

AGENDA ITEM SUMMARY

DATE: May 9, 2011 DEPARTMENT: Community Development

DEPT HEAD: 

SUBJECT: Third Reading of Ordinance 1082 - amendments to Municipal Code Chapter 12.14 - Special Events.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Council held a public hearing and approved Ordinance 1082 on April 11, 2011. Ordinance 1082 repeals the current Chapter 12.14 in its entirety. The amendments focus on events that either close streets or attract 250 or greater participants and attempt to reduce overlap with the park use policies and make administration more clear. The amendments also incorporate Resolution 2009-05 (Banner Placement Policy).

Minor changes were made to the ordinance for the second reading on May 2, 2011; the numbering has been corrected, the phrase "anticipated to attract" replaced "reasonably expected" throughout and the banner specifications, which had been referred to as Exhibit "A", were added. Additionally, the fees were removed and placed in a resolution, based on the direction given on April 25, 2011 in the discussion of the Park Use amendments. Section 12.14.070 was modified from the version reviewed and approved by the Council on April 11, 2011 in order to establish the fees by resolution rather than by ordinance. The resolution is included on the May 9 agenda.

In drafting the ordinance summary to be approved with the third reading, the City Attorney found some errors in the ordinance and corrected them; the corrections included, reference to the repeal and replacing Chapter 12.14, letter sequence of 12.14.060 (F-L), and reference to banner installation fees being adopted by resolution in 12.14.070(B).

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
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)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

motion to conduct the third reading of ordinance 1082.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____

HAILEY ORDINANCE NO. 1082

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 12.14, SPECIAL EVENTS OF THE HAILEY MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT BY A NEW CHAPTER 12.14; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE 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 wish to amend the special events permit process to make the City of Hailey an event friendly place while maintaining public safety and reducing costs and time associated with permitting incurred by the city and the applicant; and

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare.

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

Section 1. Chapter 12.14 of the Hailey Municipal Code is amended by the repeal of Chapter 12.14 in its entirety and by replacing Chapter 12.14 , as follows:

12.14.010 Purpose. The purpose of the Special Event permit process is to make the City of Hailey an event friendly place while maintaining public safety and reducing costs and time associated with permitting incurred by the city and the Applicant.

12.14.020 Definitions.

“Applicant” means the one person or legal entity, who is the organizer and who is responsible for conduct of the Special Event.

“Administrator” means the department head, or his/her designee, as assigned by the mayor or city administrator to oversee the administration of this chapter or sections thereof..

“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.

"Government Event" means an event produced by a government on its property and administrated under its sole authority.

“Special Event” means any event that is described in section 12.14.030(B).

“Street Closure” means the deliberate or incidental temporary blockage of all, or a

portion of, a public or private street, alley, highway, public right-of-way, parking lot or other thoroughfare used for pedestrian or vehicular circulation.

12.14.030 Applicability.

A. It shall be unlawful for any person to conduct a Special Event without first applying for and being granted a Special Event permit or for an owner of the real property where the Special Event is conducted to allow a Special Event without the issuance of a Special Event permit by the City. All permits issued pursuant to this chapter are nontransferable and expire at the completion of the Special Event.

B. The following categories of events require a Special Event permit

1. Those involving a Street Closure within any zoning district.
2. Those attracting an anticipated 250 or more people at any one time within any zoning district.

C. The following types of events are exempt from obtaining a Special Event permit.

1. Events fully contained on private property within the Business zoning district.
2. A school or recreational district sporting event held on a school or recreational district property.
3. A Government Event

12.14.040 Administration

A. The Administrator of this Chapter is responsible for the receipt, coordination of departmental review and issuance of a Special Event permit.

B. Authority of Administrator.

1. For Special Events that are reasonably expected to attract less than 250 participants and involves a Street Closure, the Administrator has the authority to issue a Special Event permit after making positive findings pursuant to the standards section (§12.14.080).

