

AGENDA ITEM SUMMARY

DATE: 11/18/2013 DEPARTMENT: DEPT. HEAD SIGNATURE: NW and HD and MC

SUBJECT:

1% Air LOT Implementation

AUTHORITY: ID Code _____ IAR _____ City Ordinance NO.1133
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Hailey and other cities adopted a Joint Powers Agreement prior to approving the 1% LOT ballot. Implementation of the LOT, the JPA, and the Air Services Board will occur over the next two months. Information is attached for city council discussion and decision.

Tonight's Council action items include:

- Adoption of Resolution canvassing election for Hailey City Council Seats 1 and 2, and 1% Air LOT
- First Reading of Ordinance 1133, adopted by voters on November 5, 2013
- Discussion of implementation of JPA; establishment of criteria for Air Service Board appointments

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

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:

Tonight's Council action items include:

- Adoption of Resolution canvassing election for Hailey City Council Seats 1 and 2, and 1% Air LOT
- First Reading of Ordinance 1133, adopted by voters on November 5, 2013
- Discussion of implementation of JPA; establishment of criteria for Air Service Board appointments

FOLLOW-UP REMARKS:

* 11/18 - first reading of Ord. 1133 / adopted Resolution 2013-02
 for canvassing election results from County.
 12/2 - 2nd Reading
 12/16 - 3rd Reading & -377-mary

MEMORANDUM

TO: Hailey Mayor and City Council Members
FROM: Ned C. Williamson
DATE: November 18, 2013
RE: LOT Ordinance

As you know, the voters have approved of a one percent (1%) increase on the local option tax on hotel/motel occupancy and car rentals. With this approval, I would suggest that Hailey takes the following actions:

1. Adopt Ordinance No. 1133 and conduct the first reading. Ordinance No. 1133 has an effective date of January 1, 2014. Consequently, there will be ample opportunity to conduct three readings of the ordinance and publish the ordinance before the effective date. I will present a summary of Ordinance No. 1133 for approval at the last meeting.

2. Adopt Resolution No. 2013-82 to proclaim the results of the election. See attached resolution.

3. Hailey will need to adopt criteria for the selection of its member on the Air Service Board ("Board"). We have already adopted a Joint Powers Agreement ("JPA") which will govern the operations of the Board. A copy of the JPA is attached. Under the JPA, Hailey needs to adopt criteria for the selection of the Board member subject to certain minimal qualifications established by the JPA. The JPA requires that a) the Board member be eighteen years or older, b) the Board member be appointed without consideration of political affiliation or religious denomination, c) the Board member serve without compensation and d) the Board member not have a financial interest in contracts with or be employed by the Board. *See JPA, Section 2.* As recognized by the JPA, the Board will have a limited scope of operation. *See JPA, Section 6.* In light of these parameters, I have drafted criteria for the selection of the Board member. As you can tell by the criteria, I have essentially used the same criteria set forth in the JPA as criteria to be used in the selection of the Hailey representative.

4. Once the criteria are adopted, then Hailey should select its member on the Board.

An organizational meeting was conducted on November 13. Heather Dawson and Micah Austin attended, and report the information from that meeting on Page 3 of this memo.

cc: Heather Dawson (w/ encl.)
Micah Austin (w/ encl.)

SELECTION CRITERIA FOR AIR SERVICE BOARD

Hailey's representative on the Sun Valley Air Service Board ("Board") shall be appointed by the Hailey Mayor with the consent and approval of the Hailey City Council. The Board member shall be appointed for a one (1) year term and shall serve without compensation.

Criteria:

1. The Board member shall be eighteen years or older.
2. The Board member shall be appointed without consideration of political affiliation or religious denomination.
3. At the time of appointment, the Board member shall not have and shall not reasonably be expected to have a conflict of interest as a member on the Board. Consistent with the Ethics in Government Act (*Idaho Code §§ 59-701 et seq.*), a conflict of interest shall be defined as any official action or any decision or recommendation by the member on the Board, the effect of which would be to the private pecuniary benefit of the member or a person within member's household, or a business with which the member or a person within the member's household is associated, unless the pecuniary benefit arises out of the following:
 - (a) An interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding by the person of the office or position;
 - (b) Any action in the member's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the member or a person within the member's household or business with which the member is associated, is a member or is engaged;
 - (c) Any interest which the member has by virtue of his/her profession, trade or occupation where his/her interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade or occupation;
 - (d) Any action by the member upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the general public are affected by the outcome of the action in a substantially similar manner and degree.

