

HAILEY ORDINANCE NO. 1100

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY AMENDING SECTION 12.12.010 OF THE HAILEY MUNICIPAL CODE, TO ADD DEFINITIONS FOR BEER, JIMMY'S GARDEN, LIQUOR, TOBACCO PRODUCT AND WINE; AMENDING SECTION 12.12.060 OF THE HAILEY MUNICIPAL CODE TO PROHIBIT SMOKING, CHEWING OR INGESTION OF TOBACCO AT THE SKATE PARK FACILITY AND JIMMY'S GARDEN; 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 Mayor and the City Council of the City of Hailey have adopted Chapter 12.12 of the Hailey Municipal Code to regulate the use of City Parks and Trails; and

WHEREAS, in order to promote the health, safety and welfare of minors at parks frequently used by minors, the Mayor and the City Council of the City of Hailey desire to prohibit smoking, chewing and ingestion of tobacco products, and the consumption or possession of liquor, beer and wine by any person, regardless of age, at the Skate Park Facility and Jimmy's Garden.

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

Section 1. Section 12.12.010 of the Hailey Municipal Code is hereby amended by the addition of underlined language and by the deletion of the stricken language as follows:

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

"Beer" shall mean any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.

"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.

“Jimmy’s Garden” shall mean that City Park located adjacent to the intersection of Croy Street and Second Avenue, Hailey, Idaho.

“Liquor” shall mean (a) alcohol which means the product of distillation of any fermented liquor, rectified once or more than once, whatever may be the origin thereof, or synthetic ethyl alcohol; (b) spirits which means any beverage containing alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, among other things, brandy, rum, whiskey and gin; and (c) any liquid or solid, patented or not, containing alcohol, spirits, and susceptible of being consumed by a human being, for beverage purposes, and containing more than four percent (4%) of alcohol by weight.

“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.

“Tobacco Product” shall mean any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco.

“Wine” shall mean any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added, and those beverages that are designated or labeled, pursuant to the federal alcohol administration act, as “sherry,” “madeira” or “port,” which contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-one percent (21%) alcohol by volume.

Section 2. Section 12.12.060 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

12.12.060. Permitted and Prohibited Uses of City Parks and Public Pathways.

A. Except as otherwise provided, City Parks and 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 permitted on designated roadways and parking areas within City Parks.

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

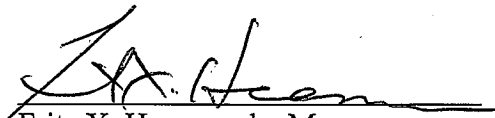
C. Smoking, chewing or ingestion of a Tobacco Product by any person, regardless of age, and the consumption or possession of any Liquor, Beer or Wine by any person, regardless of age, at the Skate Park Facility or Jimmy's Garden is prohibited. Possession of a Tobacco Product by a minor at the Skate Park Facility or Jimmy's Garden is prohibited.

Section 3. 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 4. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 5. 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 7th DAY OF MARCH, 2012.


Fritz X. Haemmerle, Mayor

Attest:


Mary Cone, City Clerk

Publish: Idaho Mountain Express March 14, 2012

Summary

AGENDA ITEM SUMMARY

DATE: 2/27/2012

DEPARTMENT: Police/Legislative

DEPT. HEAD SIGNATURE: _____

SUBJECT: Readings of Ordinance 1100 – no smoking or alcohol in certain city parks

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Following public hearing on February 6, 2012, the Hailey City Council approved proposed ordinance 1100 after amending it to adjust language related to possession, in Section 12.12.060.C

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: Signage will reduce ongoing enforcement costs.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Administrator	<input type="checkbox"/> Library	<input type="checkbox"/> Benefits Committee
<input type="checkbox"/> City Attorney	<input type="checkbox"/> Mayor	<input type="checkbox"/> Streets
<input type="checkbox"/> City Clerk	<input type="checkbox"/> Planning	<input type="checkbox"/> Treasurer
<input type="checkbox"/> Building	<input type="checkbox"/> Police	_____
<input type="checkbox"/> Engineer	<input type="checkbox"/> Public Works, Parks	_____
<input type="checkbox"/> Fire Dept.	<input type="checkbox"/> P & Z Commission	_____

ADMINISTRATIVE COMMENTS/APPROVAL:

Conduct 2nd Reading of Ordinance 1100

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

ACTION OF THE CITY COUNCIL:

Date 2/27/12

*Mayor conducted 2nd reading by title only
3/5/12 - 3rd reading and summary*

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only) _____