on a two-way roadway and may pass on the left when traveling in the left lane of a one-way roadway, but only under conditions safely permitting such movement. A bicyclist shall not pass between two (2) lanes of motor vehicles proceeding in the same direction.

10.40.100 Bicyclists Not Required to Dismount when Stopping. Whenever a bicyclist is required to bring a Bicycle to a stop in conformance with an official traffic control device, the operator shall halt forward motion but shall not be required to dismount or remove his/her feet from the pedals.

10.40.110 Turn Signals. The operator of a Bicycle intending to turn shall signal his intent to turn with the appropriate hand and arm signal at least one hundred feet (100') prior to turning. The hand signal need not be continuous.

10.40.120 Riding in Groups. Persons riding Bicycles shall not ride more than two (2) abreast except upon Bicycle Paths of twelve feet (12') or more. Bicyclists operating two (2) abreast upon a roadway, or Bicycle Path, shall return to a single file configuration when a vehicle approaches from behind in the same lane.

10.40.130 Bicycle Parking. Bicycles shall be parked using established Bicycle racks. In the event Bicycle racks are not available, Bicycles shall be parked in such a manner as to not obstruct or impede the movement of pedestrians, motor vehicles or other Bicycles, or as to not cause damage to trees, shrubs or other living plants.

10.40.140 Use of Bicycle Lanes and Bicycle Paths by Other Non-Motorized Modes of Transportation.

- A. Pedestrians shall not travel upon a Bicycle Lane where a sidewalk is provided or upon a Bicycle Path where a separate foot path has been provided.
- B. When a pedestrian is traveling upon a Bicycle Lane or Bicycle Path, a bicyclist approaching the pedestrian from the rear shall be required to give audible warning when overtaking and passing such pedestrian.
- C. A bicyclist shall always yield the right-of-way to a pedestrian who is physically disabled.

10.40.150 Group Events. A Bicycle race, parade or other group event for bicyclists may be conducted upon public rights-of-way in the City of Hailey if a special events permit is obtained. Special events permit applications shall be made through the office of the City Clerk.

10.40.160 Unlawful Use of Bicycle Lanes and Bicycle Paths. It shall be unlawful for any person without authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any Bicycle Path or Bicycle Lane in the City of Hailey.

10.40.170 Reckless Operation. A person who uses or rides a Bicycle on a sidewalk, street, roadway, highway or any public or private property open to public use, carelessly and heedlessly, or without due caution and circumspection, or at such a speed or in any other manner

as to endanger or be likely to endanger any person or property shall be guilty of reckless bicycling.

10.40.180 Bicycle Licenses.

- A. Registration Recommended. The City of Hailey, as a matter of public policy, recommends that all residents of Hailey who own a Bicycle have such Bicycle registered with and tagged by the Hailey Police Department or its designated agents. The purpose of a Bicycle license is to assist the Bicycle owner, the Hailey Police Department, or other public safety agencies in recovering a Bicycle should the Bicycle be stolen or otherwise misplaced.

- B. Registration. A Bicycle may be registered by filing with the Hailey Police Department the name and address of the owner together with a complete description of the Bicycle on forms provided by or made available to the Hailey Police Department. The fee for registration may be established by resolution of the Hailey City Council. The registration fee applies for the entire period the license registrant owns the license Bicycle. Registration shall be serially numbered and kept on file by the Hailey Police Department. Upon such registration, the Hailey Police department or its designee shall cause an identification tag to be affixed to the registered Bicycle which shall be serially numbered to correspond with the registration number. Such tag shall remain affixed to the Bicycle unless removed by the Hailey Police Department for cause or for re-tagging upon re-registration.

- C. Destruction of Tag. Any person who willfully removes, defaces, or destroys any Bicycle identification tag issued by the City of Hailey on a Bicycle not owned by the person shall be guilty of a misdemeanor and upon conviction may be sentenced to jail for not more than six (6) months or may be fined not more than three hundred dollars (\$300.00), or may be punished by both fine and imprisonment.

- D. Transfer or Non-Use. Within ten (10) days after any Bicycle registered hereunder shall have changed ownership or have been dismantled or taken out of operation, the person whose name the Bicycle has been registered is encouraged to report such information to the Hailey Policy Department. in case of change of ownership, upon payment of the registration fee and production of a bill of sale signed by the previous registered owner, the registration shall be changed to show the name of the new owner or registered with a new number and cancellation of the former.

