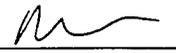


AGENDA ITEM SUMMARY

DATE: 10/26/2009 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: 

SUBJECT:

Hailey Ordinance No. 1039.

AUTHORITY:  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At your last meeting, Hailey conducted the first reading of Hailey Ordinance No. 1039. I would recommend that I review the ordinance in greater detail and make appropriate revisions. So, instead of proceeding with a second reading, I would like the Council to delay future readings until I can complete a re-write. I believe we will probably have to conduct another public hearing and if the ordinance is acceptable, then we will have to conduct another first reading. Please contact me if you have any questions.

Ned

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: (IFAPPLICABLE)

___ 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:

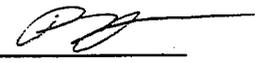
Take no action on Ordinance No. 1039.

FOLLOW-UP REMARKS:

\*



**AGENDA ITEM SUMMARY**

DATE: 10/26/09 DEPARTMENT: PW/Police DEPT. HEAD SIGNATURE: 

**SUBJECT:** Public Hearing of proposed changes to the Parking Municipal Code, Chapter 10.08

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

This ordinance change originally came to the council on Feb. 23, 2009 and introduced again as New Business at the October 12, 2009 council meeting. Minutes from the February meeting are attached. In response to the discussion regarding how far off the asphalt to restrict parking the proposed ordinance has been revised from 12' to 8'. The 8' distance matches the requirements for mailboxes and has been deemed sufficient by the Street Dept. Section 10.08.040 (D) details these changes and further restrictions depending on whether there is curb & gutter or not, a requirement for posted signs and also states that any parking that interferes with snow removal is not allowed. Pictures taken last winter show the effect this would have on properties. For those areas without C&G, the residential areas, the zoning ordinances requires a minimum front setback of 20' which, along with a minimum distance from edge of asphalt to the property line of 18', generally leaves sufficient space available for parking.

This revision will have a positive impact on the problem of cars parked in the way of snow plowing activities by allowing the Police Dept to cite violators with a \$50 infraction notice. This is outlined in Section 10.08.070; Violations-Penalties. The ordinance also adds Broadford Rd to the list of 2 hour parking restrictions in Section 10.08.040 (B) to assist with the problem of private car sales in that area.

The council also requested that the Hailey Chamber of Commerce weigh in on the possibility of increasing the streets in the downtown area with a 2 hour restriction. The chamber members did not see a need for any increase in parking restrictions.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_  
Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_  
Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14  
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:**

**ADMINISTRATIVE COMMENTS/APPROVAL:**

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

**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

## HAILEY ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 10.08 OF THE HAILEY MUNICIPAL CODE BY REPEALING CHAPTER 10.08 AND BY REPLACING IT WITH A NEW CHAPTER 10.08, TO CREATE A PURPOSE SECTION, TO ESTABLISH DEFINITIONS, TO ESTABLISH AND REGULATE LOADING ZONES, TO ESTABLISH PARKING RESTRICTIONS, TO REGULATE REMOVAL, IMPOUNDMENT AND RETURN OF VEHICLES, TO PROVIDE AN INTERPRETATION CLAUSE AND TO PROVIDE A PENALTY PROVISION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey desire to update the parking regulations of the Hailey Municipal Code; and

WHEREAS, the Mayor and the City Council of the City of Hailey believe it is in the best interest of the citizens of Hailey to repeal Chapter 10.08 of the Hailey Municipal Code and to replace it with a new Chapter 10.08 which to better parking restrictions within the City of Hailey and to clarify the penalties for a violation of Chapter 10.08 of the Hailey Municipal Code.

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

**Section 1.** Chapter 10.08 of the Hailey Municipal Code is hereby amended by the repeal of Chapter 10.08 in its entirety and by the addition of a new Chapter 10.08, as follows:

10.08.010 Purpose. This chapter is intended to create reasonable regulations and restrictions to allow for safe snow removal and street cleaning within the Rights-of-Way, to provide for convenient and safe travel of vehicles and persons on Rights-of -Way, and to promote businesses within the City of Hailey.

