

AGENDA ITEM SUMMARY

DATE: March 4, 2013 DEPARTMENT: Community Development DEPT. HEAD SIGNATURE: _____

SUBJECT: 2nd reading of the Build Better Program.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On Feb. 4th the Council approved the 1st reading of the ordinance, with the incorporation of the redlined changes. But the Council did request that changes be made to applications to remind applicants of the appeals process that is currently in place and available for them to use.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input checked="" 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 | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve the 2nd reading.

ACTION OF THE CITY COUNCIL:

Date: 3/4 - 2nd reading - Ord. 1120
3/11 - 3rd reading post panel
3/18 - 3rd reading/summary

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1120

AN ORDINANCE OF THE CITY OF HAILEY AMENDING HAILEY MUNICIPAL CODE, CHAPTER 15.08, BUILDING CODE ORDINANCE, BY ADOPTING A NEW SECTION 15.08.012, BUILD BETTER PROGRAM, WHICH INCREASES ENERGY CONSERVATION AND PROMOTES SUSTAINABLE BUILDING PRACTICES; BY AMENDING SECTION 15.08.030 TO CREATE ADDITIONAL REQUIREMENTS FOR INCREASED ENERGY EFFICIENCY AND SUSTAINABLE BUILDING PRACTICES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code § 30-4116 allows the City of Hailey to amend the 2009 IECC to reflect local conditions, provided the amendments provide an equivalent level of protection;

WHEREAS, the adoption of the Build Better Program will conserve energy, water and other natural resources and preserve the health of our environment through requirements related to design, construction, operations, recycling, and thereby promotes the public health, safety, and welfare;

WHEREAS, buildings use the most energy of any sector in the US - more than the transportation sector - therefore; it makes sense to curtail impact where they are greatest;

WHEREAS, Hailey's climate requires significant amounts of energy to heat during the winter months, which translates to higher energy costs and provides an opportunity to substantially increase efficiencies and savings;

WHEREAS, the average life span of a building is 75 years and during this time the status of energy prices and availability could change, especially considering the potential impacts of climate change and future policies aimed at curtailing emissions associated with climate change;

WHEREAS, the City of Hailey has previously enacted Hailey Ordinance Nos. 1074 and 1105 which established a voluntary Better Build Program and has determined that the Better Build Program has not been an obstacle for new construction or for remodels; and

WHEREAS, the Hailey City Council finds that the adoption of the Better Build Program in Section 15.08.012 of the Hailey Municipal Code is in the best interests of the citizens of Hailey and will promote the health, safety and general welfare of the citizens of Hailey.

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

Section 1. Section 15.08.012, of the Hailey Municipal Code, Build Better Program, is created by the addition of the following language:

A. Applicability. This Section 15.08.012 is a supplement to the other adopted International Codes and is not intended to be used as independent construction regulations or to

abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances. All commercial and residential New Construction, Additions and Alterations shall comply with the standards of Section 15.08.012, unless otherwise stated herein.

1. Referenced Codes and Standards. It is the expressed intent of this section to require higher minimum standards relating to Building performance than the corresponding minimum standards set by the referenced codes and standards, and in such cases, the higher minimum standards of this section shall take precedence.

2. Other Laws and Codes. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal laws and codes.

3. Residential New Construction Exemptions. U.S. Green Building Council's Leadership in Energy and Environmental Design for Homes certification level or National Association of Home Builder's Green Building Program bronze level project are exempt from the Build Better Program requirements. Either exemption must verify that the project is 10% more energy efficient than the IECC, using a HERS Index or the alternative method described in Section C.1.a.ii. of this Ordinance. The exemptions listed above must show intent to meet the requirements at the Building Permit review stage through plans and an initial HERS score based on the proposed design. Prior to receiving a certificate of occupancy, copies of all program documentation and a final HERS score shall be submitted to the Building Department.

4. Commercial New Construction Exemptions. U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction minimum certification level projects are exempt from the Build Better Program requirements, provided the applicant verifies that the project meets the minimum energy efficiency requirements for Commercial Buildings, as identified in Section 15.08.012.C.2.a of the Hailey Municipal Code. The applicant must identify the intent to meet U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction certification level, at a minimum, at the Building Permit review stage with an indication on the plans and with a written narrative what Leadership in Energy and Environmental Design points will be achieved. Prior to receiving a certificate of occupancy, copies of all program documentation shall be submitted to the Building Department.

5. Exemptions for Commercial and Residential Alterations and Additions. In addition to the exemptions listed in Section 101.4 of the IECC, the following projects are exempt from Section 15.08.012:

- a. Window, glass-only replacements of the same size and location.
- b. Bathroom remodel projects limited to the replacement of fixtures and cabinets.
- c. Kitchen remodel projects limited to the replacement of cabinets, counter tops, plumbing fixtures, and appliances.
- d. Electrical work associated with permits issued only for electrical work
- e. Plumbing associated with permits issued only for plumbing.
- f. Replacement of HVAC appliances associated with permits issued only for appliance replacement.
- g. Reroofs.
- h. Additions less than 500 square feet of Conditioned Floor Area.

- i. New Construction or Additions of any size that do not include any Conditioned Floor Area.
- j. Alterations that do not affect the integrity of the Building Envelope.
- k. Alterations that do not require a Building Permit.
- l. Tenant and ADA improvements required by the Building Department.
- m. Structures listed on the National Historic Register.

Any commercial or residential alteration or addition which is not otherwise exempt shall comply with the requirements of Section 15.08.012 to the greatest extent possible, unless the Administrators find that compliance with all or part of the provisions of Section 15.08.012 would a) create an undue hardship on the applicant and b) not materially advance the goal of this ordinance to conserve energy, water and other natural resources.

B. Definitions. For the purpose of this Section 15.18.012, the following capitalized words and phrases shall apply as defined herein, in addition to definitions found in Chapter 2 of the IECC.

“Administrators” shall mean city staff from the Building and Planning Departments who administer Section 15.08.012 of the Hailey Municipal Code, the Build Better Program.

“Certified HERS Rater” shall mean a Home Energy Rating System provider who has current and valid certification under Residential Energy Services Network (RESNET) and who adheres to the RESNET defined standards of practice and code of ethics.

“Compact fluorescent light bulb” or “CFL” shall mean a fluorescent light bulb that has been compressed into the size of a standard-issue incandescent light bulb, known for its long life span and superior energy efficiency when compared to incandescent lights.

“COMcheck Energy Analysis” shall mean a software used to verify commercial code compliance and above code requirements with the IECC.

“EnergyPlus” shall mean software used to evaluate and analyze building energy performance.

“ENERGY STAR Advanced Lighting Package” or “(ALP)” shall mean an ENERGY STAR Certified Home that includes a comprehensive set of ENERGY STAR qualified light fixtures that at a minimum consist of 60% ENERGY STAR qualified hard-wired fixtures and 100% ENERGY STAR qualified ceiling fans where installed.

“ENERGY STAR Builder” shall mean a builder who has completed ENERGY STAR’s Partnership Agreement, has selected a Home Energy Rater, and who is listed on the ENERGY STAR website as an ENERGY STAR partner.

“ENERGY STAR Indoor airPLUS” or “IAP” shall mean an ENERGY STAR Certified Home that includes a number of construction practices and technologies to decrease the risk of poor indoor air quality, including careful selection and installation of moisture control systems, heating, cooling, and ventilation (HVAC) equipment, combustion venting systems, and building materials, that are tested and verified by an independent party.

“ENERGY STAR Northwest Program” shall mean an independently tested and verified home energy certification program that ensures homes are built 15% more energy efficient compared to current code building homes.

“EQuest” shall mean a software used to evaluate and analyze building energy performance.

“Forest Stewardship Council Certified” or “FSC Certified” shall mean a label that verifies a chain of custody certification that wood that has been grown in a manner that meets the FSC’s sustainable forestry practices and standards.

“Home Energy Rating System Audit” or “HERS Audit” shall mean a comprehensive visual and technical energy analysis of a home using Residential Energy Services Network’s (RESNET) protocol and a REM/Rate™ Energy Analysis and includes a prioritized list of suggested improvements and their associated energy and financial savings. At a minimum, the audit evaluates the following, to determining the rating of the home: blower door test, duct blaster test (if applicable), an inventory of the lighting, appliances, insulation, solar orientation, and heating and cooling equipment.

“Home Energy Rating System Index” or “HERS Index” shall mean a scoring system established by the Residential Energy Services Network (RESNET) in which a home built to the specifications of the HERS Reference Home scores a HERS Index of 100, while a net zero energy home scores a HERS Index of 0. The lower a home's HERS Index, the more energy efficient it is in comparison to the HERS Reference Home.