2. For Special Events that are anticipated to attract 250 or more people, the Administrator shall recommend approval or denial of a permit after making findings pursuant to the standards section (§12.14.080) for final decision by the Hailey City Council.

C. Application Procedure.

1. An application for a Special Event shall be signed by the Applicant on a form provided by the Administrator and shall be filed with the Administrator according to the following schedule:

a. An application for a Special Event involving a Street Closure and anticipated to attract fewer than 250 people at any one time shall be filed at least fourteen (14) calendar days prior to the Special Event.

b. An application for a Special Event anticipated to attract 250 to 1,499 people at any one time shall be filed at least thirty (30) calendar days prior to the Special Event.

c. An application for a Special Event anticipated to attract 1,500 or more people at any one time shall be filed at least sixty (60) calendar days prior to the Special Event.

2. At a minimum, the Applicant shall provide, on a form provided by the Administrator, sufficient information to address the requirements set forth in the requirements section (§12.14.050), including but not limited to:

- a. The projected hours of set up and removal of facilities needed for the Special Event;
- b. The projected hours of the Special Event;
- c. The projected number of people who will attend the Special Event during one hour intervals of the Special Event, and if applicable, the actual number of people who attended the Special Event for the prior three years;
- d. If applicable, description of temporary structures, such as tents and stages;
- e. If applicable, description of flame producing devices;
- f. If applicable, description of food service;
- g. The proposed number of trash receptacles and/or dumpsters and portable toilets;
- h. A statement declaring notice was provided to businesses or owners occupying units located on any street proposed to be closed including the location, time, date, duration and nature of the Special Event and Street Closure;
- i. If applicable, the dates requested for display of a banner across Main Street, the dimensions, construction and wording of the banner;
- j. If applicable, description of amplified sound, including estimated decibel levels;
- k. For Special Events anticipated to attract 250 or more participants and/or serving beer, wine or liquor shall submit the following:
 - i) a security plan for review and approval by the Chief of Police and shall include the number of staff people dedicated to security and their qualifications.
 - ii) an emergency medical care and ambulance support plan for review and approval by the Fire Chief and shall include the number of dedicated state licensed EMT with basic medical supplies and communications with an EMS Agency assigned to no other duties at the event.

3. Events that have been held for three (3) or more consecutive years may be administratively approved provided no changes to the event location, time, or Street Closure have been made, no violation of prior permits has occurred and a copy of current insurance is provided. Events involving Street Closures will be required to meet any changes to applicable traffic control standards.

4. An applicant may apply for their next year's event upon completion of the current year's event and upon completion of a post event review with the Administrator.

12.14.050 Requirements. A Special Event shall meet all of the following requirements determined to be applicable by the Administrator:

A. Except as otherwise provided herein, a Special Event shall not substantially interrupt the safe and orderly movement of traffic contiguous and near its venue.

1. The Applicant may apply for a Street Closure and will be required

to submit a closure and traffic control plan; such a plan shall accommodate access by emergency response vehicles.

a. To facilitate Special Events, especially those located in downtown, the city may issue to the Applicant a closure and traffic control plan, including the type of equipment and number required to implement the closure and traffic control plan, for certain blocks, including but not limited to:

i) Croy Street from River Street to Main Street, Main Street to First Avenue and First Avenue to Second Avenue

ii) First Avenue from Carbonate Street to Bullion Street and Croy Street to Walnut Street

iii) Carbonate Street from Main Street to First Avenue and Main Street to River Street

2. The Applicant shall be required to implement an approved closure and traffic control plan in exact accordance with the approved closure and traffic control plan. A closure and traffic control plan may be modified at anytime before or during the event with the documented approval of the Public Works Director or Police Chief of the City of Hailey, except any changes that affect emergency access or designated safety clear zones shall be approved by the Police Chief or Fire Chief.

3. The number of days a street is closed may be limited by the city.

B. The Special Event shall not cause a public safety hazard to the remainder of the city by interrupting emergency response by city services, including but not limited to police, fire and ambulance.

