

**AGENDA ITEM SUMMARY**

DATE: 12/17/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

**SUBJECT:**

Summary of Hailey Ordinance No. 1118 (Parking Ordinance Amendment)

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

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

I am enclosing a summary of Hailey Ordinance No. 1118 which amends Chapter 10.08 (Parking) of the Hailey Municipal Code. This ordinance ) prohibits parking on planting strips, 2) prohibits parking in excess of 12 hours on Woodside Boulevard, and 3) establishes a parking ticket procedure. At the December 3, 2012 meeting, the City Council expressed a desire to waive the last readings of Ordinance No. 1118. If the Council does in fact waive the last two readings of the ordinance, you can approve the attached summary of Ordinance No. 1118.

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:**

If the City Council waives the last two readings of Ordinance No. 1118, make a motion to approve the summary of Hailey Ordinance No. 1118.

**FOLLOW-UP REMARKS:**

## HAILEY ORDINANCE NO. 1118

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 10.08.020 OF THE HAILEY MUNICIPAL CODE, TO ADD THE DEFINITION OF PLANTING STRIP; AMENDING SECTION 10.08.040 TO PROHIBIT PARKING ON A PLANTING STRIP AND PARKING IN EXCESS OF TWELVE HOURS ON WOODSIDE BOULEVARD; AMENDING SECTION 10.08.060(A) TO ALLOW A VEHICLE, TRAILER OR CAMPER TO BE IMPOUNDED; AMENDING SECTION 10.08.070 TO ESTABLISH A PARKING TICKET PROCEDURE AND TO ESTABLISH PENALTIES FOR VIOLATIONS OF CHAPTER 10.08 OF THE HAILEY MUNICIPAL CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Hailey has adopted parking regulations for public rights-of-way and public parking lots;

WHEREAS, the City of Hailey has limited parking within designated parking spaces, established maximum parking times and prohibited parking on sidewalks and bicycle paths;

WHEREAS, the City of Hailey wishes to prohibit parking on planting strips, to authorize impoundment of such parked vehicles and to establish effective enforcement of the parking regulations set forth in Chapter 10.08 of the Hailey Municipal Code; and

WHEREAS, the City of Hailey believes a parking ticket procedure as implemented in other municipalities will further the public health, safety and welfare of its residents.

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

**Section 1.** Section 10.08.020 of the Hailey Municipal Code is amended by addition of the definition "Planting Strip," as follows:

"Planting Strip" shall mean that area for vegetative growth such as grass, bushes or trees, or for non-vegetative cover such as bark, gravel and similar materials, located between any curb and public sidewalk within the City of Hailey and within a city or state right-of-way, regardless whether the right-of-way has been dedicated, granted by deed, easement or license, or created by implied or prescriptive easement. For the purpose of this definition, Planting Strip shall not include improved driveways which traverse a Planting Strip, provided the improved driveway has been installed as part of public infrastructure project or has received an encroachment permit pursuant to Chapter 12.16 of the Hailey Municipal Code.

**Section 2.** Section 10.08.040 of the Hailey Municipal Code is amended by addition of new subsections 10.08.040(L) and (M), as follows:

L. Planting Strip Restrictions. It shall be unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper on or over any portion of a Planting Strip.

M. Woodside Boulevard Restrictions. It shall be unlawful for any person to park a motorized vehicle or non-motorized vehicle, trailer or camper on Woodside Boulevard except within a designated parking space; provided, however, such parking shall not exceed a continuous period of twelve (12) hours.

**Section 3.** Section 10.08.060(A) of the Hailey Municipal Code is amended by addition of the underlined language, as follows:

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 violation of Section 10.08.040(D) and (L) of the Hailey Municipal Code.

**Section 4.** Section 10.08.070 of the Hailey Municipal Code is amended by the repeal of Section 10.08.070 of the Hailey Municipal Code and by the addition of new Section 10.08.070, as follows:

10.08.070 Violations—Penalties.

A. It shall be the duty of the Hailey Police Department, upon observing a vehicle stopping, standing or parking in violation of the provisions of this Chapter, to leave upon such vehicle a separate parking ticket providing notice for each posted time limit that such vehicle has been parked or stopped in violation of the provisions of this Chapter. At a minimum, each parking ticket shall state the 1) date and hour of leaving the parking ticket on the vehicle, 2) the make of the vehicle, 3) the license number of the vehicle, 4) a general description of the violation, 5) the specific municipal code section violated and 6) the fine attributable to violation. The parking ticket shall instruct the owner or operator of the vehicle to report to the Hailey Clerk's Office.

B. In order to eliminate burdening courts with violations of this Chapter and to eliminate, to the extent possible, public inconvenience, each person receiving a parking ticket under this Section 10.08.070 left upon the vehicle operated by the person shall pay a fine and/or a penalty or be subject to infraction penalties in accordance with the following provisions:

1. Within twenty-one (21) days of the date of the parking ticket, the person operating the vehicle shall pay to the Hailey Clerk's Office in full satisfaction of such violation, the fine indicated in the following fee schedule:

10.08.040(B) 15 minute and 2 hour parking restriction	\$20.00
10.08.040(C) Night-time parking restriction	\$25.00
10.08.040(D) Winter-time parking restriction	\$35.00
10.08.040(E) City parking lot restriction	\$20.00

