

AGENDA ITEM SUMMARY

DATE: May 23, 2011 DEPARTMENT: Administration DEPT HEAD: _____

SUBJECT: Reconsideration of 3rd Reading of Ordinance 1083, Amendments to Municipal Code Chapter 12.12 – Park Use, for minor amendments followed by 3rd reading of the corrected Ordinance 1083

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On May 2 the City Council conducted the 3rd reading of Ordinance 1083. As the amendments were codified and as staff were trained on the administration of the amendments in preparation of the effective date, some edits and refinements were identified as being necessary to properly implement the amendments. The amendments are outlined in black in the attached ordinance and explained below:

- Corrected the name of the Northern Rockies Folk Festival.
- Deleted Old Cutters and Heagle park from the parks addressed by 12.12.040(A)(2) – this subsection is verbatim from the original park use resolution (2009-07), except Old Cutters and Heagle were inadvertently added in the process of drafted the amendments. Therefore deleting these two parks from this subsection will ensure consistence with the Parks and Lands Board recommendations for these parks and the known common use of these parks.
- Changed Use to Reservation in 12.12.040(A)(5) – to be consistent with the use of the term reservation to distinguish between general use and the exclusion of others from use.
- 12.12.040(C)(1) – deleted the requirement that reservations be submitted at least 14 days prior – this was a carry over from discussions of issues with Special Events and was not intended to apply to park reservations.
- 12.12.040(C)(3)(a) –reference to the weekends listed in 12.12.040(A)(1) was added to clarify this restriction only applies to those particular weekends.
- 12.12.040(C) – language to be stricken that had been excluded from previous drafts.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
 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)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to reconsider the 3rd Reading of Ordinance 1083, Amendments to Municipal Code Chapter 12.12 – Park Use.

Review and discussion of amendments.

Motion to approve the minor amendments to Ordinance 1083 and authorize the mayor to conduct the third reading of the amended Ordinance 1083

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./Agmt./Order Originals: Record *Additional/Exceptional Originals to: _____

Copies (all info.): _____ Copies (AIS only)

Instrument # _____

HAILEY ORDINANCE NO. 1083

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 12.12, PARKS AND PUBLIC PATHWAYS OF THE HAILEY MUNICIPAL BY AMENDING DEFINITIONS, BY PROVIDING FOR OVERNIGHT CAMPING IN CERTAIN PARKS, BY ADDING PARK RESERVATION POLICIES AND PROCEDURES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey has adopted Chapter 12.12 of the Hailey Municipal Code, which allows the Hailey City Council to establish guidelines and policies for use of City Parks;

WHEREAS, the City of Hailey recognizes that City Parks are more than the physical space, they are community gathering places and belong to our entire community;

WHEREAS, in order to equitably distribute the use of City Parks for events and activities which preclude the use of the park by the general taxpayer, the City of Hailey desires to establish guidelines for park reservations;

WHEREAS, it is the intent of the City of Hailey to direct large events to specific parks best suited to accommodate such events and to ensure that the reservation of those parks will not preclude their use for Special Events administered under Chapter 12.14;

WHEREAS, it is the intent of the City of Hailey to ensure that neighborhood parks remain available for use by the neighbors;

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare; and

WHEREAS, Resolution 2009-08, Park Use Fees, Resolution 2009-07, Guidelines for Park Use and Reservations should be repealed

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

Section 1. Section 12.12.010 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

For purposes of this Chapter 12.12, the following words and phrases shall apply as defined herein:

“Administrator” means the department head, or his/her designee, as assigned by the mayor or city administrator to oversee the administration of this chapter.

"City Parks" shall mean those parcels of land that are owned or managed by the city of Hailey and are held for public use or as open or green space, including, but not limited to ~~city park and hillside~~ parcels.

"City Trails" shall mean those parcels of land that are owned or managed by the city of Hailey and are held for non-motorized public use as trails and rights-of-way.

~~"First come, first served basis" shall mean that procedure whereby requests for parks use permits received first during the calendar year shall have priority over applications received later. All park use permit applications received during the same business day shall be considered to have been received at the same time.~~ "In-line Sskates" shall mean footwear containing three or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

~~"Organized private event" shall mean a planned private event involving use of one of the city parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An organized private event is generally by invitation only and not taking place as a fundraiser.~~

~~"Organized public event" shall mean a planned public event involving use of one of the city parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An organized public event is generally open to the general public and/or is taking place as a fundraiser.~~

"Railroad Right-of-way" shall mean that certain real property lying within the legal city limits of the city, legally described in attached Exhibit "A."