C. The Special Event shall not be reasonably likely to cause injury to persons or property, to result in disorderly conduct or to create a disturbance.

D. For events with 500 or more participants the Applicant shall, at a minimum, provide one (1) six yard dumpster per 500 people,

E. For events with 100 or more participants the Applicant shall, at a minimum, provide one permanent or portable bathroom per 100 people and one (1) handicapped accessible bathroom if the number of people at the Special Event is projected to exceed 500 people.

F. No more than two events anticipating more than 250 participants per event per month per City 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 250 participants shall be no less than ten (10) calendar days apart.

G. Liability Insurance. Proof of general liability insurance coverage in the minimum amount of one million dollars naming the city as an additional named insured.

H. Damages. If damage occurs to city property or if the city is responsible for the damage because of the event, the city may reimburse itself for the damages from any security deposit posted and require the Applicant to immediately pay the city for any unreimbursed cost of such repairs.

I. Indemnification. The Applicant shall agree to indemnify, defend and hold harmless the city and its officers and employees from any and all demands, claims or liability of any nature, caused by or arising out of, or connected with the Special Event. The agreement to indemnify, defend and hold the city harmless shall be a condition of any Special Event permit.

J. The Applicant has made no false statements or misrepresentations upon any present or former application for the Special Event permit.

K. The Applicant has not substantially violated any provision of city, state or federal laws, including the provisions of this chapter, in conducting any previous Special Event.

L. The Special Event permit is subject to other applicable city, state, federal or other governmental rules, regulations or laws.

12.14.060 Display of Banners

A. The City of Hailey will allow appropriate banners to be displayed across the public right-of-way of Main Street or be displayed from public light poles in the public right-of-way within or adjacent to the Business (B) Zoning District provided the following requirements are met.

1. The banner advertises a special, date-specific event which is of general interest and benefit to the community, or be associated with a special event permit issued under this Chapter.

2. The banner advertises only the event name, date(s), and/or name(s) of the sponsor(s) and/or organizer(s). The name(s) of the sponsor(s) and/or organizer(s) shall be limited to a maximum of 25% of the space on each side of a banner.

3. The banner is constructed in accordance with the specifications set forth herein.

a. Street Banner Specifications.

i) Size: 4 ft x 36 ft (length x width)

ii) Material: Polyester net background, the edges and

lettering in denier nylon, nylon rope, with steel snap hooks on top and 2 in each bottom corner. The changeable text area not to exceed 16 square feet made of 3 mil vinyl patches.

b. Pole Banner Specifications.

i) Size: 3 ft x 18 inch (length x width)

ii) Material: 3 mil vinyl

B. Installation.

1. Except as otherwise provided herein, a banner across Main Street shall be installed no earlier than thirty (30) calendar days prior to the event and shall be removed one week after it is hung. Banners shall not be installed after the event has concluded.

2. Banners on light poles shall be installed no earlier than thirty (30) calendar days prior to the event and shall be removed immediately thereafter. The banners shall be displayed for a maximum period of thirty (30) calendar days per event, per year, unless approved by the Administrator for an additional fourteen (14) calendar days.

3. No more than one banner across Main Street for any one event will be displayed at any one time.

4. The Applicant shall provide a minimum of six (6) banners per event for display on light poles.

5. The City Council of Hailey reserves the right to or terminate use of public ways for banners at any time and without prior notice.

C. Application.

1. A request to display a banner across Main Street may be included by the Applicant in a Special Event permit application as set forth in section 12.14.030.
2. A request to display a banner across Main Street for an event outside of the City of Hailey may be submitted by an Applicant, at least fourteen (14) calendar days prior the date first requested for display of the banner, on a form provided by the Administrator.
3. A request to display a banner on light poles shall be submitted by the Applicant at least four (4) weeks prior to the date first requested for display of banners, on a form provided by the Administrator.
4. In the case of more than one application for the same period of time, the Administrator shall give preference to events held within the City of Hailey. In the case of more than one application for events held within the City of Hailey, the Administrator shall permit the first application filed to display for this period.
5. An application to display the same banner may be submitted immediately following the take down of a banner's display.