10.08.040(F)	Access parking restriction	\$30.00
10.08.040(G)	Fire hydrant parking restriction	\$35.00
10.08.040(H)	Main Street parking restriction	\$20.00
10.08.040(I)	Parking line restriction	\$20.00
10.08.040(J)	Designated parking space restriction	\$20.00
10.08.040(K)	Sidewalk and bicycle path restriction	\$35.00
10.08.040(L)	Planting Strip restriction	\$35.00
10.08.040(M)	Woodside Boulevard restriction	\$30.00

2. If the parking ticket has not been paid within the twenty-one (21) days of the date of the parking ticket, the person receiving a parking ticket shall pay to the Hailey Clerk's Office within sixty (60) days of the date of the parking ticket the fine indicated in Section 10.08.070(B)(1) and an additional fifteen dollars (\$15.00) for each parking ticket left upon the vehicle operated by the person. The additional fifteen dollars (\$15.00) is deemed necessary to defray administrative and clerical expenses. The failure of any operator to report and/or make such payments to the Hailey Clerk's Office within the times prescribed herein shall render the owner or operator thereof subject to the penalties as provided in Section 10.08.070(D).

C. If a vehicle is found stopped, standing or parked in any manner in violation of the provisions of this Chapter and the identity of the operator cannot be determined, the owner or person or entity in whose name the vehicle is registered or the named lessee in a rental or lease agreement of the vehicle shall be prima facie evidence of the person or entity responsible for the violation of the provisions of this Chapter.

D. Any owner or operator who shall stand, stop or park a vehicle in violation of the provisions of this Chapter is guilty of an infraction. The administrative procedure for payment of parking tickets for violations is set forth in Sections 10.08.070(A) and (B). In the event of nonpayment in accordance with the administrative procedure described in Sections 10.08.070(A) and (B), an infraction citation or complaint may be filed in the magistrate division of the district court for a parking violation or for failure to pay a parking penalty. A person or entity who pleads guilty or is found guilty of such an infraction shall be fined the fixed penalty and court costs set forth in the Idaho Infraction Rules for parking infractions and failure to pay parking infractions.

**Section 5. 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 6. Repealer Clause.** All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 7. 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 December, 2012.

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

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

Publish: Idaho Mountain Express December \_\_, 2012

## SUMMARY OF HAILEY ORDINANCE NO. 1118

The following is a summary of the principal provisions of Ordinance No. 1118 of the City of Hailey, Idaho, duly passed and adopted December 17, 2012, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 10.08.020 OF THE HAILEY MUNICIPAL CODE, TO ADD THE DEFINITION OF PLANTING STRIP; AMENDING SECTION 10.08.040 TO PROHIBIT PARKING ON A PLANTING STRIP AND PARKING IN EXCESS OF TWELVE HOURS ON WOODSIDE BOULEVARD; AMENDING SECTION 10.08.060(A) TO ALLOW A VEHICLE, TRAILER OR CAMPER TO BE IMPOUNDED; AMENDING SECTION 10.08.070 TO ESTABLISH A PARKING TICKET PROCEDURE AND TO ESTABLISH PENALTIES FOR VIOLATIONS OF CHAPTER 10.08 OF THE HAILEY MUNICIPAL CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Hailey Ordinance No. 1118 amends Hailey Municipal Code, as follows:

**Section 1** amends Section 10.08.020 of the Hailey Municipal Code is amended by adding the definition "Planting Strip."

**Section 2** amends Section 10.08.040 of the Hailey Municipal Code is amended by addition of new subsections 10.08.040(L) and (M); to make it unlawful to park on a planting strip and to on Woodside Boulevard except in designated parking spaces provided the parking shall not exceed a continuous period of twelve (12) hours.

**Section 3** amends Section 10.08.060(A) of the Hailey Municipal Code by authorizing the removal of a vehicle, trailer or camper from Woodside Boulevard if parked in violation of Section 10.08.040(L) of the Hailey Municipal Code.

**Section 4** amends Section 10.08.070 of the Hailey Municipal Code by the repeal of Section 10.08.070 and by the addition of new Section 10.08.070, which authorizes the issuance of a parking ticket upon a vehicle stopping, standing or parking in violation of the provisions of Chapter 10.80 of the Hailey Municipal Code, establishes a procedure for the collection of parking ticket fees, and establishes the following fee schedule:

10.08.040(B) 15 minute and 2 hour parking restriction	\$20.00
10.08.040(C) Night-time parking restriction	\$25.00
10.08.040(D) Winter-time parking restriction	\$35.00
10.08.040(E) City parking lot restriction	\$20.00
10.08.040(F) Access parking restriction	\$30.00
10.08.040(G) Fire hydrant parking restriction	\$35.00
10.08.040(H) Main Street parking restriction	\$20.00

10.08.040(I)	Parking line restriction	\$20.00
10.08.040(J)	Designated parking space restriction	\$20.00
10.08.040(K)	Sidewalk and bicycle path restriction	\$35.00
10.08.040(L)	Planting Strip restriction	\$35.00
10.08.040(M)	Woodside Boulevard restriction	\$30.00

**Section 5** provides for a severability clause.

**Section 6** provides for a repealer clause.

**Section 7** provides for an effective date of the ordinance.

The full text of Ordinance No. 1118 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. 1118 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1118, 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 17<sup>th</sup> day of December, 2012.

\_\_\_\_\_  
Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express December \_\_, 2012