HAILEY ORDINANCE NO. 1133

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ORDINANCE NO. 950, WHICH PROVIDES FOR THE IMPOSITION OF LOCAL OPTION TAXES; AMENDING SECTIONS 5.32.030, 5.32.040 AND 5.32.050 OF THE HAILEY MUNICIPAL CODE TO PROVIDE FOR AN ADDITIONAL ONE PERCENT (1%) TAX ON RENTAL VEHICLES AND HOTEL-MOTEL OCCUPANCY FOR FIVE (5) YEARS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Hailey is authorized to collect local option taxes pursuant to Hailey Ordinance Nos. 950 and 1035;

WHEREAS, the City of Hailey has determined it is in the best interest of the public to amend Ordinance No. 950 to provide for an increase to the local option non-property tax for the purpose of maintaining and increasing commercial air service; and

WHEREAS, on November 5, 2013, the voters of the City of Hailey approved of the adoption of Hailey Ordinance No. 1133 with an affirmative vote by 66.1% of the voters.

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

Section 1. Section 5.32.030 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

5.32.030 Imposition of Certain Non-Property Taxes. The City hereby imposes and shall collect certain non-property taxes as follows:

(A) Rental Vehicle Tax: A tax is hereby imposed at the rate of ~~three~~ four percent (34%) on the Rental Vehicle Charge for each Rental Vehicle rented or leased within the City. The Rental Vehicle tax shall apply to and be computed on the rental of all Rental Vehicles including all credit, installment, conditional or similar rental or lease fees at the time the Rental Vehicle Charge is charged. The Rental Vehicle tax shall be collected by the owner or his authorized agent from the renter or lessee.

(B) Hotel-Motel Occupancy Tax: A tax is hereby imposed at the rate of ~~three~~ four percent (34%) on the Room Occupancy Charge for each Hotel-Motel room or living unit rented or leased within the City. The Hotel-Motel occupancy tax shall apply to and be computed on the rental of all Hotel-Motel rooms including all credit, installment, conditional or similar rental or lease fees at the time the Room Occupancy Charge is charged. The Hotel-Motel occupancy tax shall be collected by the owner of the Hotel-Motel or his authorized agent from the renter or lessee.

(C) Liquor By-The-Drink Tax: A tax is hereby imposed at rate of two percent (2%) of the Sales Price upon each Retail Sale of Liquor By-The-Drink within the City. The tax shall apply to and be computed on all Retail Sales of Liquor By-The-Drink including credit, or similar sales at the time of the sale. The Liquor By-The-Drink tax shall be collected by the retailer from the consumer.

(D) Restaurant Food Tax: A tax is hereby imposed at rate of one percent (1%) of the Sales Price upon each Retail Sale of Restaurant Food within the City. The tax shall apply to and be computed on all Retail Sales of Restaurant Food including credit, or similar sales at the time of the sale. The Restaurant Food tax shall be collected by the retailer from the consumer.

(E) Fractional Portion: When the Sales Price involves a fraction of a dollar, the non-property tax shall be collected on that fractional portion of the price adding thereto the tax based upon the following bracket system:

Rental Vehicle and Hotel-Motel Occupancy Taxes (34%)

\$.01	to	\$.19	\$0.00
<u>.20</u>	<u>to</u>	<u>.39</u>	<u>0.01</u>
<u>.40</u>	<u>to</u>	<u>.59</u>	<u>0.02</u>
<u>.60</u>	<u>to</u>	<u>.79</u>	<u>0.03</u>
<u>.80</u>	<u>to</u>	<u>.99</u>	<u>0.04</u>
\$.01	to	\$.24	\$0.00
.25	to	.49	0.01
.50	to	.74	0.02
.75	to	.99	0.03

(Each whole dollar \$0.034)

Liquor By-The-Drink Tax (2%)

\$.01	to	\$.33	\$0.00
.34	to	.66	0.01
.67	to	.99	0.02

(Each whole dollar \$0.02)

Restaurant Food Tax (1%)

\$.01	to	\$.49	\$0.00
.50	to	.99	0.01

(Each whole dollar \$0.01)

The retailer shall calculate the tax upon the entire amount of purchases of the consumer made at a particular time subject to this ordinance, and not separately upon each item purchased. The retailer may retain any amount collected under the bracket system which is in excess of the amount of tax for which he is liable to the City during the period as compensation for the work of collecting the tax.