12.14.070 Fees and Deposits

A. Except as otherwise provided herein, the Applicant shall pay the non-refundable application fee in addition to any applicable per diem or service fees for the proposed Special Event permit, as established by resolution of the City Council, at the time of the filing of the Special Event application.

1. A per diem fee shall be assessed for a Special Event within a City Park, including set-up and tear-down days. Events that meet the following criteria may be exempted from this per diem fee by resolution of the City Council.

a. Non-profit events that have been annual events within the City of Hailey for at least ten consecutive years and consistently draw large numbers of participants and spectators and are promoted locally and regionally within the state and the northwest.

B. A banner installation fee, as established by resolution of the City Council, shall be paid by the applicant, in addition to a Special Event application fee or solely if the banner placement is not in conjunction with a Special Event application.

C. The following services may be arranged with the City in advance of the Special Event; any such service provided by the city will be billed to the Applicant. The Applicant may be required to pay a deposit in advance for such charges and in the event the deposit exceeds the actual charges, the City Clerk shall refund the balance to the Applicant.

1. City Equipment – the Applicant shall be responsible for providing approved MUTCD standard traffic control devices, such as cones, barricades, flags, signs and ropes. If available, these devices may be borrowed from the City upon advance reservation with the Street Superintendent and payment of a security deposit for the devices borrowed.

2. Police Services – traffic control for Special Events involving the closure of Main Street or police coverage provided by the Hailey Police Department. Police coverage will be required as a minimum for the following events.

a. Events with 1,500 to 2,000 participants require coverage by

at least 3 officers.

b. Events with over 2,000 but under 4,000 participants require coverage by at least 4 officers.

c. Events with over 4,000 participants require coverage by at least 5 officers.

3. Fire and EMS Services - additional safety precautions and personnel required to monitor the area for safety hazards and to facilitate evacuation as determined necessary by the Hailey Fire Chief. When EMS services are required, the Applicant may request the services be provided by the Hailey Fire Department.

4. Street Services

a. Street sweeping

b. Garbage collection from city owned receptacles

c. Traffic control

12.14.080 Standards.

A. A Special Event permit may be issued after the following findings are made by the Administrator.

1. The Special Event will in fact qualify as a Special Event.

2. The Special Event meets all of the applicable requirements set forth in §12.14.040.

3. All required fees and deposits have been paid.

B. Following an evaluation of the above requirements and standards, the application may be approved, conditionally approved or denied. Conditions may be imposed that are deemed to be reasonably related to the above standards and that will promote the public health, safety and general welfare.

12.14.090 Right of appeal.

A. An appeal from any decision of the Administrator made in the administration or enforcement of this chapter may be made to the city council by filing a written appeal and fee with the Administrator within fifteen calendar days following the date of the action or decision giving rise to the appeal. Upon hearing the appeal, the city council shall consider the record, the decision of the Administrator, and the written appeal together with oral presentation by the appellant, a city officer, and the Applicant. The city council may affirm, reverse, or modify the decision of the Administrator. The city council shall not substitute its judgment for that of the Administrator as to the weight of the evidence on questions of fact. The city council shall affirm the Administrator's decision unless the city council finds the decision is a) clearly erroneous, b) arbitrary, capricious or an abuse of discretion, or c) not supported by substantial evidence in the record as a whole. The Administrator shall transmit a copy of the city council's decision and findings to the appellant, the Applicant and any other person who has requested a copy in writing. The fee for processing the appeal shall be set by resolution of the city council.

2.14.100 Enforcement.

A. Criminal liability. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction, subject to a fine of not more than three hundred dollars (\$300.00) or imprisonment for a period not to exceed six months, or both such fine and imprisonment. Each day a violation continues shall be considered a separate offense, punishable as described in this section.