10.08.020 Definitions. For purposes of this chapter the words and phrases defined in this section mean as follows:

“Loading Zone” shall mean a space or section of a public right of way which has been set aside for the exclusive purpose of loading and unloading property and persons.

“Parking” shall mean the leaving of any motor vehicle unattended for any purpose, other than an emergency, and the temporary loading and unloading of vehicles.

“Right-of-Way” shall mean any property owned by, or dedicated to, the city of Hailey for the purposes of providing city services and general circulation to the public. Such rights-of-way include, but are not limited, the following: public streets, alleys and sidewalks.

10.08.030 Establishment and Regulation of Loading Zones. A Loading Zone shall be established by the City Council along a Right-of-Way by the adoption of a resolution by the City Council and by the installation of appropriate signage near the Loading Zone. It is unlawful for the driver of any vehicle to stop, stand or park a vehicle within any place marked as a Loading

Zone, except while actively engaged in the expeditious loading or unloading of persons or property, but in no case shall the stopping, standing or parking for the loading or unloading exceed ten (10) minutes.

10.08.040 Parking Restrictions.

A. General Restrictions. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper in any Right-of-Way, or to obstruct in any way, method or manner any Right-of-Way, except as otherwise provided in this Chapter 10.08 or other provision of the Hailey Municipal Code.

B. Year Round Day Time Restrictions. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper on Main Street between McKercher Boulevard and Maple Street, on Broadford Road from Cedar Street to the City of Hailey city limits or on Bullion and Croy Streets between First Avenue and River Street for any period exceeding two hours between the hours of 9:00 a.m. and 6:00 p.m. The city shall install signs upon Main Street, Broadford Road, Bullion Street and Croy Street within or adjacent to the restricted parking zones showing the hours of limited parking.

C. Year Round Night Time Restrictions. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper on Main Street between McKercher Boulevard and Maple Street between the hours of two a.m. to six a.m. The city shall install signs upon Main Street within or adjacent to the restricted parking zone showing the hours of limited parking.

D. Winter Restrictions. For any Right-of-Way with a paved street abutting an improved curb and gutter, it is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper within the Right-of-Way between the hours of 12:00 a.m. (midnight) to 7:00 a.m., each day from November 1<sup>st</sup> of each year to May 1<sup>st</sup> of the following year. For any Right-of-Way without a paved street abutting an improved curb and gutter, it is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper within 8 feet of the edge of asphalt within the Right-of-Way between the hours of 12:00 a.m. (midnight) to 7:00 a.m., each day from November 1<sup>st</sup> of each year to May 1<sup>st</sup> of the following year. The city shall install signs at the vehicular entrances to the City of Hailey showing the hours of limited parking. For all other portions of Rights-of-Way, it is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper on a Right-of-Way in such a manner as to interfere with the safe and proper plowing or removal of snow on the Right-of-Way.

E. City Parking Lots Restrictions. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper upon property owned by the City of Hailey, except where designated as a city-wide parking area.

F. Access Restrictions. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper on in or across any private driveway, or in those areas

prohibited by the Mayor or City Council, including areas in front of gasoline pumps or driveways to garages or service stations.

G. Fire Hydrant Restrictions. It is unlawful for any person to park in a Right-of-Way a motorized vehicle or non-motorized vehicle, trailer or camper within twenty feet (20') of any fire hydrant, or within any area marked or posted as a no parking zone by a fire hydrant.

H. Type of Parking Restrictions. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper on any portion of Main Street, unless the parking is at an angle parallel to the curb so that the passenger side of the vehicle, trailer or camper is not more than one foot (1') from the curb and so that the vehicle, trailer or camper is within a parking lane or space marked on the street or curb by or under the authority of the Mayor and City Council. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper within a Right-of-Way other than Main Street, unless the parking shall be parked parallel or at an oblique angle, in accordance with any signs posted under the authority of the Mayor and City Council.

I. Parking Line Restrictions. It is unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper over any parking lines within a Right-of-Way where such parking lines have been established by the Mayor or City Council.