(F) Monies Collected Held in Trust: All monies collected and/or retained under the provisions of this ordinance shall be held in trust for the City and for payment thereof to the City Clerk in the manner and at the times in this ordinance provided.

Section 2. Section 5.32.040 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

5.32.040 Duration of Taxes. ~~Except as otherwise provided herein, the non-~~ property taxes authorized and collected under this ordinance are hereby imposed for a duration of twenty (20) years from the effective date of this ordinance. The one percent (1%) increase authorized by Ordinance 1133 for the non-property taxes collected for Rental Vehicle and Hotel-Motel Occupancy Taxes is hereby imposed for a duration of five (5) years after January 1, 2013.

Section 3. Section 5.32.050 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

5.32.050 Purposes of Taxes. The non-property tax revenue derived from and collected under this ordinance shall be used for the following purposes:

- (A) Emergency services (rapid response, life saving, traffic enforcement, training, staffing, equipment, vehicles, etc.).
- (B) Maintenance, improvement and acquisition of parks.
- (C) Road repair, transportation enhancements and snow removal.
- (D) City promotion, visitor information, special events and economic development.
- (E) Town improvements (library modernization, sidewalks, town square, etc.).
- (F) Public transit and related improvements.
- (G) Direct cost to administer and enforce this ordinance.

The non-property tax revenue derived from and collected under this ordinance for the one percent (1%) increase for the non-property taxes collected for Rental Vehicle and Hotel-Motel Occupancy Taxes authorized by Ordinance No. 1133 shall be used for the following purposes:

(A) maintaining and increasing commercial air service to Friedman Memorial Airport through the use of Minimum Revenue Guarantees or other inducements to providers;

(B) promoting and marketing the existing service and any future service to increase passengers;

(C) for all ancillary costs which are associated with the ongoing effort to maintain and increase commercial air service, including reasonable program management costs and busing due to flight diversion(s); and

(D) direct costs to collect and enforce the tax, including administrative and legal fees.

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. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall be in full force and effect on January 1, 2014, after its passage, approval and publication according to law.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR
this _____ day of December, 2013.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone
Hailey City Clerk

AGENDA ITEM SUMMARY

DATE: 12/16/2013

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1133 (LOT Amendment)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1133 which amends the LOT ordinance as authorized by the November 5, 2013 election.

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 the summary of Hailey Ordinance No. 1133.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1133

The following is a summary of the principal provisions of Ordinance No. 1133 of the City of Hailey, Idaho, duly adopted on December 16, 2013, by the City Council and Mayor of the City of Hailey and approved by the voters of Hailey on November 5, 2013:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ORDINANCE NO. 950, WHICH PROVIDES FOR THE IMPOSITION OF LOCAL OPTION TAXES; AMENDING SECTIONS 5.32.030, 5.32.040 AND 5.32.050 OF THE HAILEY MUNICIPAL CODE TO PROVIDE FOR AN ADDITIONAL ONE PERCENT (1%) TAX ON RENTAL VEHICLES AND HOTEL-MOTEL OCCUPANCY FOR FIVE (5) YEARS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Section 1 of Hailey Ordinance No. 1133 amends Section 5.32.030 of the Hailey Municipal Code to increase the Rental Vehicle tax from three percent (3%) to four percent (4%) and to increase the Hotel-Motel Occupancy tax from three percent (3%) to four percent (4%).

Section 2 of Hailey Ordinance No. 1133 amends Section 5.32.040 of the Hailey Municipal Code to establish that the duration of the additional one percent (1%) Rental Vehicle and Hotel-Motel Occupancy Taxes is hereby imposed for a duration of five (5) years after January 1, 2014.

Section 3 of Hailey Ordinance No. 1133 amends Section 5.32.050 of the Hailey Municipal Code to provide that the purposes of the non-property tax revenue derived from and collected for the one percent (1%) increase on the Rental Vehicle and Hotel-Motel Occupancy Taxes shall be used for the following purposes of a) maintaining and increasing commercial air service to Friedman Memorial Airport through the use of Minimum Revenue Guarantees or other inducements to providers. b) promoting and marketing the existing service and any future service to increase passengers, c) for all ancillary costs which are associated with the ongoing effort to maintain and increase commercial air service, including reasonable program management costs and busing due to flight diversion(s); and d) direct costs to collect and enforce the tax, including administrative and legal fees.