B. Civil liability. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of the provisions stated in this chapter, to prevent any violation of these regulations, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of public property. These remedies shall be in addition to the penalties described above.

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 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 _____, 2011.

Richard Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2011

Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned matter. I am sorry to hear that you are unable to attend the meeting on the 15th inst. I will be glad to discuss the matter with you at any other time convenient to you.

I am, Sir, very respectfully,
Your obedient servant,
John Doe

Enclosed for you are the documents mentioned in your letter of the 10th inst. I am sure they will be of great value to you in your present investigation.

I am, Sir, very respectfully,
Your obedient servant,
John Doe

I am, Sir, very respectfully,
Your obedient servant,
John Doe

I am, Sir, very respectfully,
Your obedient servant,
John Doe

I am, Sir, very respectfully,
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Your obedient servant,
John Doe

I am, Sir, very respectfully,
Your obedient servant,
John Doe

AGENDA ITEM SUMMARY

DATE: 5/9/2011

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1082 (Special Events Ordinance)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1082 which replaced Chapter 12.14 to the Hailey Municipal Code.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
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. 1082.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1082

The following is a summary of the principal provisions of Ordinance No.1082 of the City of Hailey, Idaho, duly passed and adopted May 9, 2011, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 12.14, SPECIAL EVENTS OF THE HAILEY MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT BY A NEW CHAPTER 12.14; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1082 amends Hailey Municipal Code, as follows:

Section 1 repeals Chapter 12.14 of the Hailey Municipal Code, and replaces it with a new Chapter 12.14 of the Hailey Municipal Code, to 1) add a purpose section, 2) add a definition section by defining Applicant, Administrator, City Parks, Government Event, Special Event and Street Closure, 3) provide an applicability section by making it unlawful for a person to conduct a Special Event without a Special Event permit for events involving a Street Closure and events attracting 250 or more people, 4) establish an administration section by authorizing the Administrator to review and issue a Special Event permit and by creating an application procedure for a Special Event permit, 5) establish a requirement section by requiring regulations to a) allow for the safe and orderly movement of traffic contiguous and near any Special Event, b) provide emergency response, c) prevent injury to persons or property, d) provide dumpsters, e) provide bathrooms, f) limit Special Events in excess of 250 people per City Park to no more than 2 events per month, g) require liability insurance of \$1,000,000, h) require the Applicant to pay for any damages resulting from the Special Event, i) require the Applicant to indemnify, defend and hold harmless the city from claims arising out of the Special Event, j) prohibit the Applicant from making false statements on a present or former application for a Special Event permit, k) ensure that the Applicant has not violated any city, state or federal laws, and l) subject the Special Event to applicable city, state, federal or other governmental rules, 6) create a display of banners section by regulating banners displayed in a public right-of-way, including specifications of street and pole banners and installation of banners, and by establishing an application procedure for banners, 7) provide a fees and deposits section by requiring an Applicant to pay non-refundable fee for a Special Event and banner installation and pay for city services. 8) establish a standards section setting forth standards which must be evaluated by the Administrator, 9) provide a right of appeal section allowing an appeal from a decision of the Administrator to the Hailey City Council, and 10) provide an enforcement section which establishes criminal liability for violation of Chapter 12.14 as a misdemeanor punishable upon conviction with a fine not to exceed \$300 or imprisonment not to exceed six months, or both such fine and imprisonment, and which establishes civil liability.

Section 2 provides for a severability clause.

Section 3 provides for a repealer clause.

Section 4 provides for an effective date of the ordinance.

The full text of Ordinance No. 1082 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. 1082 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1082, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of the Ordinance.