“Light Emitting Diode” or “LED” shall mean an electronic device that emits light when an electrical current is passed through it, known for its long life span and superior energy efficiency when compared to incandescent lights.

“Leadership in Energy and Environmental Design Accredited Professional” or “LEED AP” shall mean a person who has successfully passed a test on the LEED process, points, and documentation requirements, in accordance with the US Green Building Council’s specifications

“Minimum Efficiency Reporting Value” or “MERV” shall mean a rating method used for comparing the efficiency of an air filter; the higher the MERV rating, the better the filter is at removing particles from the air.

“National Association of Home Builder’s Green Building Program” shall mean a program based on the International Code Council 700-2008 National Green Building Standard™ and is a 3rd party tested and verified green building program.

“Natural Air Changes Per Hour” or “NACH” shall mean the natural movement of the total volume of air in a given space that is exchanged over a period of one hour, measured using a blower door test at 50 Pascal.

“New Construction” shall mean any building with less than 50% of its exterior walls and foundation remaining or that is being built on a vacant building envelope, where no previously built structure exists at the time of building.

“REM/Rate™ Energy Analysis” shall mean a residential code compliance and rating software developed specifically for the needs of HERS raters, that calculates heating, cooling, hot water, lighting, and appliance energy loads, consumption and costs for new and existing single and multi-family homes.

“REScheck Energy Analysis” shall mean a software used to verify residential code compliance and above code requirements with the IECC.

“Residential Energy Services Network” or “RESNET” shall mean an industry not-for-profit membership corporation that is the national standards making body for building energy efficiency rating systems.

“Structural Insulated Panels” shall mean a high performance building panels used in floors, walls, and roofs for residential and light commercial buildings. The panels are typically

made by sandwiching a core of rigid foam plastic insulation between two structural skins of oriented strand board (OSB).

“U.S. Green Building Council’s Leadership in Energy and Environmental Design for Homes” or “LEED for Homes” shall mean a consensus-developed, third party-verified, voluntary rating system which promotes the design and construction of high-performance green homes.

“U.S. Green Building Council’s Leadership in Energy and Environmental Design for New Construction” or “LEED for New Construction” shall mean a rating system designed to guide and distinguish high-performance commercial and institutional projects, including office buildings, high-rise residential buildings, government buildings, recreational facilities, manufacturing plants and laboratories.

“Verification of Accountability by Responsible Party” shall mean a form furnished by the Administrators for the use of verifying, by the Building owner, contractor, or other responsible party, that points have been met in accordance with the requirements of Section 15.08.012.E, Points Menu.

“WaterSense Program” shall mean a water conservation program with oversight by the U.S. Environmental Protection Agency that requires all toilets, urinals, faucets, showerheads, and other products labeled under the program to undergo independent 3rd party testing to ensure that water conservation is at least 20% greater than conventional items in the respective category.

“Whole House Fan” shall mean a type of fan installed in a building's ceiling, designed to pull hot air out of the building and increase building cooling.

“Zoned Hydronic Radiant Heating” shall mean a heating system using a boiler to heat water and a pump to circulate hot water through radiant floor panels, wall radiators, or baseboard convectors. The pipes, embedded in the floor, carry heated water that conduct warmth to the surface where it broadcasts energy to separated radiant heat zones, which are controlled a thermostat and served by a manifold which distributes the flow of warm water to the individual circuits of tubing within each zone.

C. Energy Efficiency. All commercial and residential New Construction and Additions shall comply with the IECC, and shall increase energy efficiency 10% beyond the IECC requirements.

1. Residential Energy Efficiency. Energy Efficiency shall be 10% greater than the IECC requirements for New Construction, Additions, and Alterations with Conditioned Space, 500 square feet or greater.

a. New Construction. Energy efficiency shall be verified by a RESNET Certified HERS Rater using a REM/RATE™ Energy Analysis and IECC Section 405 criteria, unless specified herein. Applicants shall submit an initial HERS Index score based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, a final HERS Index score shall be submitted to the Building Department, verifying that both project is 10% more energy efficient compared to the IECC.

i) New residential construction certified under the current ENERGY STAR Northwest Program is exempt from Section 15.08.012.C.1, providing the Building plans and the constructed building are certified ENERGY STAR Northwest.

ii) New residential construction is not required to be verified by a HERS Rater if they install a 90% AFUE furnace or equivalent system, a 0.62 EF water heater or equivalent system, all lights are LED or CFL, and air sealing tests verify 5 air exchanges per hour at 50 Pascals.

b. Additions. A RESNET Certified HERS Rater shall conduct a Certified HERS Audit of the entire Building associated with the Addition, unless a previous Certified HERS Audit has been conducted and submitted to the Building Department within the last 5 years. The energy efficiency of the Addition itself shall be verified by a REScheck Energy Analysis. Applicants shall submit a REScheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the REScheck Energy Analysis will be verified by the Building Department during routine inspections. The REScheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

c. Alterations. A REScheck Energy Analysis shall be submitted to the Building Department verifying that the Alteration exceeds the energy efficiency requirements of the IECC by 10% or by calculating the energy efficiency rating of a specific component that affects energy efficiency associated with the alteration. For example: the IECC requires a U-factor of 0.35 for a new window installation. A new window that is 10% more efficient would have a U-factor of 0.315 (or 0.32 rounded up) or better.

2. Commercial Energy Efficiency.

a. New Construction. Buildings less than 10,000 square feet of Conditioned Space shall verify energy efficiency using a COMcheck Energy Analysis and Buildings 10,000 square feet or larger shall verify energy efficiency using an energy model.

i) Buildings under 10,000 square feet of Conditioned Space. Applicants shall submit a COMcheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck Energy Analysis will be verified by the Building Department during routine inspections. The COMcheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

ii) Buildings 10,000 square feet of Conditioned Space or larger shall be energy modeled by a licensed engineer using Building Department Approved energy modeling software. Approved software includes, but is not limited to, the most recently published version of the following: eQuest, Trace, Carrier HAP, and EnergyPlus. The model shall verify that amount of energy used is 10% more energy efficient compared to the IECC and shall be submitted to the Building Department with the Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the energy model will be verified by the Building Department during routine inspections.

b. Additions. An energy audit shall be conducted by an Idaho licensed engineer on the entire Building associated with the Addition, unless an energy audit by an Idaho licensed engineer has been conducted and submitted to the Building Department within the last 5 years. Energy efficiency shall be verified by a COMcheck Energy Analysis or modeled in accordance with Section 5.08.012, C, 2, a, ii. if the addition is greater than 10,000 square feet of Conditioned Space or larger. Applicants shall submit a COMcheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck Energy Analysis will be verified by the Building Department during routine inspections. The COMcheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

c. Alterations. A COMcheck Energy Analysis shall be submitted to the Building Department verifying that the Alteration exceeds the energy efficiency requirements of the IECC by 10% or by calculating the energy efficiency rating of a specific component that

affects energy efficiency associated with the alteration. For example: the IECC requires a U-factor of 0.35 for a new window installation. A new window that is 10% more efficient would have a U-factor of 0.315 (or 0.32 rounded up) or better.

D. Water, Indoor Air, Construction Waste, Durability and Assurance (WICDA). The provisions of WICDA apply to new residential and commercial construction.

1. Water Conservation. All faucets, showerheads, and toilets installed in a Building for domestic use and restroom facilities, shall use 20% less water than standard fixtures or be labeled by the WaterSense Program, which use at least 20% less water than standard fixtures. Water Sense labels or equivalent documentation shall be submitted to the Building Department or provided during final inspection for verification.

2. Indoor Air. The applicable sections of the most recent edition of the International Mechanical Code shall be met to ensure proper ventilation.

3. Construction Waste. In Addition to waste receptacles, bins for cardboard and clean wood waste shall be provided and sorted accordingly on-site during construction and will be verified by the Administrators during regularly scheduled inspections.

4. Durability and Assurance. Details and specifications shall be submitted in the drawings, details, or in packet form with the Building Permit in order to promote durability, and high performance of the Building enclosure and its components and systems through appropriate design, materials, selection, and construction practices.

a. Under the following categories, the Administrators shall specify what items shall be applicable and provide a list of these items with the Building Permit:

- i) Foundations
- ii) Walls
- iii) Roofs
- iv) Air infiltration
- v) Heat loss

b. Before the issuance of a certificate of occupancy, applicants shall sign a declaration that states all items are installed to manufacture's specifications and plan details.