"Roller Sskates" shall mean footwear containing two axles with two wheels attached to each axle.

"Seasonal Event" shall mean an event held at regular intervals within a specified time period, typically an organized recreational league, and scheduled in advanced.

~~"skate park facility~~ Skate Park Facility" shall mean that ~~city park~~ City Park located adjacent to the intersection of Airport Way and Highway 75, Hailey, Idaho, and used for skateboarding, roller skating and in-line skating.

"Skateboard" shall mean a short board-like object that has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.

Section 2. Section 12.12.020 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

A. Except as otherwise provided herein, it is unlawful for any person, firm, corporation, partnership or association to park and/or camp overnight in any way, method or manner, in any ~~city park~~ City Park under any circumstances without the express permission of the city of Hailey.

1. RV camping is allowed overnight in designated areas within Roberta McKercher Park, up to a maximum of 12 hours.

2. Overnight camping may be permitted in a City Park as part of an approved special event permit, pursuant to Chapter 12.14, or park reservation.

Requirements for such camping will be imposed as part of the special event permit, pursuant to Chapter 12.14, or park reservation application process and approval.

Section 3. Section 12.12.040 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

12.12.040 Use Reservation of ~~city park~~ City Parks.

A. Applicability. Reservation for the exclusive uUse of a ~~city park~~ City Park, or a portion thereof, for an ~~organized public event or organized private event~~ gatherings of less than 250 people shall require the prior issuance by the city of a park use permit reservation. Such permits shall be obtained from the office of the Hailey City Clerk. For gatherings that are reasonably expected to attract 250 or more people, the procedures and requirements of Chapter 12.14 of the Hailey Municipal Code shall apply instead.

1. Hop Porter, McKercher and Lions Parks shall be kept available for special events, defined and administered pursuant to Chapter 12.14, on the Friday, Saturday and Sunday of the following weekends of each year.

a. Memorial Day

b. The weekend closest to July Fourth. If July 4th is on a Tuesday the weekend before is reserved. If July 4th is on a Wednesday or Thursday then the weekend after is reserved.

c. The first weekend of August for the ~~Northern Rockies~~ Mountain Folk Festival.

d. Labor Day

e. The second weekend in October for the Trailing of the Sheep Festival

2. Deerfield, Foxmoor, Curtis, the Skate Park, Balmoral, ~~Old Cutters~~ Heagle and Echo Hill Parks are neighborhood parks that should remain available for use by the general public and shall not be reserved for exclusive use except with an approved special events application pursuant to Chapter 12.14.

3. Jimmy's Garden and E. W. Fox Demonstration Garden shall not be reserved for exclusive use.

4. Sports fields at Balmoral, Keefer, Lions and McKercher Parks shall be available for recreational league use through a Seasonal Event permit.

5. ~~Use~~Reservation of Deerfield and Foxmoor Parks for Seasonal Events shall be prohibited due to the limited parking available.

B. Administration. The Administrator of this Chapter is responsible for the coordination of any applicable departmental review and issuance of a park reservation.

1. Authority of Administrator.

a. For events that are reasonably expected to attract less than 250 participants, the Administrator has the authority to issue a park reservation and shall comply with the provisions of this Chapter 12.12.

b. For events that are reasonably expected to attract 250 or more people, the applicant shall comply with Chapter 12.14 of the Hailey Municipal Code.

C. Application Procedure.

1. An application for a park reservation shall be signed by the applicant on a form provided by the Administrator and shall be filed with the Administrator at least fourteen (14) calendar days prior to the desired reservation date.

2. At a minimum, the applicant shall provide, on a form provided by the Administrator, sufficient information to address the requirements set forth in this Chapter.

3. Except as otherwise provided herein, all park reservation applications shall be issued according to date received. Requests for parks use permits received first shall have priority over applications received later. All park reservation applications received during the same business day shall be considered to have been received at the same time.

a. If Hop Porter, McKercher or Lions Park is not reserved for a Special Event on a weekend listed in 12.12.040(A)(1), then a park reservation application may be submitted to reserve the park but not more than fourteen (14) calendar days prior to the start of the desired reservation date.