Dated this 9th day of May, 2011.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, May 18, 2011

AGENDA ITEM SUMMARY

DATE: May 9, 2011

DEPARTMENT: Community Development

DEPT HEAD: [Signature]

SUBJECT: Second Reading of Ordinance 1083 - Amendments to Municipal Code Chapter 12.12 - Park Use.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

These amendments to Chapter 12.12 - Park Use pair with amendments to Chapter 12.14 - Special Events approved by the Council on April 11, 2011. The proposed amendments to Chapter 12.12 incorporate the content of Resolution 2009-07 (Guidelines for Park Use and Reservations) and address the reservation of City Parks involving fewer than 250 people. A new resolution has been drafted for the park reservation fees recommended by the Parks and Lands Board.

The Council held a public hearing on April 25 and May 2, 2011. No changes to the proposed ordinance were requested by the Council. Ordinance 1083 was approved and the first reading conducted on May 2.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
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)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to authorize the mayor to conduct the second reading of ordinance 1083 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

We will be requesting waiver of one of the readings, proceed to 3rd reading so that both
City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____ *the special events ordinance and the parks use ordinance can be published and enacted at the same time. (H)*
City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____

HAILEY ORDINANCE NO. 1083

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 12.12, PARKS AND PUBLIC PATHWAYS OF THE HAILEY MUNICIPAL BY AMENDING DEFINITIONS, BY PROVIDING FOR OVERNIGHT CAMPING IN CERTAIN PARKS, BY ADDING PARK RESERVATION POLICIES AND PROCEDURES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey has adopted Chapter 12.12 of the Hailey Municipal Code, which allows the Hailey City Council to establish guidelines and policies for use of City Parks;

WHEREAS, the City of Hailey recognizes that City Parks are more than the physical space, they are community gathering places and belong to our entire community;

WHEREAS, in order to equitably distribute the use of City Parks for events and activities which preclude the use of the park by the general taxpayer, the City of Hailey desires to establish guidelines for park reservations;

WHEREAS, it is the intent of the City of Hailey to direct large events to specific parks best suited to accommodate such events and to ensure that the reservation of those parks will not preclude their use for Special Events administered under Chapter 12.14;

WHEREAS, it is the intent of the City of Hailey to ensure that neighborhood parks remain available for use by the neighbors;

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare; and

WHEREAS, Resolution 2009-08, Park Use Fees, Resolution 2009-07, Guidelines for Park Use and Reservations should be repealed

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 amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

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

“Administrator” means the department head, or his/her designee, as assigned by the mayor or city administrator to oversee the administration of this chapter.

"City ~~P~~arks" 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 park and hillside~~ parcels.

"City ~~T~~rails" 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 ~~S~~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 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 public event is generally open to the general public and/or is taking place as a fundraiser.~~

"Railroad ~~R~~ight-of-way" shall mean that certain real property lying within the legal city limits of the city, legally described in attached ~~Exhibit "A."~~

"Roller ~~S~~skates" shall mean footwear containing two axles with two wheels attached to each axle.

"Seasonal Event" shall mean an event held at regular intervals within a specified time period, typically an organized recreational league, and scheduled in advanced.

~~"skate park facility~~ Skate Park Facility" shall mean that ~~city park~~ 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.

Section 2. Section 12.12.020 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

A. Except as otherwise provided herein, ~~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~~ City Park under any circumstances without the express permission of the city of Hailey.

1. RV camping is allowed overnight in designated areas within Roberta McKercher Park, up to a maximum of 12 hours.

2. Overnight camping may be permitted in a City Park as part of an approved special event permit, pursuant to Chapter 12.14, or park reservation.

Requirements for such camping will be imposed as part of the special event permit, pursuant to Chapter 12.14, or park reservation application process and approval.

Section 3. Section 12.12.040 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

12.12.040 Use Reservation of city park City Parks.

A. Applicability. Reservation for the exclusive use of a city park City Park, or a portion thereof, for an organized public event or organized private event gatherings of less than 250 people shall require the prior issuance by the city of a park use permit reservation. Such permits shall be obtained from the office of the Hailey City Clerk. For gatherings that are reasonably expected to attract 250 or more people, the procedures and requirements of Chapter 12.14 of the Hailey Municipal Code shall apply instead.