E. Points Menu. Unless a qualifying exemption applies, the following construction activities: exterior snow melt systems, residential New Construction, and residential Additions of 500 square feet of Conditioned Space or greater, shall obtain points from Sections (4) through (11) herein, in an amount determined by the applicable points equation in (a), (b), or (c), below. Any two or more building permits for the same structure that are applied for in any 12 month period shall be considered as one application for the purpose of calculating points.

1. Calculation of Points. Points are accumulated based on the total square feet of Conditioned Space and the number of bedrooms included in the Addition or New Construction project or the square footage of an exterior snow melt system. Points shall be rounded down to the nearest 0.5 (example: a points equation resulting in 2.7 points shall be rounded down to 2.5 points and a points equation resulting in 3.4 points shall be rounded down to 3.0 points)

a. Points equation for New Construction. (Square footage of Conditioned Space)/(number of bedrooms) x 0.01 = required points.

i) Points shall be applied to the construction of the new residential Building.

b. Points equation for Additions. (Square footage of Conditioned Space of Addition) / (Number of bedrooms included in Addition + 1) x 0.01 = required points.

i) Points shall be applied to the Addition, existing structure, or a combination of both.

c. Points equation for exterior snow melt systems. (Square footage of exterior snow melt)/100 = required points.

i) Points shall be applied to the new or existing structure, or a combination of both, if applicable, and shall only be obtained from Section 15.08.012.E.5, Energy Efficiency.

2. Restrictions. When points are required for more than one construction activity, the same item cannot count as a point(s) for satisfying multiple point requirements under more than one construction activity.

3. Verification. Before final inspection, a Verification of Accountability by Responsible Party form shall be submitted, along with supporting documentation such as copies of receipts and invoices, material packaging, and photos, unless an alternative method of verification is specified herein.

4. Waste Management.

a. Reuse Existing Building. Up to 5 points.

Points	Percent of Exterior Walls saved (external sheathing and framing)
3	50%
5	75%

b. New Construction Waste Recycling. Up to 3 points.

i) Application. points will be awarded according to the

following table:

Points	Percentage Waste	Percentage Diverted
1	75%	25%
2	50%	50%
3	25%	75%

5. Energy Efficiency.

a. Insulation. Up to 7 points.

i) Wall Insulation. 2 points.

(1) Application. R-24 minimum wall cavity insulation.

(2) Verification. Checked during plan review by the

Administrators and verified by the Certified HERS Rater for New Construction or checked during plan review and verified by the Administrators for projects using the prescriptive pathway described in C. 1. b. Checked during plan review and verified by the Administrators for Additions.

ii) Basement or Foundation Insulation. 1 to 5 points.

(1) Application. Insulation must be installed on the full height of a basement or foundation wall.

(2) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects

are checked during plan review and verified by the Administrators.

Points	R-Value and insulated concrete forms
1	15, or
2	20, or
3	25, and
2	Use of insulated concrete forms on the foundation (stem wall and footing)

b. Windows. Up to 3 points.

i) Application. New windows or replacement windows installed as part of an Addition are awarded points as follows:

Points	Maximum U-factor*
1	0.3
2	0.28
3	0.26

*U-factor, as established by the National Fenestration Rating Council (NFRC).

ii) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

The inspector must be able to clearly identify the U-factor and Solar Heat Gain Coefficient (SHGC) ratings and window type by the National Fenestration Rating Council's stamp or the manufacturer's label. Applicant must show the number of windows to be upgraded on Building plans.

c. Air Sealing of an Existing Building. Up to 4 points.

i) These points shall not be applied to New Construction activity. Points will be awarded when a HERS rating is applied to the existing structure before and after construction showing the following blower door results:

Points	Natural Air Changes Per Hour at 50 Pascal
1	4
2	3
3	2
4	1

d. Heating, Ventilation, and Air Conditioning (HVAC) Systems.

i) HVAC Commissioning. 1 point for each commissioning that applies; up to 3 points.

(1) Application. 1) test for duct leakage at a 6% target to floor area ratio at 50 Pascal, 2) test and adjust firing rate to within recommended manufacturer specifications and suitable to occupant conditions, and 3) test and adjust refrigerant charge to manufacturer specifications.

ii) Heat Pumps.

Points	Type of source pump installed
8	Water
6	Ground
4	Air

iii) Sealed combustion or power vent assisted Water Heating

System. 2 Points.

(1) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

iv) ENERGY STAR boiler, furnace, or hot water heater: 2 points each.

e. Zoned Hydronic Radiant Heating. 2 points.

i) Application. Use a Zoned Hydronic Radiant Heating system that circulates hot water through radiant floor panels, wall radiators, or baseboard convectors located in different areas or zones of the house.

ii) Verification. Checked during plan review and inspected in the field by the Administrators.

f. Passive Cooling. 2 to 5 points.

i) Application. Any combination of natural cooling techniques can be used to reduce overheating in homes. Use awnings and window overhangs primarily on south-facing glass to provide a balance between summer cooling and winter heating through solar gain. Points will be awarded for passive cooling systems using any two or more of these techniques (one point per option):

(1) Exterior vertical shading devices for east- and west-facing glass.

(2) Low emissivity films on glass on east- and west-facing windows.

(3) Radiant barriers installed in the attic space.

(4) Landscaping that shades east- and west-facing windows during the cooling season (June to September).

(5) South window overhang sized to effectively shade the window (from June to September).

ii) Verification.

(1) New Constructions: checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b.

(2) Additions: checked during plan review and verified by the Program Administrators. Indicate the passive cooling design features on the Building Permit plan, for option number 5 above; submit a calculation that demonstrates overhangs have been designed in accordance with the equation below for all south-facing glass. The formula below will result in window overhangs that shade 100 percent of south-facing window glazing on June 21 (summer solstice).

(3) Applicants should use this formula as a guide for sizing all south-facing overhangs:

$D = H/F$ where:

D = Distance of overhang

H = Height from bottom of glass to overhang

F = 3.38 (F is a value corresponding to the noon sun altitude angle on June 21st)

g. Whole House Fan. 2 points.

i) Application. Install a Whole House Fan with an insulated cover

that creates an airtight seal between attic and living space when the fan is off. For maximum effectiveness, the fan should be mounted in a hallway ceiling on the top floor of the house, and should be sized to produce four to five air changes per hour within the home.

ii) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

h. Water Heating. Up to 2 points.

i) Application. Point-of-use water heating uses a mini-water heater at remote fixtures to reduce the energy and water use associated with long piping runs. They are sized to supply hot water to a single fixture such as a sink. Gas-fired models must have a minimum energy factor of 0.82 to achieve this credit.

Points	Type of water heater
2	Tankless
2	Point of Use
2	Indirect fired

ii) Verification.

(1) New Constructions. Checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b.

(2) Additions. Checked during plan review and verified by the Administrators.

i. Lighting and Appliances.

i) ENERGY STAR qualified CFLs or LEDs. 3 points for CFLs and 5 for LEDs.

(1) Application. Lighting shall be installed in accordance with the lighting table below.

(2) Any exterior lighting fixture must comply with city of Hailey Outdoor Lighting Ordinance requirements:

Area	Rooms	Required percentage of installed ENERGY STAR qualified CFL or LEDs
High-Use Rooms	Kitchen, dining room, living room, family room bathroom(s), hall(s)/stairway(s)	50 percent of total number of fixtures
Medium/Low-Use Rooms	Bedroom(s), den, office, basement, laundry room, garage, closet(s), and all other rooms	25 percent of total number of fixtures
Outdoor	Outdoor lighting affixed to the structure or free-standing pole(s) except for landscape and solar lighting	50 percent of total number of fixtures including all flood lighting

(3) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

ii) Efficient Light Controls. Up to 2 points.

(1) Application. Efficient lighting controls include occupancy sensors, dimming controls, and automatic daylight dimming controls. Points will be awarded for efficient light controls according to the following:

Points	Number of control devices
1	4
2	6

(2) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

j. Energy Efficient Appliances. Up to 6 points.

(1) Application. Points will be awarded for ENERGY STAR appliances according to the following:

Points	Type of ENERGY STAR rated appliance
2	Refrigerator
2	Clothes washer
1	Freezer, not part of refrigerator appliance
1	Dishwasher

(2) Verification. New Construction will be verified by

the Certified HERS Rater or by the Administrators, for projects using the prescriptive pathway described in C. 1. B. Additions will be verified by the Administrators. Appliance ENERGY STAR labels must remain on the equipment for inspection by a Certified HERS Rater or Building Inspector.

