

AGENDA ITEM SUMMARY

DATE: 08/04/2014

DEPARTMENT: Police

DEPT. HEAD SIGNATURE: MA

SUBJECT: Castle Rezone, Findings of Fact and Ordinance

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Hailey City Council moved to approve a rezone of five Woodside lots, requested by Castle. Community Development Director Micah Austin and City Attorney Ned Williamson prepared Findings of Fact and Conclusions of Law, and a rezone Ordinance, for council consideration.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

The contract budget covers all Hailey's costs, with an added 10% margin for administrative oversight.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input 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 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:

Consideration of approval of Findings of Fact and Conclusions of Law, and Rezone Ordinance of Woodside Subdivision #9, Lots 11-15, Block 41 (3831, 3841, 3851, 3861, and 3871 Glenbrook Drive) from Business (B) to General Residential (GR) thereby allowing single family dwellings on each lot

ACTION OF THE CITY COUNCIL:

Date: 8/4 - Council approved findings & authorized 1st
Reading of Ord. 1158
8/18 - 2nd Reading of Ord. 1158
9/15 - 3rd Reading
City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1158

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP FOR LOTS 11 THROUGH 15, INCLUSIVE, BLOCK 41, WOODSIDE SUBDIVISION NO. 9 FROM BUSINESS (B) TO GENERAL RESIDENTIAL (GR); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map is in accordance with the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area; and

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public.

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

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 11 through 15, inclusive, Block 41, of the Woodside Subdivision No. 9 from Business (B) to General Residential (GR).

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2014.

Fritz X. Haemmerle, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

CITY OF HAILEY ORDINANCE NO. 1159

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, APPROPRIATING THE SUM OF \$17,013,521.00 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF HAILEY FOR SAID FISCAL YEAR; AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN THE CITY OF HAILEY; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

SECTION 1. The sum of \$17,013,521.00 shall be, and the same is hereby, appropriated to defray the necessary expenses and liabilities of the City of Hailey, Idaho, for the fiscal year beginning October 1, 2014 and ending September 30, 2015.

SECTION 2. The objects and purposes for which such appropriation is made, and the amount of each object and purpose, are as follows:

GENERAL FUND EXPENDITURES

Legislative	\$ 261,257.00
Administrative	280,660.00
Community Development Dept.	278,582.00
Fire Dept.	467,086.00
Police Dept.	1,689,587.00
Library	507,559.00
Public Works and Engineering	81,974.00
Street Dept.	883,753.00
Parks & Recreation Dept.	281,026.00
Grant Fund	0.00
Capital Improvement Fund	<u>1,294,825.00</u>
Total Expenditures	<u>6,026,309.00</u>

WATER & SEWER EXPENDITURES

Water Fund Expenditures	\$1,160,211.00
Water Bond Expenditures	151,500.00
Sewer Fund Expenditures	1,558,501.00
Sewer Bond Expenditures	612,000.00
Water Replacement Expenditures	485,000.00
Sewer Replacement Expenditures	475,000.00
Wastewater Biosolids Construction	6,545,000.00
Total Expenditures	<u>\$10,987,212.00</u>

<u>TOTAL EXPENDITURES ALL FUNDS</u>	<u>\$17,013,521.00</u>
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SECTION 3. A general tax levy on all taxable property within the City of Hailey shall be levied in an amount allowed by law for the general purposes of said City for the fiscal year beginning October 1, 2014 and ending September 30, 2015.

SECTION 4. All ordinances and/or portions or parts of ordinances in any way inconsistent with or in conflict with this Ordinance are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE COUNCIL PRESIDENT THIS 15th DAY OF SEPTEMBER, 2014.

Fritz Haemmerle, Mayor, City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express September 17, 2014.

AGENDA ITEM SUMMARY

DATE: 8-18-14

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Proposed ordinance amendment to restrict dates for the use of fireworks

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the last Council meeting, there was a discussion about restricting the dates on the use of fireworks to July 1 through July 5 and December 31 through January 1. I am attaching an ordinance which adopts these time restrictions in a new Chapter 9.12. This ordinance uses terminology established in the Idaho Code for fireworks. Please note that I suggest repealing two subsections of our Municipal Code found in Chapter 5.24. Those subsections address the use of fireworks but are found in the business license section. I have now placed those subsections in the new Chapter 9.12.

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:

Make a motion to approve Ordinance No. 1160, to conduct the first reading and to read by title only.