1. Hop Porter, McKercher and Lions Parks shall be kept available for special events, defined and administered pursuant to Chapter 12.14, on the Friday, Saturday and Sunday of the following weekends of each year.

a. Memorial Day

b. The weekend closest to July Fourth. If July 4th is on a Tuesday the weekend before is reserved. If July 4th is on a Wednesday or Thursday then the weekend after is reserved.

c. The first weekend of August for the Rocky Mountain Folk Festival.

d. Labor Day

e. The second weekend in October for the Trailing of the Sheep Festival

2. Deerfield, Foxmoor, Curtis, the Skate Park, Balmoral, Old Cutters, Heagle and Echo Hill Parks are neighborhood parks that should remain available for use by the general public and shall not be reserved for exclusive use except with an approved special events application pursuant to Chapter 12.14.

3. Jimmy's Garden and E. W. Fox Demonstration Garden shall not be reserved for exclusive use.

4. Sports fields at Balmoral, Keefer, Lions and McKercher Parks shall be available for recreational league use through a Seasonal Event permit.

5. Use of Deerfield and Foxmoor Parks for Seasonal Events shall be prohibited due to the limited parking available.

B. Administration. The Administrator of this Chapter is responsible for the coordination of any applicable departmental review and issuance of a park reservation.

1. Authority of Administrator.

a. For events that are reasonably expected to attract less than 250 participants, the Administrator has the authority to issue a park reservation and shall comply with the provisions of this Chapter 12.12.

b. For events that are reasonably expected to attract 250 or more people, the applicant shall comply with Chapter 12.14 of the Hailey Municipal Code.

C. Application Procedure.

1. An application for a park reservation shall be signed by the applicant on a form provided by the Administrator and shall be filed with the Administrator at least fourteen (14) calendar days prior to the desired reservation date.

2. At a minimum, the applicant shall provide, on a form provided by the Administrator, sufficient information to address the requirements set forth in this Chapter.

3. Except as otherwise provided herein, all park reservation applications shall be issued according to date received. Requests for parks use permits received first shall have priority over applications received later. All park reservation applications received during the same business day shall be considered to have been received at the same time.

a. If Hop Porter, McKercher or Lions Parks is not reserved with a Special Event application, then a park reservation application may be submitted to reserve the park not more than fourteen (14) calendar days prior to the start of the desired reservation date.

~~–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.~~

~~CE. Fees. 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. Except as otherwise provided herein, the applicant shall pay a non-refundable reservation fee, in addition to any applicable per diem or service fees for the use of the park, as established by resolution of the City Council, at the time of the filing of the park reservation application.~~

1. An individual or group may apply with the city to adopt-a-park. The following minimum requirements shall be met in accordance with the applicable park maintenance standards:

- a) spring and/or fall clean-up
- b) spring and/or fall fertilizing
- c) weed control
- d) weekly mowing

2. If an adopt-a-park application is approved the city will recognize the individual or group on the applicable park sign and waive park reservation fees as follows for the same individual or group named on the adopt-a-park application:

a. One reservation for one hundred (100) to two hundred forty-nine (249) people.

3. An individual or group may apply with the city for a waiver of the Seasonal Use Fee provided the following minimum requirements are met:

- a. 10 hours of service in the park
- b. A proposed plan of the service to be performed presented to the Parks & Lands Board for recommendation to the City Council

- c. Adequate performance in previous years if this request is made by the same individual or group as the prior year

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.~~

Section 4. Section 12.12.050 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

12.12.050 Use of ~~city park~~City Parks—hours of operation.

A. Except as otherwise provided herein and in section 12.12.020(A), ~~the~~ hours of use for ~~city park~~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~~City Park. An exception to the hours of use shall may be made where authorized with an approved park reservation or an approved Special Event permit pursuant to ~~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~~City Park, under any circumstances, from dusk to dawn without the express written permission of the city of Hailey.