6. Solar.

a. Passive Solar Heating Design. Up to 12 points.

i) Application. Points will be awarded in accordance with the following table, by designing with passive solar heating elements of south-facing glazing, appropriate thermal mass, and Building overhangs:

Points	Percent verifying calculations of the Solar Heat Gain Coefficient
6	40-49%
8	50-59%
10	60-69%
12	More than 70%

ii) Verification. Inspected during plan review. Submit modeling documentation with the designer or architect's signature verifying calculations of the Solar Heat Gain Coefficient.

b. Solar Thermal Domestic Hot Water System. 8 points.

i) Application. A solar water heating system shall include south-facing rooftop or ground-mounted collectors, a heat exchanger to transfer the solar heat to the domestic water, and an insulated storage tank to store the heated water. The system shall be sized to provide at least 50 percent of the domestic hot water load. Sufficient unshaded south-facing roof area for collectors and space in a mechanical equipment room must be provided for the additional hot water storage tank.

ii) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

c. Pre-Plumb for Solar Thermal System Retrofit and include area required for future tanks and pumps. 2 points.

i) Application. Install minimum 1/2" (5/8" OD) copper pipes, minimum 1" wall thickness high temperature 250°F rated insulation, and THN shielded 4 conductor sensor wiring between the attic and the water heater location. To accommodate "active" systems, provisions shall be made for a solar storage tank footprint, with pressure relief drain line, and an electrical outlet for a pump. An 8 ft. by 8 ft. section of south-facing roof suitable for future installation of solar panels shall be provided.

ii) Verification. Checked during plan review by the Administrators and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

d. Active Solar Electric System. Up to 12 Points.

i) Application. Design and install a solar PV system to meet some of the electrical load of the Building.

Points	size of kilowatt (kW) system
6	2
8	3
10	4

ii) Verification. The applicant must submit documentation by a qualified engineer or equivalent of the solar installation company of the electrical production calculations using industry-accepted formulas. Installation verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b.

e. Pre-Wire, or Chase Way, or Conduit, and Provide Area for Future Solar Electric, Photovoltaic (PV) System Retrofit. 2 points.

i) Application. Prewire, chase way, or conduit from the attic to a location near the electric service entrance/circuit breaker panel, allowing space for installation of PV modules on south-facing roofs, and ensuring that roof trusses are adequate to accommodate any added roof loads. maintain a 200 square foot or larger section of unshaded south roof area clear of vent pipes and other obstructions to allow for the installation of modules. Install ¾-inch or larger EMT (electrical metal tubing) or FMC (flexible metal conduit) to accommodate wires run from the attic to a junction box near the main panel and meter. Provide the owner with a roof plan with the preferred location for PV modules and the conduit location clearly marked, and provide structural information on what added loads the roof can accommodate.

ii) Verification. checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

7. Material Efficient Framing and Structure

a. Advanced Framing Techniques: 2 to 10 points.

i) Verification. Checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

ii) 24-inch On-Center Framing: 2 points.

iii) Resource Efficient Insulated Headers: 2 points.

(1) Application. points are awarded for incorporating a minimum R-10 insulation in the header section.

iv) Trusses with energy heel: 2 points.

v) HVAC Ducts Within Conditioned Spaces: 2 points.

vi) Minimum 24-inch Roof Overhangs: 2 points.

(1) Application. Design at least a 12-inch overhang with gutters around the Building's entire roof. Install gutter and downspout system to divert water five feet away from foundation and, from there, into the overall on-site drainage area or install crushed stone or other material below roof drip line to minimize splash on siding in high snow areas. All overhangs must meet Building code and zoning restrictions.

b. Structural Insulated Panels (SIPs) in Conditioned Spaces or an Alternatives to Wood Framing Approved by the Administrators. Up to 8 points.

i) Application. incorporating SIP construction requires that stamped plans be submitted from a designer.

Points	Percent of structure
5	At least 50% of Exterior Walls
8	At least 50% of Exterior Walls and roof

ii) Verification. Checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

c. Other Alternatives to Wood Framing. Up to 8 points.

i) Application. exterior walls must be constructed with alternative

materials. Alternative Building methods that demonstrate energy- and resource-efficient construction with less embodied energy are awarded points according to the following:

Points	Percent of structure
5	At least 50% of Exterior Walls
8	At least 50% of Exterior Walls and roof

ii) Verification. Checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

8. Sustainable Products.

a. Forest Stewardship Council (FSC) Certified. Up to 6 points.

Points	Number of board feet (BF) of FSC lumber per square feet (SF) of floor area
2	2 BF per SF of floor area (2BF/SF)
4	3 BF per SF of floor area (3 BF/SF)
6	50% or more of dimensional lumber in total BF is FSC, excluding engineered wood products

b. Environmentally Preferred, Low Emission, and Local Materials. Up to 10 points from Chart A.

i) Application. For each assembly, all product specification type requirements shall be met in order to receive the points available. Environmentally preferred and low emission qualifying products have more than one of these attributes: recycled content, reclaimed, bio-based, agricultural residue, rapidly renewable, and low or no volatile organic compounds (VOCs) emissions. A “recycled content” product must contain a minimum of 25 percent post-consumer recycled content except as noted otherwise above. Post-industrial (pre-consumer) recycled content is counted at half the rate of post-consumer content. Except as otherwise noted in Chart A, 90 percent of the component, by weight or volume, must meet the specification shown. Locally sourced materials are products that are manufactured within 500 miles of the city are considered local.

Chart A: Environmentally Preferable Products/Locally Sourced Materials

Assembly	Component	Product Specification Types			Points Available
		EPP Specifications	Emission Specifications	Local	
Exterior Wall	Framing	Forest Stewardship Council (FSC) Certified		X	1
Exterior Wall	Framing	Finger-jointed studs (vertical use only for structural components)		X	1
Exterior	Siding or	Recycled		X	1

Wall	masonry	content or Forest Stewardship Council (FSC) Certified			
Floor	Flooring	90% of home	NO carpet in home		1
Floor	Framing	Forest Stewardship Council (FSC) Certified		X	1
Foundation	Cement	Fly ash or slag as replacement for, not Addition to, cement content (min. 20%)		X	1
Interior Wall	Framing	Forest Stewardship Council (FSC) Certified		X	1
Interior Wall	Framing	Finger-Jointed, (vertical use only for structural components)		X	1
Interior Walls AND ceilings	Gypsum board	Recycled content		X	1
Interior Walls AND millwork	Paint		VOC concentrations of 150g/L or less AND 48 hour pre-occupancy flush		1
Interior Walls AND	Wood finishes		VOC concentrations of 150 g/L or less		0.5

millwork					
Landscape	Decking or patio material	Recycled content or Forest Stewardship Council (FSC) Certified		X	1
Other	Cabinets	Recovered, recycled content, or Forest Stewardship Council (FSC) Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X	1.5
Other	Counters	Recycled content	Wood and/or agrifiber products with no added urea-formaldehyde resins		1
Other	Doors (not incl. garage)	Recycled content or Forest Stewardship Council (FSC) Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X	1.5
Other	Trim	Recovered, recycled content, or Forest Stewardship Council (FSC) Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X	1.5
Other	Adhesives and sealants		VOC concentrations of 70 g/L or less		0.5
Other	Windows	Recycled content or Forest Stewardship Council (FSC) Certified		X	1

Roof	Framing	Forest Stewardship Council (FSC) Certified	X	1
Roof	Roofing	Recycled content or vegetated (min. 200 sf)	X	1
Roof AND floor AND wall	Insulation	Recycled content (min 20%)	X	1
Roof, floor, wall (2 of 3)	Sheathing	Recycled content or Forest Stewardship Council (FSC) Certified	X	1

9. Indoor Air Quality.

a. ENERGY STAR's Indoor airPLUS (IAP) Requirements. 5 points.

i) Application. Only New Construction that obtains ENERGY STAR is eligible for this label. For this point option, all of the requirements of ENERGY STAR IAP must be met.

ii) Verification. An ENERGY STAR Home Performance Specialist must perform a visual inspection of installed measure(s) and relevant documents/test results, to affirm compliance or submit an IAP certificate prior to final inspection.

b. Mechanical Ventilation. Up to 5 points.

ii) Application. Energy Recovery Ventilators must be integrated into the HVAC system. Points are awarded for providing mechanical ventilation according to the following table:

Points	Type of fan and location
1	Kitchen exhaust fan (minimum 100 cfm)
1	Bath exhaust fan with timer or Humidistat controls (minimum 50 cfm)
1	Ventilation integrated into the HVAC system
2	Energy Recovery Ventilation System

ii) Verification. Checked during mechanical inspection. The state mechanical inspector shall complete a Verification of Accountability by Responsible Party form, which shall be submitted, before the final inspection.

c. High-Efficiency HVAC Filter.

i) Filters with MERV ratings of 6 to 10. 1 point.

