

HAILEY ORDINANCE NO. 1030

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 12.12 OF THE HAILEY MUNICIPAL CODE, AND REPLACING CHAPTER 12.12 OF THE HAILEY MUNICIPAL CODE TO ADD DEFINITIONS, TO ADD REGULATIONS GOVERNING OVERNIGHT CAMPING, THE USE OF THE RAILROAD RIGHT-OF-WAY, THE USE AND HOURS OF OPERATION OF CITY PARKS AND THE USE OF SKATE PARK FACILITY, TO DESCRIBE PERMITTED AND PROHIBITED USES OF CITY PARKS AND CITY TRAILS, AND TO PROVIDE A PENALTY PROVISION FOR VIOLATIONS OF CHAPTER 12.12 OF THE HAILEY MUNICIPAL CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey has previously adopted Chapter 12.12 of the Hailey Municipal Code, which regulates the use of city parks and trails;

WHEREAS, in order to promote the health, safety and welfare of the general public, the Mayor and the City Council of the City of Hailey desire to amend Chapter 12.12 of the Hailey Municipal Code to provide an equitable and reasonable use of city parks; and

WHEREAS, the City of Hailey also desire to amend Chapter 12.12 of the Hailey Municipal Code to make formatting and grammatical revisions to Chapter 12.12.

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

Section 1. Chapter 12.12 of the Hailey Municipal Code is hereby repealed in its entirety and replaced with a new Chapter 12.12, as follows:

Chapter 12.12

Sections:

12.12.010	Definitions
12.12.020	Overnight Camping
12.12.030	Railroad Right-of-Way
12.12.040	Use of City Parks
12.12.050	Use of Parks-Hours of Operation
12.12.060	Use of Skate Park Facility
12.12.070	Permitted and Prohibited Uses of City Parks and City Trails
12.12.080	Violations-Penalty

Parks and Public Pathways

12.12.010 Definitions. For purposes of this Chapter 12.12, the following words and phrases shall apply as defined herein:

“City Parks” shall mean those parcels of land that are owned or managed by the City of Hailey and are held for public use or as open or green space, including, but not limited to city parks and hillside parcels.

“City Trails” shall mean those parcels of land that are owned or managed by the City of Hailey and are held for non-motorized public use as trails and rights-of-way.

“First Come, First Served Basis” shall mean that procedure whereby requests for parks use permits received first during the calendar year shall have priority over applications received later. All park use permit applications received during the same business day shall be considered to have been received at the same time.

“In-Line Skates” shall mean footwear containing three or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

“Organized Private Event” shall mean a planned private event involving use of one of the City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Private Event is generally by invitation only and not taking place as a fundraiser.

“Organized Public Event” shall mean a planned public event involving use of one of City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Public Event is generally open to the general public and/or is taking place as a fundraiser.

“Railroad Right-of-Way” shall mean that certain real property lying within the legal city limits of the city, legally described in attached Exhibit “A.”

“Roller Skates” shall mean footwear containing two axles with two wheels attached to each axle.

“Skate Park Facility” shall mean that City Park located adjacent to the intersection of Airport Way and Highway 75, Hailey, Idaho, and used for Skateboarding, Roller Skating and In-Line Skating.

“Skateboard” shall mean a short board-like object that has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.

12.12.020 Overnight camping. It is unlawful for any person, firm, corporation, partnership or association to park and/or camp overnight in any way, method or manner, in any City Park under any circumstances without the express permission of the City of Hailey.

12.12.030 Use of Railroad Right-of-Way. Except as otherwise provided herein, the Railroad Right-of-Way shall only be used for nonmotorized recreational uses by any pedestrians, equestrians, bicycle riders, cross-country skiers, snowshoers, and similar users. Except when necessary for construction of improvements or maintenance of the Railroad Right-of-Way, no

motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motor scooters, shall be permitted on the Railroad Right-of-Way.

12.12.040 Use of City Parks.

A. Use of a City Park for an Organized Public Event or Organized Private Event shall require the prior issuance by the city of a park use permit. Such permits shall be obtained from the office of the Hailey City Clerk.

B. Park use permits shall be issued on a First Come, First Served Basis as outlined in the current Hailey Parks & Lands Board Parks Use Guidelines Resolution.

C. A park use permit for use of a City Park shall be issued only upon the payment of a park use fee, refundable damage and cleaning deposit, and compliance with requirements for providing additional trash receptacles and/or dumpsters, portable toilets, and security measures, which requirements shall depend on the nature and size of the event. The park use fees and refundable damage and cleaning deposits provided for herein shall be established and adjusted by means of a resolution duly adopted by the Hailey City Council.

D. A park use permit for use of a City Park for an Organized Public Event of any size, a Seasonal Event, or an Organized Private Event anticipating more than 200 participants shall require proof of the applicant as having obtained general liability insurance coverage in the minimum amount of one million dollars covering the city as an additional insured.

E. A park use permit for a Special Event, as defined in Section 12.14.010 of the Hailey Municipal Code, shall also be subject to the special events requirements set forth in Chapter 12.14 of the Hailey Municipal Code.

F. No more than two events anticipating more than 200 participants per event per month per park shall be allowed unless the City Council makes a determination that the limitation set forth in this subsection should be waived for a given event. The start date of each event anticipating more than 200 participants shall be no less than ten (10) days apart.

G. Compliance with the terms and requirements of this section shall exempt the applicant or organizer of the event subject to such requirements from the provision and requirements of Chapter 5.16 of the Hailey Municipal Code.

12.12.050 Use of Parks-Hours of Operation.

A. The hours of use for City Parks shall be daylight hours, from dawn to dusk, defined as one-half hour before sunrise to one-half hour after sunset. Such hours of use shall be posted in plain view by sign at each City Park. An exception to the hours of use shall be made where authorized under Chapter 12.14 of the Hailey Municipal Code by the City for special events.

B. It is unlawful for any person, firm, corporation, partnership or association to park at, occupy, or otherwise use any City Park, under any circumstances, from dusk to dawn without the express written permission of the City of Hailey.

12.12.060 Use of Skate Park Facility.

A. Use of the Skate Park Facility is for use by persons using Skateboards, In-Line Skates and Roller Skates only. All other uses are prohibited. Bicycles, BMX bicycles and similar bicycles are expressly prohibited from using the Skate Park Facility.

B. All persons using the Skate Park Facility shall do so at their own risk.

12.12.070. Permitted and Prohibited Uses of City Parks and City Trails.

A. Except as otherwise provided in this Chapter, City Parks and City Trails shall only be used by pedestrians, equestrians, bicycle riders, cross-country skiers and snowshoers, and for all other non-motorized recreational uses. Licensed motorized vehicles are only permitted on designated roadways and parking areas within City Parks.

B. Except as otherwise provided in this Chapter, motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motorized scooters, shall not be permitted on City Parks and City Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the City Parks and City Trails.

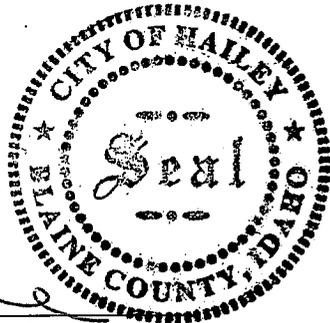
12.12.080 Violations-Penalty. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than three hundred dollars or imprisoned in the county jail for a period of not more than thirty days, or by both such fine and imprisonment.

Section 2. 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. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 8TH DAY OF JUNE, 2009.



Attest:


Mary Cone, City Clerk


Richard L. Davis, Mayor, City of Hailey

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