10.40.190 Violation-Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of three hundred Dollars (\$300.00) and/or six (6) months in jail, or both such fine and imprisonment.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ____ day of _____, 2013.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY



DATE: February 4, 2013 DEPARTMENT: Community Development DEPT HEAD: MA

SUBJECT: Proposal to merge the Historic Preservation Commission with the Hailey Arts Commission.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code 2.24 (HHPC) and 2.32 (IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

See attached memo

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

- | | | |
|--------------------------------------------------------|----------------------------------------------|---------------------------------------------|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Provide feedback on merging options and direct staff to proceed with recommendations.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

MEMO

TO: Mayor Haemmerle, Hailey City Council
FROM: Micah Austin, Community Development Director
RE: Merging the Historic Preservation Commission with the Hailey Arts Commission
MEETING: February 4, 2012

Background

For the last two years, membership on the Historic Preservation Commission has dwindled with little to no interest from the public to fill vacant positions. A recent campaign to encourage new volunteers on several of Hailey's boards and commissions was successful in all areas except for the Historic Preservation Commission. At this time, the HHPC has only two remaining members with no prospective members. With an important regulatory function defined in HMC 2.24, it is necessary that the HHPC is represented in some way to comment on the demolition, construction, and preservation of historic buildings in Hailey. With some overlap of mission in promoting public welfare and quality of life for the community, the proposal is to merge the Historic Preservation Commission with the Hailey Arts Commission, thereby preserving the regulatory function of the HHPC and expanding the role of the Hailey Arts Commission.

I have spoken with the two remaining members of the HHPC and they have no objections to the merger and look forward to a new partnership with HAC. I have also spoken with the Hailey Arts Commission and they are also in favor of the merger and excited to play a more involved role in preserving Hailey's historic buildings.

Purpose of the Historic Preservation Commission

The Historic Preservation Commission was established to promote the historic, architectural, archeological, and cultural heritage of Hailey. The HPC is responsible for establishing an inventory of historic properties and charged with recommending a variety of options concerning historic properties that are proposed for demolition, alteration, removal, or some other action that would permanently alter the historic character of the structure. When speaking with the Hailey Arts Commission concerning the mission of the Historic Preservation Commission, the general consensus from the board members was that history and the arts are easily paired together and they welcomed involvement in Hailey's history. Over the last several years, the HPC has compiled a comprehensive list of the historic properties in Hailey, thus fulfilling one of their missions by identifying the city's historic assets.

Restructuring the Commissions

If the Council is in favor of this proposal, the chapters in the Hailey Municipal Code addressing both commissions will necessarily change to reflect the merger. For the Arts Commission, a new position could be added that would recommend, present, and discuss items of historic preservation importance to the HAC. This position could be an elected position, no different than the other positions currently existing on the board; however the purpose of this position would be to recommend regulatory actions to the HAC regarding historic preservation. The total board membership on the HAC would be increased to 9 members with one member assigned the position of Historic Preservation Commissioner.

For the Historic Preservation Commission, HMC 2.24 could be revised to state that the Hailey Arts

Commission will assume the duties described in that chapter by appointing a member of their board as the Historic Preservation Commissioner. In this case, if the HHPC were to generate enough interest to become a separate board, the ordinance authorizing such would still be in place.

Motion Language

Approval:

Council

Motion to approve direct staff to revised Title 2 of the Hailey Municipal Code, Chapters 2-24 and 2-32 to merge the regulatory functions and responsibilities of the Historic Preservation Commission with the Hailey Arts Commission.

Denial:

Council

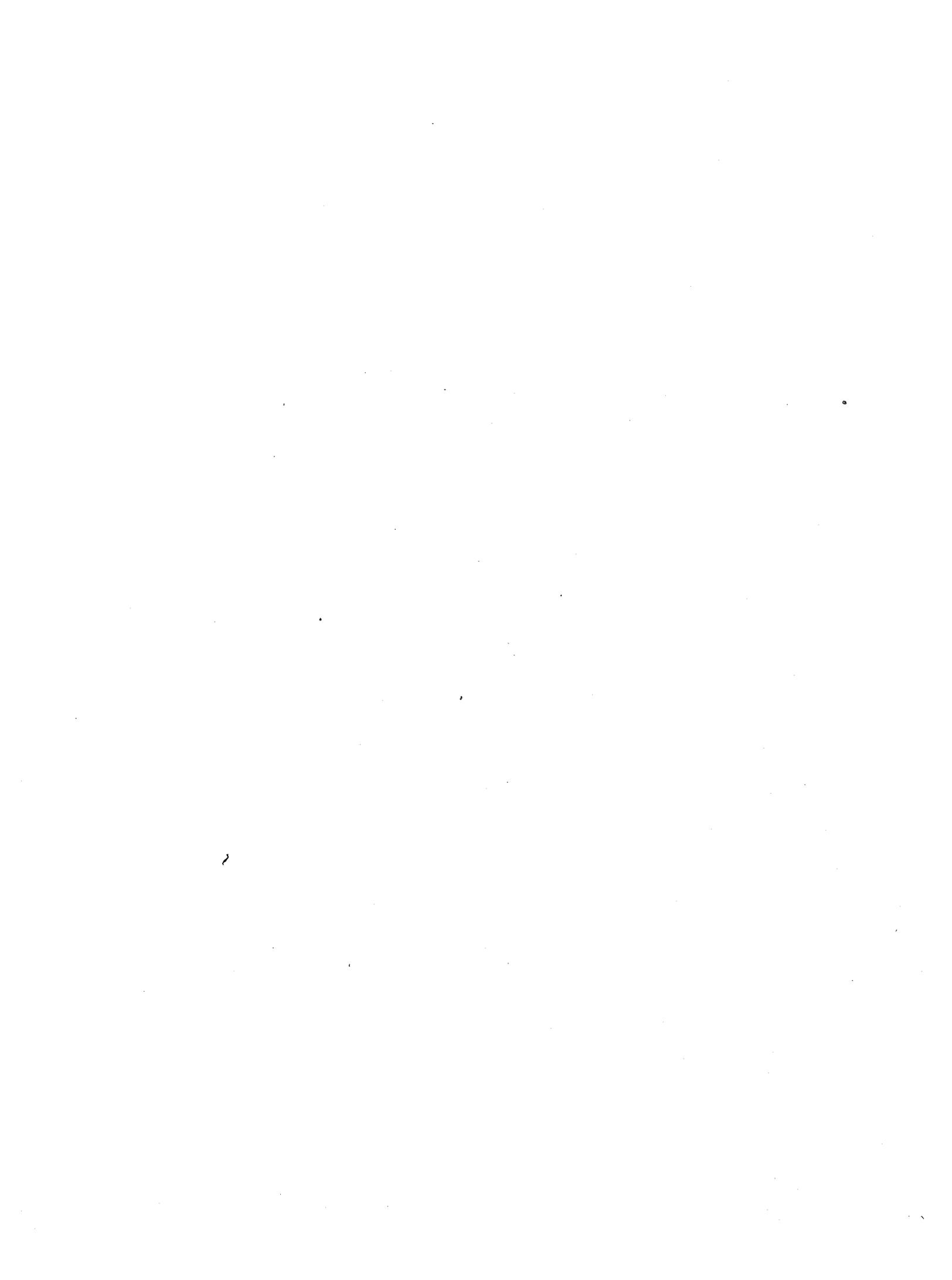
Motion to deny the proposal to merge the Historic Preservation Commission with the Hailey Arts Commission.

Continuation:

Motion to continue this discussion on merging the HPC with the HAC to a future meeting date of

Table:

Motion to table this discussion to future meeting date of



AGENDA ITEM SUMMARY

DATE: 02/04/2013 **DEPARTMENT:** Administrative **DEPT. HEAD SIGNATURE:** MHC

SUBJECT:

Update on the Werthheimer Park Interpretive Exhibit within the Welcome Center.

AUTHORITY: ID Code IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

As you know, January 17, 2013 an Open House was held celebrating the completion of the 2nd Hailey LEED certified building. A second open house is planned to celebrate the occupancy of the building.

The building occupants include the Hailey Chamber of Commerce & the City's Interpretive Exhibits. The mostly volunteer team for the Interpretive Center Exhibit is finalizing the 3 panels which are hanging in the Council Chambers for your review. The final review of the 3 panels will be held today with the committee. Once we have final panels we will submit for estimates on the fabrication of these panels – including the Kiosk panel. The Kiosk exhibit artifacts have been selected and the text with the photos on the back drop of the Kiosk are being finalized.

We are targeting a March 1, 2013 grand opening celebration with the Hailey Chamber of Commerce.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

City Administrator Clerk / Finance Director Engineer Mayor
 P & Z Commission Parks & Lands Board Public Works Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discussion and/or questions regarding this topic.

FOLLOW-UP/COMMENTS:

*