(1) Application. Any MERV with a rating from 6 to 10. Filters with a MERV rating of higher than 10 may be used only if the HVAC fan system is specifically designed for it.

d. Attached Garage Exhaust Fan. 1 point.
i) Application. Install an exhaust fan on the opposite wall from the door to the house. It shall be wired to an electric garage door to run after the door has been opened or closed or put on a timer.

10. Homeowner Information - Operations and Maintenance Binder. 3 points.
a. Application. The builder shall provide a binder to be left in the dwelling for future occupants that includes the following three items:
i) The points checklist
ii) HERS Index score certificate, if applicable.
iii) The equipment manufacturers' installation manuals, except for manuals required to be affixed to the equipment, for all installed equipment, fixtures, and appliances
b. Verification. Submitted to the Administrators for review and inspected during final inspection.

11. Design Process and Innovation.
a. Green Building Consultants. 1 point.
i) Application. Use services provided by a consultant(s) certified through, Green Advantage, LEED AP, Certified Sustainable Building Advisor, or similar certification Approved by the Administrators during the design and construction process.
ii) Verification. A green building consultant must sign the Verification of Accountability by Responsible Party form and provide proof of certification or accreditation during Building plans submittal.

b. ENERGY STAR Builder. 1 point
i) Application. Applies to New Construction Only. The general contractor must be an ENERGY STAR Builder.
ii) Verification. The builder must sign the Verification of Accountability by Responsible Party form and the builder's name must be listed on ENERGY STAR's web site.

c. Innovation Points. 3 points.
i) Application. Minimize the environmental impact of the house by incorporating green design and construction measures that have tangible and demonstrable benefits beyond those outlined in the points program. Suggested innovations include: exceptional performance (e.g., zero energy, carbon neutral); innovative design strategies; or emerging technologies, materials, or construction practices. The applicant MUST prepare a written submittal that includes:

- (1) The intent of the innovation measure(s)
- (2) The proposed requirement for compliance
- (3) The proposed documentation to demonstrate compliance
- (4) A description and an estimate of the benefit/impact

provided by the proposed measure

ii) The above information must document how such an approach will minimize the impacts of the Building in a tangible and demonstrable way beyond the methods outlined in the Build Better Point Menu. The product, design, or technology must comply with existing city codes and standards.

iii) Verification. Applicant must provide the above documentation in writing and any other supporting documentation, such as an evaluation report or specifications

to quantify performance. This information is submitted with Building Permit plans and will be awarded during the Administrators' evaluation and determination of measures proposed.

Section 2. Section 15.08.030 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

15.08.030 Additional requirements. The following regulations shall apply in addition to those contained in the adopted codes and standards.

A. Manufactured Homes. The city of Hailey adopts by reference the "Idaho Manufactured Home Installation Standard" as published by the state of Idaho, September, 1999, compiled jointly by the Manufactured Housing Industry, as may be modified and adopted by the state of Idaho. Said "Standard" shall be known as the "Manufactured Housing Code."

B. Special Natural Hazard. Understanding that certain natural hazards exist in the jurisdiction including, but not limited to avalanche areas, earthquake, floodplain, snow loads, wildfires and soil qualities, site specific surveys and related engineering may be required as deemed appropriate by the authority of the jurisdiction.

C. Plumbing and Electrical Inspections Prerequisite. The framing inspection by the city of Hailey Building department shall not be conducted until the applicant has obtained a rough plumbing and electrical inspection from the Idaho State Plumbing and Electrical Inspectors. The final inspection shall not be conducted until the applicant has obtained a final plumbing and electrical inspection.

D. Salvaged Building Materials. The use of salvaged Building materials may be Approved by the Building Official upon receipt of a complete list of those materials accompanied with written approval of such materials by an Idaho Licensed Structural Engineer. Said materials shall be capable of meeting design criteria for the proposed project.

E. Insulation of Stem Wall. In reference to residential construction, perimeter stem wall insulation practices shall be considered as equal and equivalent insulation criteria when considering thermal Building envelope efficiencies using energy code thermal design parameters.

F. Increased energy efficiency and sustainable Building practices. An increase in energy efficiency by 10% above the IECC and other sustainable Building practices and materials shall be followed, as specified by Section 15.08.012, Build Better Program, provided the activity is not listed as an exception in Section 101.4.3 of the IECC or an exemption in Section 15.08.012, A. 3. or 4.

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 and parts of ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect on May 1, 2013 and after its passage, approval and publication according to law.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR
this _____ day of March, 2013.

Fritz H. Haemmerle
Mayor, City of Hailey

ATTEST: _____
Mary Cone, City Clerk (Seal)

AGENDA ITEM SUMMARY

DATE: 3/18/2013

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1120 (Build Better 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. 1120 which establishes a mandatory Build Better Program.

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:

Make a motion to approve the summary of Hailey Ordinance No. 1120.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1120

The following is a summary of the principal provisions of Ordinance No. 1120 of the City of Hailey, Idaho, duly passed and adopted March 18, 2013, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY AMENDING HAILEY MUNICIPAL CODE, CHAPTER 15.08, BUILDING CODE ORDINANCE, BY ADOPTING A NEW SECTION 15.08.012, BUILD BETTER PROGRAM, WHICH INCREASES ENERGY CONSERVATION AND PROMOTES SUSTAINABLE BUILDING PRACTICES; BY AMENDING SECTION 15.08.030 TO CREATE ADDITIONAL REQUIREMENTS FOR INCREASED ENERGY EFFICIENCY AND SUSTAINABLE BUILDING PRACTICES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING AN EFFECTIVE DATE.

Hailey Ordinance No. 1120 amends Hailey Municipal Code, as follows:

Section 1 adds a new Section 15.08.012, of the Hailey Municipal Code, Build Better Program, which a) requires all commercial and residential New Construction, Additions and Alterations to comply with the standards of the Build Better Program, unless otherwise stated therein, b) creates definitions applicable to the Build Better Program, c) provides that all commercial and residential New Construction and Additions shall comply with the International Energy Conservation Code ("IECC"), and shall increase energy efficiency 10% beyond the IECC requirements, d) provides water, indoor air, construction waste and assurance standards for new residential and commercial construction, and e) unless exempted, establishes a points menu for residential New Construction, residential Additions of 500 square feet of Conditioned Space or greater and exterior snow melt, which is applied to i) waste management, ii) energy efficiency, iii) solar design, iv) material efficient framing and structure, v) sustainable products, vi) indoor air quality, vii) homeowner information - operations and maintenance binder, and viii) design process and innovation.

Section 2 amends Section 15.08.030 of the Hailey Municipal Code to increase energy efficiency and sustainable Building practices by 10% above the IECC as specified by the Build Better Program, Section 15.08.012 of the Hailey Municipal Code, provided the activity is not listed as an exception in Section 101.4.3 of the IECC or an exemption in Section 15.08.012 (A)(3) or (4) of the Hailey Municipal Code.

Section 3 provides for a severability clause.

Section 4 provides for a repealer clause.

Section 5 provides for an effective date of the ordinance.

The full text of Ordinance No. 1120 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. 1120 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1120, 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 18th day of March, 2013.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express _____, 2013

AGENDA ITEM SUMMARY

DATE: 4/18/2011

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1121 (Water and Wastewater Chapter amendment)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1121 which eliminated the ability to impose a lien for delinquent water and wastewater fees.

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:

Make a motion to approve the summary of Hailey Ordinance No. 1121.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1121

The following is a summary of the principal provisions of Ordinance No. 1121 of the City of Hailey, Idaho, duly passed and adopted March 11, 2013, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 13.04.150(C) TO DELETE THE AUTHORITY OF THE CITY OF HAILEY TO IMPOSE A LIEN FOR DELINQUENT WATER AND WASTEWATER USER FEES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Hailey Ordinance No. 1121 amends Hailey Municipal Code, as follows:

Section 1 amends Section 13.04.150(C) of the Hailey Municipal Code, to eliminate the ability to impose a lien on real property for delinquent water and wastewater fees.