Section 4 provides for a severability clause.

Section 5 provides for a repealer clause.

Section 6 provides for an effective date of the ordinance on January 1, 2014.

The full text of Ordinance No. 1133 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1133 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1133, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 16th day of December, 2013.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express December 18, 2013

AGENDA ITEM SUMMARY

DATE: 12/16/2013

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Hailey Ordinance No. 1141 (Adoption of 2012 International Building Code)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance which will only adopt the 2012 International Building Code and make it effective on January 1, 2014. At the last meeting, you approved an ordinance and conducted the first reading of an ordinance which adopted the 2012 International Building Code and which made several amendments to the building codes. Since that time, I discovered a provision in the Idaho Code which requires a 30 day advance notice to local chapters of several entities (e.g., Idaho contractors, realtors, etc.) when a municipality wishes to amend the building codes approved by the State of Idaho. I would recommend that we adopt the 2012 International Building Code making it effective on January 1, 2014, and then at a later date adopt the amendments which were in the earlier ordinance after appropriate notice has been provided under Idaho law.

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 a) approve Hailey Ordinance No. 1141 (as presented), b) read by title only, c) waive the readings of the ordinance and d) authorize the mayor to sign Ordinance No. 1141.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. 1141

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 15.08.010 OF THE HAILEY MUNICIPAL CODE TO ADOPT THE 2012 INTERNATIONAL BUILDING CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING JANUARY 1, 2014 AS THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Idaho Code §§ 39-4109 and 39-4116 require the City of Hailey to adopt 2012 International Building Code ("IBC"), excluding certain provisions and appendices;

WHEREAS, Idaho Code § 39-4116 allows the City of Hailey to amend the IBC to reflect local conditions, provided the amendments provide an equivalent level of protection;

WHEREAS, Idaho Code § 39-4116 allows the adoption of the IBC effective January 1, 2014; and

WHEREAS, the City Council finds that enactment of this ordinance is required immediately to ensure the enforcement of this ordinance by January 1, 2014.

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

Section 1. Section 15.08.010 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

15.08.010 Adoption of Codes. Pursuant to Idaho Code Section 39-4116(1), the following codes published by the International Code Council are adopted by reference:

A. ~~2009~~2012 International Building Code ("IBC"), ~~including all rules promulgated by the Idaho Building Code Board to provide equivalency with the provisions of the Americans with Disabilities Act accessibility guidelines and the Federal Fair Housing Act accessibility guidelines; and including Appendix E: Supplemental Accessibility Requirements;~~

B. 2009 International Residential Code ("IRC"), parts I-IV and IX including Appendix F: Radon Control Methods;

C. 2009 International Energy Conservation Code ("IECC");

D. 1997 Uniform Code for the Abatement of Dangerous Buildings; and

~~E. 1997 Uniform Building Code (“97 UBC”) Volume 3, Material, Testing and Installation Standards; and~~

~~F. 1997 Uniform Building Code, Volume 1, Table 1-A, Building Permit Fees.~~

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 on January 1, 2014 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 December, 2013.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2013

AGENDA ITEM SUMMARY

DATE: 12/2/2013

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Adoption of 2012 International Fire Code and International Wildland-Urban Interface Code (Ordinance No. _____)

~~_____~~ ~~_____~~ 1142

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance which will adopt the 2012 International Fire Code and International Wildland-Urban Interface Code. For the most part, this ordinance accomplishes the goals of the Mayor and Council stated at the last meeting. As explained below, there is one issue which will need to be addressed in the future. As we do every three years, Hailey adopts the most recent version of the International Fire Code. In the past, we have also adopted the International Wildland-Urban Interface Code. This ordinance also requires ignition-resistant building materials on roofs, roof valleys, unenclosed underfloors (i.e., decks), gutters and downspouts. In addition, this ordinance prohibits fire retardant treated roofs. Lastly, for a roof replacement, this ordinance will require an ignition resistant roof if more than 25% of the roof is replaced in a one year period.