B. Park use permits shall be issued on a first come, first served basis as outlined in the current Hailey Parks & Lands Board Parks Use Guidelines Resolution.

CD. Fees. A park use permit for use of a city park shall be issued only upon the payment of a park use fee, refundable damage and cleaning deposit, and compliance with requirements for providing additional trash receptacles and/or dumpsters, portable toilets, and security measures, which requirements shall depend on the nature and size of the event. The park use fees and refundable damage and cleaning deposits provided for herein shall be established and adjusted by means of a resolution duly adopted by the Hailey City Council. Except as otherwise provided herein, the applicant shall pay a non-refundable reservation fee, in addition to any applicable per diem or service fees for the use of the park, as established by resolution of the City Council, at the time of the filing of the park reservation application.

1. An individual or group may apply with the city to adopt-a-park. The following minimum requirements shall be met in accordance with the applicable park maintenance standards:

- a) spring and/or fall clean-up
- b) spring and/or fall fertilizing
- c) weed control
- d) weekly mowing

2. If an adopt-a-park application is approved the city will recognize the individual or group on the applicable park sign and waive park reservation fees as follows for the same individual or group named on the adopt-a-park application:

a. One reservation for one hundred (100) to two hundred forty-nine (249) people.

3. An individual or group may apply with the city for a waiver of the Seasonal Use Fee provided the following minimum requirements are met:

- a. 10 hours of service in the park
- b. A proposed plan of the service to be performed presented to the Parks & Lands Board for recommendation to the City Council

- b. A proposed plan of the service to be performed presented to the Parks & Lands Board for recommendation to the City Council
- c. Adequate performance in previous years if this request is made by the same individual or group as the prior year

~~D. A park use permit for use of a city park for an organized public event of any size, a seasonal event, or an organized private event anticipating more than 200 participants shall require proof of the applicant as having obtained general liability insurance coverage in the minimum amount of one million dollars covering the city as an additional insured.~~

~~E. A park use permit for a special event, as defined in Section 12.14.010 of the Hailey Municipal Code, shall also be subject to the special events requirements set forth in Chapter 12.14 of the Hailey Municipal Code.~~

~~F. No more than two events anticipating more than 200 participants per event per month per park shall be allowed unless the City Council makes a determination that the limitation set forth in this subsection should be waived for a given event. The start date of each event anticipating more than 200 participants shall be no less than ten (10) days apart.~~

~~G. Compliance with the terms and requirements of this section shall exempt the applicant or organizer of the event subject to such requirements from the provision and requirements of Chapter 5.16 of the Hailey Municipal Code.~~

Section 4. Section 12.12.050 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

12.12.050 Use of ~~city park~~City Parks—hours of operation.

A. ~~Except as otherwise provided herein and in section 12.12.020(A), the~~ hours of use for ~~city park~~City Parks shall be daylight hours, from dawn to dusk, defined as one-half hour before sunrise to one-half hour after sunset. Such hours of use shall be posted in plain view by sign at each ~~city park~~City Park. An exception to the hours of use shall ~~may be made where authorized with an approved park reservation or an approved~~ Special Event permit pursuant to under Chapter 12.14 of the Hailey Municipal Code ~~by the city for special events.~~

B. It is unlawful for any person, firm, corporation, partnership or association to park at, occupy or otherwise use any ~~city park~~City Park, under any circumstances, from dusk to dawn without the express written permission of the city of Hailey.

Section 5. Section 12.12.060 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

A. Use of the ~~skate park facility~~Skate Park Facility is for use by persons using ~~S~~skateboards, in-line skates and roller skates only. All other uses are prohibited. Bicycles, BMX bicycles and similar bicycles are expressly prohibited from using the ~~skate park facility~~Skate Park Facility.

B. All persons using the ~~skate park facility~~Skate Park Facility shall do so at their own risk.

C. Application Procedure.

1. An application for a park reservation shall be signed by the applicant on a form provided by the Administrator and shall be filed with the Administrator at least fourteen (14) calendar days prior to the desired reservation date.

2. At a minimum, the applicant shall provide, on a form provided by the Administrator, sufficient information to address the requirements set forth in this Chapter.