10.08.050 Interpretation. In the event specific provisions of this Chapter conflict, the most restrictive provisions shall govern and control.

10.08.060 Removal, Impoundment and Return of Vehicles.

A. Members of the Hailey police department are authorized to remove or have removed a vehicle, trailer or camper from a Right-of-Way to a place designated by the police department or otherwise maintained by the City of Hailey, when such vehicle, trailer or camper is parked in Section 10.08.040(D) of the Hailey Municipal Code.

B. No person shall recover any vehicle, trailer or camper removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle, trailer or camper shall be allowed to recover it from the place where it has been placed or impounded, the person shall i) present to the City of Hailey or its agent holding and in charge of such vehicle, trailer or camper evidence of the person's identity, and evidence of the right to possession of the vehicle, trailer or camper, ii) sign a receipt for its return, iii) pay the cost of removal, and iv) pay any cost of storage accrued. Until paid, the impound charges under this section shall constitute a lien upon the vehicle, trailer or camper which may be enforced in the same manner as a garage keepers lien in accordance with the provisions of Idaho law. All expenses of towing and storage shall be expenses of the owner of the vehicle, trailer or camper.

C. It is unlawful for any person to remove any vehicle, trailer or camper impounded under the authority of this section without payment for removal and storage of the vehicle, trailer or camper.

10.08.070 Violations-Penalties.

A. In addition to any fees or charges authorized by Section 10.08.060 of the Hailey Municipal Code, every person who violates any provision of Section 10.08.040(D) of the Hailey Municipal Code shall be deemed guilty of an infraction and shall be subject to a penalty of fifty dollars (\$50.00) per violation, per day.

B. Except as otherwise provided in Section 10.08.070(A) of the Hailey Municipal Code, every person who violates any provision of Chapter 10.08 of the Hailey Municipal Code shall be deemed guilty of an infraction and shall be subject to a penalty of ten dollars (\$10.00) per violation, per day, and a penalty of thirty-five dollars (\$35.00) per violation, per day for a second and subsequent offense within a calendar year. Each parking space used in violation of this section shall constitute a separate infraction.

**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 Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 4.** 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 MAYOR THIS \_\_\_ DAY OF \_\_\_\_\_, 2009.**

\_\_\_\_\_  
Richard L. Davis, Mayor

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

*NB 100 Auditor's financial statements fiscal year end September 30, 2008*

Scott Hunsaker, auditor spoke to council and handed out a report prior to his presentation. Hunsaker pointed council to the Management analysis part of the report and other subsequent sections of the financial statements.

Brown asked Hunsaker if the City has sufficient controls in place with regards to the accounts payable process. Hunsaker confirmed yes.

Dawson explained the controls process within the city to council. Gasby 34 required cities to do these Management analysis a few years ago.

Brown is very supportive of the separating of our Capital Improvements fund from the General Fund.

**Motion made by Brown to accept the 2008 audit statement, seconded by Keirn, motion passed unanimously.**

*NB 101 Proposed revisions to the Parking Municipal Code*

Tom Hellen Public Works Director gave an overview to council. Hellen explained the addition of a snow removal policy and ability to give a citation to violators.

Haemmerle does not agree with the 12 foot requirement. Hellen explained that this is meant to be a standard which can be applied to situations commonly encountered during winter months.

Council would like to see staff revise this and would like to see the Chamber on board with this prior to moving forward.

**WORKSHOP:**

Tom Hellen advised council that the person responsible for getting signatures on the Woodside agreement sold his business, so no one is in charge of gathering signatures. Hellen sees that a fence in this area to keep vehicles and such off the city right of way is a high probability this spring.

Jeff Gunter spoke to council about the economic stimulus money.

Brown attended the Library Board meeting. The board realized the inconsistency in fees charged, therefore, they did away with the computer use fee as indicated in tonight's consent agenda item.

Burke attended the Blue Ribbon Commission meeting in Ketchum. The next meeting is here March 4, Wednesday from 1 - 4 pm. Burke went to Washington to keep them apprised of our projects.

**CITY COUNCIL MINUTES  
February 23, 2009**