After reviewing the 2012 International Wildland-Urban Interface Code, I discovered that there is a process which we need to follow if we want to require the standards of the Wildland-Urban Interface Code throughout Hailey. The 2012 International Wildland-Urban Interface Code requires the legislative body for the City to declare the Wildland-Urban Interface area based on findings of fact. The findings of fact need to correspond to natural or man-made features. As it stands now, the fire department in conjunction with the Wood River Fire District have mapped the Wildland-Urban Interface area. Although I have not seen the map, it is my understanding that the map shows part of the perimeter of the city as the Wildland-Urban Interface area. Since we are outside of the wildland fire season, I would suggest that we get a recommendation from the fire department and then have a discussion about the scope of the Wildland-Urban Interface area. Long before the next fire season, we can adopt a Wildland-Urban Interface area.

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:

Conduct a public hearing, adopt Ordinance No. 1142 and authorize the Mayor to conduct a first reading of the ordinance by title only.

12/2 - adopted ord 1142 & conducted 1st reading by title only

HAILEY ORDINANCE NO. 1142

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTIONS 15.12.010 AND 15.08.030 OF THE HAILEY MUNICIPAL CODE BY ADOPTING THE 2012 INTERNATIONAL FIRE CODE, 2012 INTERNATIONAL CODE STANDARDS AND THE 2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE ALONG WITH AMENDMENTS THERETO RELATIVE TO LOCAL CONDITIONS; BY PROHIBITING FIRE-RETARDANT-TREATED ROOF COVERINGS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING JANUARY 1, 2014 AS THE EFFECTIVE DATE.

WHEREAS, it is appropriate to update Chapter 15.12 of the Hailey Municipal Code to adopt the current fire code, the 2012 International Fire Code, the 2012 International Fire Code Standards, and 2102 International Wildland-Urban Interface Code;

WHEREAS, it is appropriate to modify certain provisions of the adopted codes and standards, as set forth herein, including but not limited to the requirement of constructing ignition-resistant building materials and the prohibition of fire-retardant-treated roof coverings; and

WHEREAS, the adoption of the fire codes and standards set forth herein will promote the health, safety and general welfare of the citizens of the City of Hailey.

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

Section 1. Section 15.12.010 of the Hailey Municipal Code is amended by deleting the stricken language and by adding the underlined language, as follows:

15.12.010 Adoption of International Fire Code, the International Fire Code Standards and the International Urban-Wildland-Urban Interface Code. To establish regulations governing conditions hazardous to life and property from fire and explosion, the city of Hailey adopts certain codes and standards known as the ~~2009~~2012 International Fire Code, including Appendices B, as amended, C, D, as amended, E, and F (hereinafter "International Fire Code"), the ~~2009~~2012 International Fire Code Standards and the ~~2009~~2012 International Wildland-Urban Interface Code, including Appendix Chapters A, B, C, and D as published by the International Fire Code Institute and ~~whole thereof~~, save and except such portions as are hereinafter deleted, modified or amended by Section 15.12.030. Not less than three copies of the codes and standards adopted herein have been and are now filed in the office of the clerk of the city of Hailey, Idaho, and the same are hereby adopted and incorporated as if fully set out at length herein, and from the date on which the ordinance enacting this chapter shall take effect. Such provisions thereof shall be controlling within the limits of the city of Hailey, Idaho.

Section 2. Section 15.12.030 of the Hailey Municipal Code is amended by adding the underlined language, as follows:

15.12.030 Amendments to the International Fire Code and International Wildland-Urban Interface Code.

A. Section ~~3704.2.2.7~~ 6004.2.2.7, International Fire Code, is amended by the addition of the following:

Exception: Emergency response kits recommended by the Chlorine Institute may be used for chlorine gas product leaks in lieu of the treatment system requirements of this section as long as there are adequate and available responders who are trained in their use locally.

B. Appendix B, Section B-105, International Fire Code, is amended to add the following subsections: 283.

5.3 New buildings. Any new building creating a demand fire flow in excess of twenty-five hundred gallons per minute based upon Table B-105.1 is required to have installed and in operating condition, prior to the time the building is occupied, a fire sprinkler system conforming to the requirements of the International Fire Code and the International Building Code as adopted by the City of Hailey.

