

TITLE 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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1.01.010 Adoption. Pursuant to the provisions of Idaho Code Sections 50-903 through 50-906, inclusive, there is adopted the “Hailey Municipal Code” as published by the Book Publishing Company, Seattle, Washington. (Ord. 605 §1, 1992)

1.01.020 Title–Citation–Reference. This code shall be known as the “Hailey Municipal Code” and it shall be sufficient to refer to such code as the “Hailey Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Hailey Municipal Code.” Further reference

may be made to the titles, chapters, sections and subsections of the “Hailey Municipal Code,” and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 605 §2, 1992)

1.01.030 Codification authority. This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances, excluding Ordinance No. 532, Hailey’s Zoning Ordinance, and Ordinance No. 552, Hailey’s Subdivision Ordinance, of Hailey, Idaho, codified pursuant to the provisions of Idaho Code Section 50-903 through 50-906, inclusive. (Ord. 605 §3, 1992)

1.01.040 Ordinances passed prior to adoption of the code. The last ordinance included in this code was Ordinance No. 601, passed June 22, 1992. (Ord. 605 §4, 1992)

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as the “Hailey Municipal Code” or any portion thereof, or to any ordinances of the city of Hailey, Idaho, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 605 §5, 1992)

1.01.060 Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 605 §6, 1992)

1.01.070 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 605 §7, 1992)

1.01.080 Repeal of existing ordinances. So far as the provisions of this code are the same in effect as those of previously existing ordinances, they shall be construed as continuations thereof; but subject to the above limitation and the provisions of the next section, all ordinances and resolutions of the city of Hailey, Idaho, heretofore in force (except such as are of a private, local or temporary nature, including franchises, grants, dedications and special levies for local assessments and except for Hailey’s Zoning Ordinance, Ordinance No. 532, and Hailey Subdivision Ordinance, Ordinance No. 552), are repealed. (Ord. 605, §8, 1992)

1.01.090 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the city of Hailey shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation therefor, nor to affect the validity of any bond or cash deposit in lieu required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 605 §9, 1992)

1.01.100 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The Hailey city council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinances shall be in full force and effect. (Ord. 605 §10, 1992)

1.01.110 Effective date. The ordinance codified in this chapter shall become effective upon passage, the three readings required by law, and publication required by law. The code adopted hereby shall likewise become effective upon the effective date of said ordinance. (Ord. 605 §11, 1992)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Interpretation of language.
- 1.04.030 Grammatical interpretation.
- 1.04.040 Title of office.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinance.

1.04.010 Definitions. The following words and phrases, whenever used in the codified ordinances of the city, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“City” means the city of Hailey, Idaho, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Code” means the Hailey Municipal Code.

“Commission” means the city planning and zoning commission.

“Council” means the city council of the city. “All its members” or “all councilmembers” means the total number of councilmembers holding office.

“County” means the county of Blaine, Idaho.

“Law” denotes applicable federal law, the constitution and statutes of the state of Idaho, the ordinances of the city, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or part of such building or land.

“Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” includes money, goods, chattels, things in action and evidences of debt.

“Preceding” and “following” means next before and next after, respectively.

“Property” includes real and personal property.

“Real property” includes land, improvements to land, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

“State” means the state of Idaho.

“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.

“Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Written” includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

“Year” means a calendar year. (Added during 1992 codification)

1.04.020 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Added during 1992 codification)

1.04.030 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Added during 1992 codification)

1.04.040 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Added during 1992 codification)

1.04.050 Acts by agents. When an act is required by ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Added during 1992 codification)

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact or such act or omission. (Added during 1992 codification)

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last is Sunday or a holiday, in which case it shall also be excluded. (Added during 1992 codification)

1.04.080 Construction. The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Added during 1992 codification)

1.04.090 Repeal shall not revive any ordinance. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Added during 1992 codification)

Chapter 1.08

OFFICIAL NEWSPAPER

Sections:

- 1.08.010 Purpose.
- 1.08.020 Designated.

1.08.010 Purpose. This chapter is adopted to designate the official newspaper for the city of Hailey, Idaho as required by Idaho Code Section 50-213. (Ord. 508 (part), 1986)

1.08.020 Designated. The Idaho Mountain Express, as a newspaper which meets the requirements of Idaho Code Section 60-106 et seq., as amended, shall be and the same is designated as the official newspaper for the City of Hailey. ((Ord. 1018 § 1, 2008; Ord. 508 (part), 1986))

Chapter 1.12CITY SEALSections:

1.12.010 Description.

1.12.010 Description. The corporate seal of the city shall be circular in shape with an inner circle and outer circle. The outer circle shall be one and five-eighths inches in diameter, and the inner circle one and one-eighths inches in diameter. Wording in the outer circle shall consist of “CITY OF HAILEY” in the upper half and “BLAINE COUNTY, IDAHO” in the lower half. The inner circle shall contain the word “SEAL” across the center. (Amended during 1992 codification; Ord. 2 §1, 1903)

Chapter 1.14ELECTIONSSections:

1.14.010 Purpose.
 1.14.020 Precinct.
 1.14.030 Hours of polling places for city elections.
 1.14.040 Canvass of returns.

