

HAILEY ORDINANCE NO. 948

AN EMERGENCY ORDINANCE OF THE CITY OF HAILEY, IDAHO, PROHIBITING THE REMOVAL OF CERTAIN TREES; STATING THE FINDINGS AND REASONS FOR AN EMERGENCY ORDINANCE; REQUIRING THE HAILEY PLANNING DEPARTMENT TO STUDY AND MAKE RECOMMENDATIONS ON A REGULAR TREE ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; PROVIDING FOR A DURATION OF THE ORDINANCE NOT TO EXCEED ONE HUNDRED EIGHTY TWO (182) DAYS; AND PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

WHEREAS, the Natural Resources component of the City's Comprehensive Plan identifies the many large mature trees found in the City as an important resource to maintain;

WHEREAS, the Goals and Policies of the Natural Resources component of the City's Comprehensive Plan includes a section on Community Forest and directs the City to establish policies, regulations, and standards necessary to ensure that the City will continue to realize the benefits provided by a community forest;

WHEREAS, the Special Sites, Areas and Features component of the City's Comprehensive Plan includes the mature spruce trees in front of the Forest Service Block and other locations as an example of a special feature;

WHEREAS, the Goals and Policies of the Special Sites, Areas and Features component of the City's Comprehensive Plan directs the City to retain and protect features of special interest to the community, and to protect the scenic value of the Wood River Valley;

WHEREAS, the Goals and Policies of the Community Design component of the City's Comprehensive Plan direct the City to establish and adopt criteria protecting existing vegetation and trees;

WHEREAS, several large mature trees have been removed from parcels currently for sale adjacent to Main Street in the past month;

WHEREAS, the current regulations contained in Hailey's Ordinances have been found to be incomplete and do not ensure the City's ability to meet the above Goals and Policies of the City's Comprehensive Plan;

WHEREAS, the Local Land Use Planning Act, *Idaho Code §§67-6501 et seq.*, authorizes the City of Hailey to develop standards for greenbelts, planting strips, open spaces and trees;

WHEREAS, an emergency ordinance prohibiting the removal of certain trees is necessary to enable the City Council to enact ordinance(s) that will enable the City to meet the Goals and Policies of the Comprehensive Plan;

WHEREAS, the City Council finds that imminent peril to the public health, safety or welfare exists because the current Hailey Ordinances do not adequately protect the community

forest within the City of Hailey and that grounds exist for the adoption of an emergency ordinance;

WHEREAS, Idaho Code Section 67-6523 authorizes the City to adopt an emergency ordinance for a period of not longer than one hundred eighty (182) days; and

WHEREAS, the City Council finds that the emergency ordinance is necessary for the protection of the public health, safety or welfare.

NOW, THEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, DO ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 67-6523, Idaho Code, the Hailey City Council (“Council”) finds, as set forth herein, that an imminent peril to the public health, safety or welfare requires the adoption of an emergency ordinance for a period of one hundred eighty two (182) days. The Council imposes a prohibition for a period of one hundred eighty two (182) days on the removal or cutting down of any live tree that is of 15 inch caliper (at the base) or greater, except as follows:

- a. Any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property.
- b. Any tree that is located within the buildable area of a lot (*i.e.*, not within any required yard setback) in a residential district (*i.e.*, the Limited Residential (LR-1 and LR-2), General Residential (GR) or Transitional (TN) zoning districts).

Section 2. The Hailey Planning Department shall study and make recommendations for a regular tree ordinance, and then shall submit its recommendations for consideration by the Planning and Zoning Commission and the Council on the earliest available agendas.

Section 3. Notice of, and hearing on this ordinance in the normal course, would undermine the purpose of the ordinance. The regulations imposed in this ordinance shall become effective immediately upon passage of this ordinance and shall continue for one hundred eighty two (182) days unless repealed or modified by the City.

Section 4. It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance.

Section 5. Any person, firm or other legal entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or imprisonment in the county jail for a period not to

exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 6. The emergency declared by this ordinance shall exist for a period of one hundred eighty (182) days from the date of passage and proclamation of the ordinance as indicated in the last paragraph hereof.

Section 7. Based on the findings set out above, the Council finds that there is an imminent peril to the public health, safety and welfare which constitutes an emergency and which requires an emergency ordinance as provided herein and that there is an impending danger requiring immediate enforcement of this ordinance. This ordinance shall be in full force and effect from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Hailey.

PASSED AND APPROVED by the Hailey City Council and APPROVED by the Mayor of Hailey on this ____ day of May, 2006.

Susan McBryant, Mayor

ATTEST:

Heather Dawson, City Clerk

POSTED: Hailey City Hall
United State Post Office, Hailey Branch
Hailey Chamber of Commerce
Atkinsons' Market
Albertsons Market