5.4 Existing buildings. Any addition to, or remodeling of, an existing building creating a demand fire flow within the entire building in excess of twenty-five hundred gallons per minute based on Table B-105.1 shall be required to have installed, and in operating condition, before the time that the new portion of the building is allowed to be occupied, a fire sprinkler system which conforms to the requirements of the International Fire Code and the International Building Code as adopted by the City of Hailey.

C. Appendix D-104 of the International Fire Code is amended to read as follows:
Commercial, Industrial, Non-Residential and Mixed Use Developments

D104.1 Buildings exceeding 30 feet in height. Buildings or facilities exceeding 30 feet (9,144 mm) in height from the lowest point of vehicular fire apparatus access shall have:

D104.1.1 A fire sprinkler system installed throughout the entire building.

D104.1.2 An exterior balcony, terrace, roof-top or other similar feature approved by the fire official to facilitate access to the upper exterior roof levels with fire service "ground" ladders.

D104.1.3 At least three means of fire apparatus access for each structure.

Exception: Buildings or facilities exceeding 30 feet (9,144 mm) but not exceeding 40 feet (12,192 mm) in height from the lowest point of vehicular fire apparatus access may provide two means of fire apparatus access for each structure as approved by the fire official.

D104.2 Buildings exceeding 62,000 square feet in area. Non-Residential buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) and not

exceeding 30 feet (9,144) from the lowest point of vehicular fire apparatus access shall be provided with two separate and approved fire apparatus access roads. 15.12.030 (Hailey 3/11) 284

D104.3 Remoteness. Where two access roads are required, they shall be arranged so that a point on each access lane is a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building to be served, measured in a straight line between accesses. At least one access road shall be on or adjacent to the property where the building is located.

D. Appendix D-106, International Fire Code is amended to read as follows:
Commercial, Industrial and Multi-family Residential Developments

D106.1 Projects having more than 36 dwelling units. Multiple-family residential projects having more than 36 dwelling units shall be equipped throughout with at least two separate and approved fire apparatus access roads.

Exception: Multiple family residential projects having less than 36 units may have a single approved fire apparatus access road not to exceed 150 feet in length.

D106.2 Multi-family residential projects. Multi-family residential projects shall be equipped with two separate and approved fire apparatus access roads.

Exception: Multiple family dwelling projects having less than 36 units may have a single approved fire apparatus access road not to exceed 150 feet in length.

D106.3 Remoteness. Where two access roads are required, they shall be placed at a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the building to be served, measured in a straight line between accesses. At least one access road shall be on or adjacent to the property where the building is located.

Exception: Where the Fire Chief has determined that the topography prohibits the provision of the required separation of multiple fire apparatus access roads, the fire chief may consider other configurations of multiple accesses for approval.

E. Appendix D-107, of the International Fire Code is amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds five (5) shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Appendix D104.3.

Exceptions:

1. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

2. The dwelling units located in an area designated as an “~~Urban~~/Wildland-Urban Interface” area, meet all of the requirements of the International Urban/Wildland-Urban Interface Code.

D107.2 One or Two Family Dwellings. The following driveway widths shall be required when a fire apparatus access road is needed in order to meet the distance requirements identified in Section 503 for a fire apparatus access road: 12 feet wide for all single-family dwellings, 16 feet wide for all common driveways serving two dwellings.

F. ~~Section 906.1 of the International Fire Code is amended to delete the exception listed in Section 906.1.1.~~

~~G.~~ A new Section 105.8.1 of the International Fire Code is added to read, as follows:

105.8.1 Permits Required. A permit, if required by the local jurisdiction, shall be obtained from the fire official prior to engaging in activities requiring a permit within the local jurisdiction.

H G. A new section 111.4 of the International Fire Code is added to read, as follows:

111.4 Failure to Comply. Any person, firm or other legal entity who continues any work after having been served with a stop work order except such work as that person, firm or other legal entity is directed to perform to remove a violation or unsafe condition, is subject to the penalties in Section 15.12.050 of the Hailey Municipal Code.

I H. Section ~~903.2.7~~ 903.2.8 of the International Fire Code is amended to read as follows:

~~903.2.7~~ 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R1, R2 or R4 fire area. Exception: Automatic sprinkler systems are not required in 3 or 4 unit Group R2 units with a fire flow not exceeding the requirements of Appendix B105 as amended.