Section 5. Section 12.12.060 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

A. Use of the ~~skate park facility~~Skate Park Facility is for use by persons using Sskateboards, 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~~Skate Park Facility.

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

Section 6. Section 12.12.070 of the Hailey Municipal Code is amended by the deletion of the stricken through language and the addition of the underlined language, as follows:

12.12.070 Permitted and prohibited uses of ~~city park~~City Parks and ~~city trails~~City Trails.

A. Except as otherwise provided in this chapter, ~~city park~~City Parks and ~~city trails~~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 permitted only on designated roadways and parking areas within ~~city park~~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 park~~City Parks and ~~city trails~~City Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the ~~city park~~City Parks and ~~city trails~~City Trails or for emergency access.

Section 7. 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 8. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 9. 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 _____, 2011.

Richard Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2011

AGENDA ITEM SUMMARY

DATE: 5/9/2011

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1083 (Parks Use Ordinance)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1083 which amended Chapter 12.12 to the Hailey Municipal Code.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
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. 1083.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1083

The following is a summary of the principal provisions of Ordinance No.1083 of the City of Hailey, Idaho, duly passed and adopted May 9, 2011, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 12.12, PARKS AND PUBLIC PATHWAYS OF THE HAILEY MUNICIPAL BY AMENDING DEFINITIONS, BY PROVIDING FOR OVERNIGHT CAMPING IN CERTAIN PARKS, BY ADDING PARK RESERVATION POLICIES AND PROCEDURES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1083 amends Hailey Municipal Code, as follows:

Section 1 amends Section 12.12 .010 of the Hailey Municipal Code, by adding a definition of Administrator and Seasonal Event, and deleting the definitions of "first come, first served basis," "organized private event" and "organized public event."

Section 2 amends Section 12.12 .020 of the Hailey Municipal Code, by allowing, subject to certain conditions, RV camping in Roberta McKercher Park and overnight camping in a City Park as part of an approved special events permit.

Section 3 amends Section 12.12 .040 of the Hailey Municipal Code, by a) allowing for reservations of a City Park for gatherings of less than 250 people with a park reservation and for gatherings of 250 people or more with a special events permit, subject to certain time restrictions for Hop Porter Park, McKercher and Lions Park, but limiting reservations for Jimmy's Garden and E.W. Fox Demonstration Garden, and limiting reservations for Deerfield, Foxmoor, Curtis, the Skate Park, Balmoral, Old Cutters, Heagle and Echo Hill Parks without a special events permit, and allowing recreational league use with a Seasonal Event Permit at the sports fields at Balmoral, Keefer, Lions and McKercher Parks, and prohibiting Seasonal Events at Deerfield and Foxmoor Parks, b) providing for the administration of park reservations by the Administrator, c) establishing an application procedure for park reservations, d) establishing non-refundable fees as established by resolution for park use, creating an adopt-a-park program and allowing a waiver of a Seasonal Use Fee subject to certain conditions, and e) exempting a complying applicant under Chapter 12.12 from the provisions of Chapter 5.16 of the Hailey Municipal Code, Peddlers, Hawkers and Transient Merchants.

Section 4 amends Section 12.12 .050 of the Hailey Municipal Code, by allowing an exception to the time of use of a City Park if allowed under an approved park reservation or approved Special Event permit.

Section 5 amends Section 12.12 .060 of the Hailey Municipal Code, by clarifying the name Skate Park Facility.

Section 6 amends Section 12.12 .070 of the Hailey Municipal Code, by clarifying the names “City Parks” and “City Trails” and by allowing motorized vehicles for emergency access on City Parks and City Trails.

Section 7 provides for a severability clause.

Section 8 provides for a repealer clause.

Section 9 provides for an effective date of the ordinance.

The full text of Ordinance No. 1083 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. 1083 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1083, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of the Ordinance.

Dated this 9th day of May, 2011.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, May 18, 2011