3. Except as otherwise provided herein, all park reservation applications shall be issued according to date received. Requests for parks use permits received first shall have priority over applications received later. All park reservation applications received during the same business day shall be considered to have been received at the same time.

a. If Hop Porter, McKercher or Lions Parks is not reserved for a Special Event on one of the weekends listed in 12.12.040(A)(1), then a park reservation application may be submitted to reserve the park on one of the weekends listed in 12.12.040(A)(1) not more than fourteen (14) calendar days prior to the start of the desired reservation date.

B. Park use permits shall be issued on a first come, first served basis as outlined in the current Hailey Parks & Lands Board Parks Use Guidelines Resolution.

C. Fees. A park use permit for use of a city park shall be issued only upon the payment of a park use fee, refundable damage and cleaning deposit, and compliance with requirements for providing additional trash receptacles and/or dumpsters, portable toilets, and security measures, which requirements shall depend on the nature and size of the event. The park use fees and refundable damage and cleaning deposits provided for herein shall be established and adjusted by means of a resolution duly adopted by the Hailey City Council. Except as otherwise provided herein, the applicant shall pay a non-refundable reservation fee, in addition to any applicable per diem or service fees for the use of the park, as established by resolution of the City Council, at the time of the filing of the park reservation application.

1. An individual or group may apply with the city to adopt-a-park. The following minimum requirements shall be met in accordance with the applicable park maintenance standards:

- a) spring and/or fall clean-up
- b) spring and/or fall fertilizing
- c) weed control
- d) weekly mowing

2. If an adopt-a-park application is approved the city will recognize the individual or group on the applicable park sign and waive park reservation fees as follows for the same individual or group named on the adopt-a-park application:

a. One reservation for one hundred (100) to two hundred forty-nine (249) people.

3. An individual or group may apply with the city for a waiver of the Seasonal Use Fee provided the following minimum requirements are met:

- a. 10 hours of service in the park

Section 6. Section 12.12.070 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

12.12.070 Permitted and prohibited uses of ~~city park~~City Parks and ~~city trails~~City Trails.

A. Except as otherwise provided in this chapter, ~~city park~~City Parks and ~~city trails~~City Trails shall only be used by pedestrians, equestrians, bicycle riders, cross-country skiers and snowshoers, and for all other non-motorized recreational uses. Licensed motorized vehicles are permitted only on designated roadways and parking areas within ~~city park~~City Parks.

B. Except as otherwise provided in this chapter, motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motorized scooters, shall not be permitted on ~~city park~~City Parks and ~~city trails~~City Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the ~~city park~~City Parks and ~~city trails~~City Trails or for emergency access.

Section 7. 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 8. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 9. 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 _____, 2011.

Richard Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2011

DESCRIPTION OF
NON-MOTORIZED TRANSPORTATION CORRIDOR
ALONG FORMER UPRR CENTER LINE

A non-motorized transportation corridor easement being 15 feet left and 15 feet right of the following described centerline of the former Union Pacific Railroad Right-of-Way through the City of Hailey, Idaho and also through parts of Sections 4, 9, 10, 15, 22 and 23, T.2N., R.18E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at Railroad Centerline Station 3059 + 84.6 of said Union Pacific Railroad Right-of-Way which point defines the intersection of said Railroad Centerline with the Northerly boundary of the Original Townsite of Hailey, Idaho, which point is the REAL POINT OF BEGINNING of said easement:

thence southerly along said Railroad Centerline 598 feet around a 1° curve left, with a radius of 5729.58 feet to a point of tangency at Railroad Centerline Station 3050 + 86.6.

thence South 29°02'54" East, more or less, 4795.6 feet along said Railroad Centerline to Railroad Station 3002 + 91.0, which point is a point of curvature;

thence Southerly along said Railroad Centerline 620.0 feet around a 1° curve left with a radius of 5729.58 feet to a point of tangency at Railroad Centerline Station 2996 + 71.0.

thence South 35°14'54" East, more or less, 7700 feet, more or less, along said Railroad Centerline to the South Boundary of said City of Hailey as the boundary exists on 7/25/88, said point being the point of ending of said easement, excepting existing street crossings between Myrtle and Spruce, at Bullion, Croy, Elm, Fox Acres, Countryside and at the Hailey Cemetery.

JWL:wsk
7/25/88

EXHIBIT A

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1337 WARM SPRINGS ROAD • BOX 426 • KETCHUM, IDAHO 83340 • TELEPHONE (208)766-4779