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. 1121 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. 1121 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1121, 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 18th day of March, 2012.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express _____, 2013

AGENDA ITEM SUMMARY

DATE: 3-4-13

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

SUBJECT:

Ordinance No. 1122 (Speed Limit Ordinance)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the February 4, 2013, Council meeting, the mayor and city council discussed the findings of the City Engineer about speed limits in Hailey. The City Engineer's traffic investigation recommended a 25 mph speed limit for Woodside Boulevard, Countryside Boulevard and Aviation Drive and a 20 mph speed limit throughout the remainder of the streets. The Council elected to impose a 10 mph speed limit in alleys and to maintain a 15 mph speed limit by parks and schools. The City Engineer's report and a report from the Institute of Traffic Engineers are attached. I am enclosing a proposed draft of an ordinance, which establishes the speed limits. This ordinance would replace Section 10.12.010 of the Hailey Municipal Code.

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:

Conduct a public hearing and if satisfactory, make a motion to adopt Ordinance No. and authorize the mayor to conduct the first reading.

FOLLOW-UP REMARKS:

3/4 - Council adopted Ord. 1122 - 1st Reading
3/11 - 2nd Reading
3/18 - 3rd Reading and summary

HAILEY ORDINANCE NO. 1122

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 10.12.010 OF THE HAILEY MUNICIPAL CODE, TO PROVIDE FOR A 20 MILES PER HOUR SPEED LIMIT EXCEPT IN ALLEYS, IN SCHOOL ZONES, BY PARKS AND AS POSTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Idaho Code § 49-654 provides that where no special hazard or condition exists which requires lower speed limits, no person shall drive a vehicle at a speed in excess of 35 miles per hour in any residential, business or urban district;

WHEREAS, pursuant to Idaho Code § 49-207, the City of Hailey may determine on the basis of an engineering or traffic investigation and the residential, business or urban character of the neighborhood abutting a street in a residential, business or urban district that the speed limit established in Title 49 of the Idaho Code is greater than reasonable and safe;

WHEREAS, in *State v. Peck*, 153 Idaho 37 (Idaho App. 2012), the Idaho Court of Appeals acknowledged that a municipality can decrease the speed limits described in Idaho Code §§ 49-654 and 49-207 based on an engineering or traffic investigation and the residential, urban or business character of the neighborhood abutting a highway;

WHEREAS, Idaho Code § 49-207 provides that any alteration of speed limits on state highways must be based on a traffic engineering study approved by the Idaho Department of Transportation;

WHEREAS, the City of Hailey has not conducted a traffic engineering study which could alter the speed limit on Highway 75 within the City of Hailey;

WHEREAS, the Hailey City Engineer has conducted an engineering or traffic investigation and has conducted a review of other streets abutting residential, business and urban districts within the City of Hailey;

WHEREAS, in his report, the Hailey City Engineer cites a report from the Institute of Traffic Engineers, which states “[a]ccording to a Federal Highway Administration study, all states and most local agencies use the 85th percentile speed of free flowing traffic as the basic factor in establishing speed limits”;

WHEREAS, traffic speed studies conducted throughout Hailey between 2000 and 2012 on streets abutting residential, business and urban districts show that a 25 miles per hour speed limit would be appropriate based strictly on the 85th percentile speeds;

WHEREAS, both Idaho Code § 49-207 and the Federal Highway Administration study recognize that there are other factors which can be used to establish a reasonable and safe speed limit below the speed limit established by the 85th percentile speeds;

WHEREAS, the Hailey City Engineer has recommended a 25 miles per hour speed limit as a reasonable and safe speed limit on the recently reconstructed Woodside Boulevard, Countryside Boulevard and Aviation Drive because of the design of these streets and because of the separation of pedestrians and bicycles from vehicles;

WHEREAS, the Hailey City Engineer has recommended a 10 miles per hour speed limit as a reasonable and safe speed limit on alleys because of the narrow width of alleys, because of the inherent conflict between vehicles within the alley and vehicles entering and exiting adjacent property and because vehicles traveling on an alley must yield to traffic on intersecting streets;

WHEREAS, the Hailey City Engineer has recommended a 15 miles per hour speed limit as a reasonable and safe speed limit on streets adjacent to city parks and schools because of the danger posed to children and pedestrians and because there is significant congestion of vehicles and pedestrians at times in these areas;

WHEREAS, the Hailey City Engineer has recommended a 20 miles per hour speed limit as a reasonable and safe speed limit on all other streets within Hailey because of the number of obstructions to clear vision at intersections and because of the presence of pedestrians and children in the residential, business and urban districts; and

WHEREAS, the Hailey Mayor and City Council have reviewed the report of the Hailey City Engineer and has adopted his recommendation;

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

Section 1. Section 10.12.010 of the Hailey Municipal Code is amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

10.12.010 Speed limits designated. Every person operating a motor vehicle on a public street or alley in the city shall drive the same in a careful and prudent manner, and not to exceed the following speeds:

- A. Twenty-five miles per hour on Woodside Boulevard, Countryside Boulevard and Aviation Drive Main Street, from one thousand two hundred seventy-three feet north of mile post 117 at North First Street to two thousand six hundred fifteen feet south of mile post 116 on South Main Street;
- B. Fifteen ~~Fifteen~~ Ten miles per hour in all alleys;
- C. Fifteen miles per hour through school zones as indicated by school zone signs posted at school zone areas;
- D. Fifteen miles per hour on all streets which are adjacent to city parks;

AGENDA ITEM SUMMARY

DATE: 3/18/2013

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1122 (Speed limit amendment)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1122 which amended speed limits on streets and alleys.

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:

Make a motion to approve the summary of Hailey Ordinance No. 1122.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1122

The following is a summary of the principal provisions of Ordinance No. 1122 of the City of Hailey, Idaho, duly passed and adopted March 18, 2013, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 10.12.010 OF THE HAILEY MUNICIPAL CODE, TO PROVIDE FOR A 20 MILES PER HOUR SPEED LIMIT EXCEPT IN ALLEYS, IN SCHOOL ZONES, BY PARKS AND AS POSTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Hailey Ordinance No. 1122 amends Hailey Municipal Code, as follows:

Section 1 amends Section 10.12.010 of the Hailey Municipal Code, to establish a speed limit on streets and alleys of 25 miles per hour on Woodside Boulevard, Countryside Boulevard and Aviation Drive, 10 miles per hour in all alleys, 15 miles per hour in school zones and in streets adjacent to city parks, and 20 miles per hour in all other areas.

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. 1122 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. 1122 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1122, 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 18th day of March, 2012.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express _____, 2013

AGENDA ITEM SUMMARY

DATE: 3-4-13

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Ordinance No. 1123 (Bicycle Ordinance)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed bicycle ordinance, which would replace our present Chapter 10.40 of the Hailey Municipal Code. We discussed this draft ordinance at the February 4, 2013, council meeting. Based on that meeting, I made two changes. First, I deleted the language which prohibited a person who is either too large or too small to operate a bicycle safely. Second, I amended the penalty provision to make a violation of the ordinance an infraction, instead of a misdemeanor. For your information, the fine for bicycle infraction is presently \$61.50.

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:

Conduct a public hearing and if satisfactory, make a motion to adopt Ordinance No. ____ and authorize the mayor to conduct the first reading.

FOLLOW-UP REMARKS:

3/4 - council adopted ord. No. 1123 - 1st reading
3/11 - 2nd reading
3/18 - 3rd reading & summary

From: Marcia Kent [mailto:mkenttw@cox.net]
Sent: Saturday, March 09, 2013 11:50 AM
To: Micah Austin
Subject: Bicycle Ordinance

I'm so glad to see this proposed ordinance as I've had some close calls with children suddenly zipping into the crosswalk (one time even accompanied by adults!). I'm certainly hoping this gets approved!
Marcia Kent 308 w bullion st hailey

-----Original Message-----

From: Marcia Kent [mailto:mkenttw@cox.net]
Sent: Saturday, March 09, 2013 3:24 PM
To: Jeff Gunter
Subject: RE: bicycle ordinance

Thanks for the quick reply and happy we'll have a new law!
Marcia.

-----Original Message-----

From: Jeff Gunter [mailto:jeff.gunter@haileycityhall.org]
Sent: Saturday, March 09, 2013 12:17 PM
To: Marcia Kent
Subject: RE: bicycle ordinance

The ordinance amendment was met with very little resistance and was passed last Monday. The new ordinance will become law in 4 weeks. We had two children hit in crosswalks last year. Fortunately with minor injuries. The amended ordinance allows us eliminate the conflicting laws in the Idaho code book and protect our children. We will begin implementing educational programs in the schools as soon the ordinance becomes law.