FOLLOW-UP REMARKS:

8/18 - Council approved ord No. 1160 & Mayor conducted 1st reading by title only.
9/15 - 2nd reading

HAILEY ORDINANCE NO. 1160

AN ORDINANCE OF THE CITY OF HAILEY AMENDING CHAPTER 5.24 OF THE HAILEY MUNICIPAL CODE BY REPEALING SECTIONS 5.24.095 AND 5.24.096; BY AMENDING TITLE 9 OF THE HAILEY MUNICIPAL CODE, TO CREATE A NEW CHAPTER 9.16 TO REGULATE THE TIME OF USE OF FIREWORKS; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE AND BY PROVIDING AN EFFECTIVE DATE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho Code § 39-2606 provides, in pertinent part, that nonaerial common fireworks may be sold at retail and used beginning at midnight June 23, and ending at midnight July 5 and beginning at midnight December 26 and ending at midnight January 1;

WHEREAS, Idaho Code § 50-310 provides that a municipality is empowered to prevent the discharge of firearms, rockets, powder, fireworks or other dangerous, combustible or explosive material in the streets, lots, grounds, alleys or in and about the vicinity of any building and punish violators therefor;

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the Hailey Municipal Code to reduce the risk of fire, to ensure the safety of Hailey residents and to reduce the impact on the peace and quiet of Hailey neighborhoods by limiting the time to use fireworks within the City of Hailey between July 1 and July 5 and on December 31 and January 1; and

WHEREAS, the Mayor and City Council find that the amendments to title 9 will further 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. Sections 5.24.095 and 5.24.096 are repealed in their entirety.

Section 2. Title 9 of the Hailey Municipal Code is hereby amended by the addition of a new Chapter 9.16, as follows:

Chapter 9.16

FIREWORKS

Sections:

9.12.010	Purpose
9.12.020	Definitions
9.12.030	General Prohibitions
9.12.040	Liability of Parents or Guardians
9.12.050	Time Restrictions
9.12.060	Penalty

9.12.010 Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare of the citizens of Hailey by regulating the time to use nonaerial common fireworks. The time restrictions are intended to reduce the fire hazards and to decrease the impact on the peace and quiet of the community and its residents associated with the use of fireworks.

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

"Fireworks" shall mean any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include items classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States department of transportation and designated as UN 0335 1.3G or UN 0336 1.4G. The term "fireworks" shall not include any automotive safety flares, toy guns, toy cannons, caps or other items designed for use with toy guns or toy cannons, party poppers, pop-its or other devices which contain twenty-five hundredths (.25) of a grain or less of explosive substance.

"Fire Chief" shall mean an individual appointed by the Hailey Mayor to act in the official capacity of fire chief in the City of Hailey or his/her designated representatives.

"Nonaerial Common Fireworks" shall mean any fireworks such as ground spinners, fountains, sparklers, smoke devices or snakes designed to remain on or near the ground and not to travel outside a fifteen (15) foot diameter circle or emit sparks or other burning material which land outside a twenty (20) foot diameter circle or above a height of twenty (20) feet. Nonaerial common fireworks do not include firecrackers, jumping jacks, or similar products.

"Public Display" shall mean a display of Fireworks permitted by the City of Hailey in accordance with Idaho Code § 39-2605, as amended.

9.12.030 General Prohibitions. It shall be unlawful for any person, except in compliance with this chapter to:

- A. Alter any Fireworks;
- B. Throw any Fireworks from, into or at a moving vehicle or at any person;
- C. Sell or use any Fireworks any time not permitted under this chapter;
- D. Use Fireworks in any area that constitutes a severe fire threat based on vegetative conditions during the current fire season as determined by the Fire Chief.

9.12.040 Liability of Parents or Guardians. The parents, guardians or other persons having custody or control of a minor shall be liable for damage caused by the use of Fireworks by the minor.

9.12.050 Time Restrictions. Except as otherwise provided herein, it is unlawful for any person to discharge or use Fireworks within the Hailey city limits.

A. Nonaerial Common Fireworks may be used for the periods of time beginning at midnight July 1 and ending at midnight July 5 and beginning at midnight December 30 and ending at midnight January 1.

B. A Public Display of Fireworks is allowed provided it has received in advance a permit from the City of Hailey.

9.12.060 Penalty. Any person who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not exceeding three hundred dollars, imprisonment in the county jail for a period not exceeding thirty days or both such fine and imprisonment.

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

Section 4. 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 5. 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 _____, 2014.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