J K. A new section 907.21 of the International Fire Code is added to read, as follows:

907.21.1 Fire Alarm and Detection Systems Notification Devices. When fire alarm systems not required by the International Fire Code are installed, and are monitored in some method that would cause an automatic fire response by the fire department, the notification devices shall meet the minimum design and installation requirements for the systems that are required by this code.

907.21.2 Water Flow Notification Devices. All fire sprinkler systems shall be provided with an exterior “water flow” electric bell and signage clearly identifying the bell as a “fire sprinkler alarm” bell. 15.12.030
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907.21.3 Partial or limited detection systems allowed. If partial or limited fire detection systems are installed, the area of installation shall meet the requirements of Section 907, and

the areas protected by the system shall be adequately identified as the area of coverage, to the satisfaction of the fire official.

~~K~~ J. Section 105.2 of the International Fire Code is amended to allow the adoption of fees under the International Fire Code to be established by resolution.

~~L~~ J. Chapter 45 80 of the International Fire Code is amended by the replacement or addition of the following NFPA Referenced Standards, as follows:

Add NFPA Standards (Edition): 10-~~(2010)~~(2013), 11-(2010), 11A-(1999), 12-~~(2005)~~(2011), 12A-(2009), 13-~~(2010)~~(2013), 13D-~~(2010)~~(2013), 13R-~~(2010)~~(2013), 14-~~(2010)~~(2013), 15-~~(2007)~~(2012), 16-~~(2007)~~(2011), 17-~~(2009)~~(2013), 17A-~~(2009)~~(2013), 20-~~(2010)~~(2013), 22-~~(2008)~~(2013), 24-~~(2010)~~(2013), 25-~~(2011)~~(2014), 30-~~(2008)~~(2012), 30A-~~(2008)~~(2012), 30B-(2011), 31-~~(2006)~~(2011), 32-~~(2007)~~(2011), 33-(2011), 34-(2011), 35-~~(2005)~~(2011), 40-(2011), 51-~~(2007)~~(2013), 51A-~~(2006)~~(2012), 52-~~(2010)~~(2013), 58-~~(2011)~~(2014), 59A-~~(2009)~~(2013), 61-~~(2008)~~(2013), 69-(2008), 72-~~(2010)~~(2013), 80-~~(2010)~~(2013), 85-~~(2007)~~(2011), 86-(2011), 99-~~(2005)~~(2013), 101-~~(2009)~~(2012), 110-~~(2010)~~(2013), 111-~~(2010)~~(2013), 120-(2010), 160-~~(2010)~~(2011), 211-~~(2010)~~(2013), 241-~~(2009)~~(2013), 260-~~(2009)~~(2013), 261-~~(2009)~~(2013), 265-~~(2007)~~(2011), 286-(2006), 385-(2007), 400-(2010), 407-(2007), 484-(2009), 495-(2010), 498-(2010), 505-(2011), 654-(2006), 655-(2007), 664-(2007), 701-(2010), 703-(2009), 704-~~(2007)~~(2012), 750-(2010), 1061-~~(2007)~~(2014), 1124-~~(2006)~~(2013), 1125-~~(2007)~~(2012), 1126-(2011), 1221-~~(2010)~~(2013), and 2001-~~(2008)~~(2012).

~~M~~ L. Appendix D-103.2 of the International Fire Code is amended to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed six (6%) percent in grade.

Exceptions: 1. Grades for fire apparatus access roads shall not generally exceed six (6%) percent, but grades may exceed 6%, where necessary, by 1% (total 7%) for no more than 300 feet or 2% (total 8%) for no more than 150 feet, or as approved by the fire chief.

2. Fire apparatus access roads located in an area designated as an "Urban/Wildland Interface" shall meet all of the requirements of the Urban/Wildland Interface Code.

D103.2.1 Intersections and access road turnarounds shall be level, with the exception of crowning for water run-off.

~~O~~ M. Appendix D-105 of the International Fire Code is amended to read as follows:

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall have the side of the fire lane closest to the building located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

N. Section 503.2(4) of the International ~~Urban~~-Wildland-Urban Interface Code is deleted.

Section 3. 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 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect on January 1, 2014 and after its passage, approval and publication according to law.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE
MAYOR this _____ day of December, 2013.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone
Hailey City Clerk

Publish: Idaho Mountain Express _____, 2013