Thank you for the feedback,
Jeff

Chief Jeff Gunter
115 South Main Ste. C
Hailey Idaho 83333
208-788-3531

From: Marcia Kent [mkenttw@cox.net]
Sent: Saturday, March 09, 2013 11:38 AM
To: Jeff Gunter
Subject: bicycle ordinance

So glad to see this proposal, I've had some scary incidents with children zooming into the crosswalk. this will be so helpful. Hope it's approved!!
Marcia Kent 308 w bullion st Hailey

HAILEY ORDINANCE NO. 1123

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 10.40 OF THE HAILEY MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 10.40, ENTITLED BICYCLES, TO ESTABLISH DEFINITIONS, TO ESTABLISH RULES OF THE ROAD FOR BICYCLES, TO PROVIDE FOR VOLUNTARY REGISTRATION, AND TO PROVIDE A PENALTY MAKING A VIOLATION OF CHAPTER 10.40 PUNISHABLE AS AN INFRACTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Hailey City Council wishes to update the regulations governing the use of bicycles on roadways and sidewalks; and

WHEREAS, the Hailey City Council believes the amendments of Chapter 10.40 of the Hailey Municipal Code promotes 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 10.40 of the Hailey Municipal Code is hereby repealed in its entirety and replaced by a new Chapter 10.40, as follows:

Chapter 10.40

BICYCLES

Sections:

10.40.010	Definitions.
10.40.020	Traffic Laws Apply to Persons Riding Bicycles
10.40.030	Required Bicycle Equipment
10.40.040	Riding on Bicycles
10.40.050	Clinging to Vehicles
10.40.060	Riding on Roadways
10.40.070	Using Provided Bicycle Lanes and Bicycle Paths
10.40.080	Riding on Sidewalks and Crosswalks
10.40.090	Passing Other Vehicles
10.40.100	Bicyclists not Required to Dismount when Stopping
10.40.110	Turn Signals
10.40.120	Riding in Groups
10.40.130	Bicycle Parking
10.40.140	Use of Bicycle Paths and Bicycle Lanes by Other Non-Motorized Modes of Transportation
10.40.150	Group Events
10.40.160	Unlawful Use of Bicycle Lanes and Bicycle Paths
10.40.170	Reckless Operation

- 10.40.180 Bicycle Licenses
- 10.40.190 Violation-Penalty.

10.40.010 Definitions. For the purposes of this chapter, the capitalized terms have the following meanings:

“Bicycle” shall mean every vehicle having wheels propelled exclusively by human power upon which any person may ride, including tricycles and other multicycles, but excluding scooter and similar devices.

“Bicycle Lane” shall mean a portion of a roadway that has been designated by signs and pavement markings for preferential or exclusive use by bicyclists. Bicycle lanes are facilities that are placed on both sides of a street, and they carry bicyclists in the same direction as adjacent vehicle traffic.

“Bicycle Path” or “Bikeway” shall mean any road, street or path that in some manner is specifically designated for Bicycle travel, regardless of whether such facilities are designated for the exclusive Bicycle use or are to be shared with other travel modes.

10.40.20 Traffic Laws Apply to Persons Riding Bicycles.

- A. Every person, regardless of age, who operates a Bicycle upon a roadway, public parking lot, sidewalk, Bicycle Path , Bicycle Lane or other public vehicular right-of-way in the City of Hailey shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by the laws of the State of Idaho, and the provisions of Title 10 of the Hailey City Code not in conflict with and as authorized under Title 49, Idaho Code; except where provisions of those laws and ordinances by their very nature can have no application to Bicycles, or where portions of this Ordinance direct otherwise.
- B. Any peace officer of jurisdiction as defined in Idaho Code § 19-5101 (d), operating a Bicycle during the course of his or her duties is exempt from the requirements of section A. if the Bicycle is being operated under any of the following circumstances:
 - a. In response to an emergency call.
 - b. While engaged in rescue operations.
 - c. In the immediate pursuit of an actual or suspected violator of the law.

This section does not relieve a peace officer from the duty to operate a Bicycle with due regard for the safety of all persons.

10.40.030 Required Bicycle Equipment. No person shall operate a Bicycle without the following equipment:

- A. Brakes capable of causing the Bicycle to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement.
- B. A permanent seat designed for the Bicycle being operated.
- C. A bell, the human voice or other audible warning device capable of being heard at least one hundred feet (100'), except that no Bicycle shall be equipped nor shall any person use upon a Bicycle any siren or whistle.
- D. When in use at nighttime, a red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of lawful upper beams of a motor vehicle, and a forward-facing white light attached either to the Bicycle or the bicyclist which is visible from a distance of at least five hundred feet (500') in front of the Bicycle. A Bicycle shall be equipped with a front-facing white or yellow reflector when the bicyclist uses a generator powered light which is unlit when the Bicycle is stopped.

10.40.040 Riding on Bicycles.

- A. No person riding or operating a Bicycle shall ride other than upon or astride a permanent and regular seat attached thereto.
- B. No Bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- C. Every person operating a Bicycle shall keep at least one hand on the handlebar at all times, and shall carry nothing which prevents full control of the Bicycle or obstructs the operator's vision.

10.40.50 Clinging to Vehicles. Persons riding or operating Bicycles shall not attach themselves or such Bicycles to a moving vehicle. This section shall not prohibit attaching a trailer device to a Bicycle which is designed to accommodate such a device.

10.40.060 Riding on Roadways.

- A. No person shall operate a Bicycle on a roadway against the flow of motorized traffic, except where permitted by official signs or pavement markings.
- B. Every person operating a Bicycle upon a two-way roadway which does not contain a Bicycle Lane is entitled to use the lane appropriate for the intended destination, including the right-hand lane, and any designated bus lane. The Bicycle rider shall proceed in the same direction of travel as

other vehicles authorized to use that lane. On one-way roadways, a Bicycle may be operated in any existing lane.

- C. The operator of a Bicycle traveling at a rate of speed which delays a vehicle or vehicles following in the same lane shall be required, when it is unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the Bicycle is in the left lane of a one-way roadway, as is safe under the conditions then existing; provided, however, that when the bicyclist is within fifty feet (50') of an intersection, he shall not be required to move to the right or left until he has moved through the intersection.
- D. In right turn only lanes where traffic signs or signals indicate a bus, trolley or street car is permitted to go straight rather than turn right, a Bicycle operator shall be permitted to go straight rather than turn right.

10.40.070 Using Provided Bicycle Lanes and Bicycle Paths.

- A. Wherever a Bicycle Lane is present upon a roadway, a bicyclist shall use that lane and shall not use the roadway; except that the bicyclist shall not be required to use or remain in a Bicycle Lane:
 - 1. When the lane is of insufficient width to permit safe Bicycle operation;
 - 2. When the condition of the pavement, or the presence of water, dirt, glass or other foreign objects upon the pavement prevents safe Bicycle operation in the lane;
 - 3. When moving into position to make a right or left turn;
 - 4. When an opening car door or other obstruction in an adjacent parking lane requires movement out of the lane.
- B. Wherever a Bicycle Path has been provided immediately adjacent to a roadway, a bicyclist shall use that path and shall not use the roadway if official signs or markings so direct; except that a bicyclist shall not be required to use or remain on a Bicycle Path:
 - 1. When the path is of insufficient width to permit safe Bicycle operation; or
 - 2. When the condition of the surface, or the presence of water, dirt, glass or other foreign objects upon the surface prevents safe Bicycle operation on the path.

10.40.080 Riding on Sidewalks and Crosswalks.

- A. A Bicycle may be operated upon a sidewalk, except when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe because of the risk of colliding with one of the pedestrians, in which case the Bicycle rider must dismount and walk the Bicycle to an area where safe riding may resume. If a bicyclist leaves a sidewalk with an official traffic control device or a marking on the roadway requiring a bicyclist to dismount, the bicyclist shall dismount from his/her Bicycle and cross the roadway by walking the Bicycle only within a marked crosswalk.
- B. A Bicycle may be operated upon and within a crosswalk, unless an official traffic control device or a marking on the roadway requires a bicyclist to dismount, in which case a bicyclist shall dismount from his/her Bicycle and cross the roadway by walking the Bicycle only within a marked crosswalk.
- C. Any bicyclist riding upon a sidewalk, or across a roadway upon and within a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.
- D. A bicyclist riding upon the sidewalk, or across a roadway upon or within a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.
- E. A bicyclist riding on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

10.40.090 Passing Other Vehicles. The operator of a Bicycle may pass another vehicle upon the right when traveling on a two-way roadway and may pass on the left when traveling in the left lane of a one-way roadway, but only under conditions safely permitting such movement. A bicyclist shall not pass between two (2) lanes of motor vehicles proceeding in the same direction.

10.40.100 Bicyclists Not Required to Dismount when Stopping. Whenever a bicyclist is required to bring a Bicycle to a stop in conformance with an official traffic control device, the operator shall halt forward motion but shall not be required to dismount or remove his/her feet from the pedals.