1.14.010 Purpose. This chapter is adopted to designate and define the voting precincts within the city of Hailey for general and special elections, and to establish the hours of polling places for city elections. (Ord. 855 §1, 2003)

1.14.020 Precinct. The city of Hailey is comprised of one election precinct which is defined as the city boundaries of Hailey. (Ord. 855 §2, 2003)

1.14.030 Hours of polling places for city elections. The polls for all general and special city elections shall be open from 8:00 a.m. Mountain Time and remain open until 8:00 p.m. Mountain Time. (Ord. 855 §3, 2003)

1.14.040 Canvass of returns. The county commissioners shall meet within ten (10) days after any city election to canvass the votes cast at such election, pursuant to Idaho Code Section 50-412, and the city clerk or designee shall enter the results of the election in the minutes of city council proceedings and proclaimed as final. (Ord. 1092 § 1-3, 2011; Ord. 855 §4, 2003)

Chapter 1.16

INITIATIVE AND REFERENDUM

Sections:

- 1.16.010 Creation of right.
- 1.16.020 Number of petitioners required.
- 1.16.030 Form of petition.
- 1.16.040 Time for filing referendum petitions.
- 1.16.050 Printing of petition and sheets for signatures–Time limits for perfecting petition.
- 1.16.060 Verification on sheets for signatures.
- 1.16.070 Examination and certification of signatures.
- 1.16.080 Sufficiency of petition–Notification–Effect of council action–Election.
- 1.16.090 Form of ballot.
- 1.16.100 Conduct of election.
- 1.16.110 Canvass of returns.
- 1.16.120 Prohibited acts–Penalties.
- 1.16.130 Application campaign expenditures reporting law.

1.16.010 Creation of right. The people of the City of Hailey shall have the right to enact ordinances through the initiative process, and to repeal ordinances through the referendum process, according to the procedures set forth in this chapter. (Ord. 940 §1, 2006; Ord. 393 §1, 1979)

1.16.020 Number of petitioners required. To enact an ordinance by initiative or to repeal an ordinance by referendum, there shall be attached or appended to the petition the signatures of the legal voters of the city equal to at least twenty percent of the total number of electors who cast votes at the last general election in the city. (Ord. 940 §2, 2006; Ord. 393 §2, 1979)

1.16.030 Form of petition. The initiative petition shall be in substantially the following form:

WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

1.16.070 Examination and certification of signatures. A. All petitions with attached signature sheets shall be presented on the same day to the City Clerk, who shall make a cursory examination of them to determine whether the petitions apparently contain the necessary number of signatures.

1. If the cursory examination of the signature sheets reveal:
 - a. Erasures on any signature;
 - b. Illegible or undecipherable signatures;
 - c. Signatures not properly identified by all of the information required on the sheet;
 - d. Duplicate signatures; and/or
 - e. Signatures of persons who have requested in writing to have their names removed from the petition; the City Clerk shall draw through and initial such signatures with ink.

B. All petitions presented to the City Clerk found to apparently contain the necessary number of signatures, after the cursory examination provided for in subsection A of this section, shall be transmitted to the County Clerk who, within fifteen (15) days from the date of receipt of the petitions, shall examine the petitions to verify whether the petition signers are qualified electors and verify that the person who circulated each petition is a resident of the State of Idaho and at least eighteen (18) years of age. All petitions returned to the City Clerk shall become public records of the City of Hailey, not to be returned. The County Clerk shall certify each signature found to comply with all of the requirements of this chapter by attaching a certificate to the signature sheets stating the number of signatures on the petition that are eligible electors.

The City Clerk shall total the number of certified signatures, and if found to total the number of signatures required by Section 1.16.020 of this chapter, shall proceed as provided in Section 1.16.080 of this chapter. (Ord. 940 §7, 2006; Ord. 393 §7, 1979)

1.16.080 Sufficiency of petition–Notification–Effect of council action–Election. A. In the event that a petition filed with a City Clerk does not contain the required number of certified signatures, the City Clerk shall inform the person or organization under whose authority the petition was circulated that the petition is defective for lack of certified signatures.

B. In the event that a petition filed with the City Clerk is found by the City Clerk to contain the required number of certified signatures, the City Clerk shall promptly, by certified mail, inform the petitioners, and shall also notify the City Council at its next meeting that the initiative or referendum petition is in proper form, and an election shall be ordered by the City to be conducted citywide. A special election for initiative or referendum shall be provided at the next available date for election as set by Idaho Code Section 34-106, as amended, for which there is adequate time for publication of election notice pursuant to Idaho Code Section 50-436, as amended.

1. If the petition is for a referendum, the city council shall have thirty days from the date of certification of the petition to repeal the ordinance being referred to the voters. In the event the council repeals the ordinance, the referendum petition shall be declared null and void and the election cancelled.

2. If the petition is an initiative petition, the city council shall have thirty days to pass an ordinance substantially as proposed by the petition. In the event the council passes such an ordinance, the initiative petition shall be null and void and the election cancelled. (Ord. 940 §8, 2006; Ord. 745 §3, 2000; Ord. 393 §8, 1979)

1.16.090 Form of ballot. The city council shall prepare a ballot for an initiative or referendum election in one of the following ways:

A. If the full text of the ordinance or proposed ordinance to be voted on does not exceed one hundred words in length, it may be set out in full on the election ballot; or

B. If the full text of the ordinance or proposed ordinance to be voted upon exceeds one hundred words in length, and the council votes not to have it printed at length on the election ballot, it shall, with the assistance of the city attorney, prepare a short title and description of the ordinance or proposed ordinance which shall clearly and impartially state its purpose and effect, which short title and description shall be printed on the election ballot. (Ord. 393 §9, 1979)

1.16.100 Conduct of election. Initiative or referendum elections, whether special or general, shall be conducted and the results thereof canvassed and certified in all respects as near as practicable, in like manner as general elections, except as otherwise provided. (Ord. 393 §10, 1979)

1.16.110 Canvass of returns. The county commissioners shall meet within ten (10) days after the election to canvass the votes cast at such election, pursuant to Idaho Code Section 50-412, and the City Clerk or designee shall enter the results of the election in the minutes of the city council proceedings and proclaimed as final. Any initiative measure approved by a majority of the votes cast shall be in full force and effect upon publication according to law. Any ordinance which is the subject of a referendum shall be repealed, effective on the date of approval. (Ord. 1092 §1-3, 2011; Ord. 940 §9, 2006; Ord. 745 §4, 2000; Ord. 393 §12, 1979)

1.16.120 Prohibited acts–Penalties. A person is guilty of a misdemeanor who:

A. Signs any name other than his own to any initiative or referendum petition;

B. Knowingly signs his name more than once on the same initiative or referendum petition;

C. Knowingly signs his name to any initiative or referendum petition if he is not a registered city elector;

D. Presents to any officer for filing any initiative or referendum petition to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent, or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto;

E. Circulates or causes to circulate any initiative or referendum petition, knowing the same to contain false, forged or fictitious names;

F. Makes any false affidavit concerning any initiative or referendum petition or the signatures appended thereto;

G. Offers proposals or threats for any pecuniary reward or consideration:

1. To offer, propose, threaten or attempt to sell, hinder or delay any initiative or referendum petition or any part thereof or any signatures thereon,
2. To offer, propose or threaten to desist from beginning promoting or circulating any initiative or referendum petition,
3. To offer, propose, attempt or threaten in any manner or form to use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail, or secret or private intimidation of any person or business interest.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. (Ord. 940 §10, 2006; Ord. 745 §5, 2000; Ord. 393 §13, 1979)

1.16.130 Application campaign expenditures reporting law. The provisions of Idaho Code Sections 67-6601 through 67-6616 and 67-6623 through 67-6630, as amended, insofar as they relate to the reporting of campaign contributions, are hereby made applicable to all elections for any citywide measure, except that the City Clerk shall stand in place of the Secretary of State and the City Attorney shall stand in place of the Attorney General. (Ord. 940 §11, 2006)

Chapter 1.18

RIGHT OF ENTRY FOR INSPECTION

Sections:

- 1.18.010 Authorization for inspection.
- 1.18.020 Presentation of credentials.

1.18.010 Authorization for inspection. Whenever any officer or employee of the city is authorized to enter any building or premises or enter onto land for the purpose of making an inspection to enforce any ordinance, he may enter such building or premises at all reasonable times to inspect the same. He shall effect entry in the manner provided in Section 1.18.020 of this chapter, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained. (Ord. 744 §1, 2000)

1.18.020 Presentation of credentials. If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry. (Ord. 744 §2, 2000)

Chapter 1.20

GENERAL PENALTY

Sections:

- 1.20.010 Violation constitutes misdemeanor–Punishment.
- 1.20.020 Separate offenses.

1.20.010 Violation constitutes misdemeanor–Punishment. Any person violating, or failing to comply with, the provisions and mandatory requirements of this code or any ordinance of the city, is guilty of a misdemeanor. Except in cases where a different punishment is prescribed in a specific section of this code, or by any ordinance of the city, any person convicted of a misdemeanor under the provisions of this code, or the ordinances of the city, shall be punished by a fine not to exceed three hundred dollars or by imprisonment in the Blaine County Jail not exceeding six months, or by both such fine and imprisonment. (Added during 1992 codification)

1.20.020 Separate offenses. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of this code or any provision of the ordinances of the city is committed, continued or permitted by any such person, and he shall be punishable accordingly. (Added during 1992 codification)