10.40.110 Turn Signals. The operator of a Bicycle intending to turn shall signal his intent to turn with the appropriate hand and arm signal at least one hundred feet (100') prior to turning. The hand signal need not be continuous.

10.40.120 Riding in Groups. Persons riding Bicycles shall not ride more than two (2) abreast except upon Bicycle Paths of twelve feet (12') or more. Bicyclists operating two (2) abreast upon a roadway, or Bicycle Path, shall return to a single file configuration when a vehicle approaches from behind in the same lane.

10.40.130 Bicycle Parking. Bicycles shall be parked using established Bicycle racks. In the event Bicycle racks are not available, Bicycles shall be parked in such a manner as to not obstruct or impede the movement of pedestrians, motor vehicles or other Bicycles, or as to not cause damage to trees, shrubs or other living plants.

10.40.140 Use of Bicycle Lanes and Bicycle Paths by Other Non-Motorized Modes of Transportation.

- A. Pedestrians shall not travel upon a Bicycle Lane where a sidewalk is provided or upon a Bicycle Path where a separate foot path has been provided.
- B. When a pedestrian is traveling upon a Bicycle Lane or Bicycle Path, a bicyclist approaching the pedestrian from the rear shall be required to give audible warning when overtaking and passing such pedestrian.
- C. A bicyclist shall always yield the right-of-way to a pedestrian who is physically disabled.

10.40.150 Group Events. A Bicycle race, parade or other group event for bicyclists may be conducted upon public rights-of-way in the City of Hailey if a special events permit is obtained. Special events permit applications shall be made through the office of the City Clerk.

10.40.160 Unlawful Use of Bicycle Lanes and Bicycle Paths. It shall be unlawful for any person without authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any Bicycle Path or Bicycle Lane in the City of Hailey.

10.40.170 Reckless Operation. A person who uses or rides a Bicycle on a sidewalk, street, roadway, highway or any public or private property open to public use, carelessly and heedlessly, or without due caution and circumspection, or at such a speed or in any other manner as to endanger or be likely to endanger any person or property shall be guilty of reckless bicycling.

10.40.180 Bicycle Licenses.

- A. Registration Recommended. The City of Hailey, as a matter of public policy, recommends that all residents of Hailey who own a Bicycle have such Bicycle registered with and tagged by the Hailey Police Department or its designated agents. The purpose of a Bicycle license is to assist the

Bicycle owner, the Hailey Police Department, or other public safety agencies in recovering a Bicycle should the Bicycle be stolen or otherwise misplaced.

- B. Registration. A Bicycle may be registered by filing with the Hailey Police Department the name and address of the owner together with a complete description of the Bicycle on forms provided by or made available to the Hailey Police Department. The fee for registration may be established by resolution of the Hailey City Council. The registration fee applies for the entire period the license registrant owns the license Bicycle. Registration shall be serially numbered and kept on file by the Hailey Police Department. Upon such registration, the Hailey Police department or its designee shall cause an identification tag to be affixed to the registered Bicycle which shall be serially numbered to correspond with the registration number. Such tag shall remain affixed to the Bicycle unless removed by the Hailey Police Department for cause or for re-tagging upon re-registration.
- C. Destruction of Tag. Any person who willfully removes, defaces, or destroys any Bicycle identification tag issued by the City of Hailey on a Bicycle not owned by the person shall be guilty of a misdemeanor and upon conviction may be sentenced to jail for not more than six (6) months or may be fined not more than three hundred dollars (\$300.00), or may be punished by both fine and imprisonment.
- D. Transfer or Non-Use. Within ten (10) days after any Bicycle registered hereunder shall have changed ownership or have been dismantled or taken out of operation, the person whose name the Bicycle has been registered is encouraged to report such information to the Hailey Policy Department. in case of change of ownership, upon payment of the registration fee and production of a bill of sale signed by the previous registered owner, the registration shall be changed to show the name of the new owner or registered with a new number and cancellation of the former.

10.40.190 Violation-Penalty. Any person violating any of the provisions of this chapter shall be guilty of an infraction, punishable by a fixed penalty and court costs set forth in the Idaho Infraction Rules for pedestrian and bicycle infractions.

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 18th day of March, 2013.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 3/18/2013

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1123 (Bicycle Chapter amendment)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1123 which replaced the Bicycle Ordinance.

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:

Make a motion to approve the summary of Hailey Ordinance No. 1123.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1123

The following is a summary of the principal provisions of Ordinance No. 1123 of the City of Hailey, Idaho, duly passed and adopted March 18, 2013, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REPEALING CHAPTER 10.40 OF THE HAILEY MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 10.40, ENTITLED BICYCLES, TO ESTABLISH DEFINITIONS, TO ESTABLISH RULES OF THE ROAD FOR BICYCLES, TO PROVIDE FOR VOLUNTARY REGISTRATION, AND TO PROVIDE A PENALTY MAKING A VIOLATION OF CHAPTER 10.40 PUNISHABLE AS AN INFRACTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

Hailey Ordinance No. 1123 amends Hailey Municipal Code, as follows:

Section 1 repeals Chapter 10.40 of the Hailey Municipal Code and replaces it with a new Chapter 10.40, which a) provides definitions of Bicycle, Bicycle Lane and Bicycle Path, b) generally provides that every person operating a Bicycle is subject to the same rights and responsibilities of motor vehicle operators under Idaho law, c) requires every person operating a Bicycle to have certain equipment on the Bicycle such as brakes, a permanent seat, audible warning device that may include the human voice, and for Bicycles operated at night, a visible rear red reflector and a forward facing white light, d) regulates the use of Bicycles by prohibiting operation other than on or astride a permanent seat, more than one person on a Bicycle, use without both hands on the handlebar and carrying items that prevents full control or obstructs vision, e) prohibits operation of a Bicycle while clinging onto a moving vehicle, f) generally prohibits operation of a Bicycle against the flow of motorized traffic, except where permitted by official signs or markings, and requires the operator of a Bicycle traveling, at a rate of speed that delays a vehicle, to move as far to the right of the traveled roadway, or to the left where the Bicycle is in the left lane of a one-way roadway, as is safe under the conditions, g) generally requires the operator of a Bicycle to use a Bicycle Lane or Bicycle Path, if present on a roadway, h) allows a Bicycle to be operated upon a sidewalk, except when the number of pedestrians using the sidewalk renders riding on the sidewalk unsafe and requires a Bicycle to be operated within a crosswalk, unless an official traffic control device or a marking on the roadway requires a bicyclist to dismount, and subjects such bicyclists to the rights and duties applicable to a pedestrian, i) allows the operator of a Bicycle to pass another vehicle upon the right when traveling on a two-way roadway and to pass on the left when traveling in the left lane of a one-way roadway, but only under conditions safely permitting such movement, j) requires an operator of a Bicycle to stop in conformance with an official traffic control devices without having to dismount or remove his/her feet from the pedals, k) requires the operator of a Bicycle intending to turn to signal with an appropriate hand and arm signal at least 100' prior to turning, l) prohibits persons riding Bicycles from riding more than two abreast except upon Bicycle Paths of 12' or more, m) requires Bicycles to be parked with established bicycle racks and if racks are not available,

Bicycles shall be parked without obstructing or impeding movement of pedestrians, motor vehicles or other Bicycles, and without causing damage to trees, shrubs or other living plants, n) prohibits pedestrians from traveling upon a Bicycle Lane where a sidewalk is provided or upon a Bicycle Path where a separate foot path has been provided and requires a bicyclist to yield the right-of-way to a pedestrian who is physically disabled, o) permits a Bicycle race, parade or other group event for bicyclists upon public rights-of-way if a special events permit is obtained, p) prohibits any person without authorization from the local authority having jurisdiction thereof to cut, alter, break, injure, damage or perform work upon any Bicycle Path or Bicycle Lane, q) prohibits the reckless operation of a Bicycle on a sidewalk, street, roadway, highway or any public or private property open to public use, r) creates a recommended registration procedure for Bicycles and makes it a misdemeanor for a person to willfully remove, deface or destroys any Bicycle identification tag issued by the City of Hailey on a Bicycle not owned by the person, punishable by imprisonment for not more than six (6) months or a fine not more than three hundred dollars (\$300.00), or both, and s) makes it an infraction for a violation of the provisions of Chapter 10.40, punishable by a fixed penalty and court costs set forth in the Idaho Infraction Rules for pedestrian and bicycle infractions.

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. 1123 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. 1123 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1123, 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 18th day of March, 2013.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express _____, 2013