

TITLE 12STREETS, SIDEWALKS AND PUBLIC PLACESChapters:

<u>12.04</u>	<u>Public Sidewalks, Pathways and Streets and Snow Removal</u>
<u>12.08</u>	<u>House Numbering</u>
<u>12.12</u>	<u>Parks and Public Pathways</u>
<u>12.14</u>	<u>Special Events</u>
<u>12.16</u>	<u>Encroachment Permits</u>
<u>12.20</u>	<u>Hailey Tree Ordinance</u>

Chapter 12.04 *PUBLIC SIDEWALKS, PATHWAYS AND STREETS AND SNOW REMOVALSections:

12.04.010	Definitions.
12.04.020	Obstructions.
12.04.030	Flooding.
12.04.040	Damage prohibited.
12.04.050	Repairs.
12.04.060	Motorized vehicles.
12.04.070	Snow removal from roofs.
12.04.080	Snow removal on public streets.
12.04.090	Violation–penalty.

12.04.010 Definitions. For the purposes of this chapter, the following words and phrases defined in this section apply:

“Improved pathway” shall mean a non-motorized path that is constructed of or with concrete, concrete pavers, pavement, gravel or similar material.

“Public pathway” shall mean any improved pathway within the city of Hailey available for use by the public on public or private property, but not within or adjacent to the city or state right-of-way, regardless whether the pathway has been dedicated, granted by deed, easement or license, or created by implied or prescriptive easement. For the purposes of this definition, the improved pathway of the former railroad right-of-way defined in Section 12.12.020 of the Hailey Municipal Code is a public pathway.

* Prior ordinance history: Ords. 93, 392, 493

“Public sidewalk” shall mean any improved pathway within the city of Hailey available for use by the public and within or adjacent to the city or state right-of-way, regardless whether the pathway has been dedicated, granted by deed, easement or license, or created by implied or prescriptive easement.

“Public street” shall mean any way for general circulation by the public and for utilities, and includes, but is not limited to, a public street, public alley, public parking area or other public way. A public street may be created by grant, reservation or agreement, or may be established by prescription or implication in favor of the city of Hailey to use the land of another. (Ord. 906 §1, 2005)

12.04.020 Obstructions. It shall be unlawful for any person or entity to obstruct, injure or damage any public sidewalk, public pathway or public street in any manner. (Ord. 906 §1, 2005)

12.04.030 Flooding. It shall be unlawful for any person or entity to divert or allow water to be sprayed or to flow onto a public sidewalk, public pathway or public street. (Ord. 906 §1, 2005)

12.04.040 Damage prohibited. It shall be unlawful for any person or entity to injure, damage, mark or deface, or to permit any animal under his/her control to step or walk upon a public sidewalk, public pathway or public street in such a fashion to injure, damage, mark or deface any portion of a public sidewalk, public pathway or public street. (Ord. 906 §1, 2005)

12.04.050 Repairs. All injuries to a public sidewalk, public pathway or public street shall be immediately repaired at the expense of the person or entity responsible for such injury. Any such repair shall be made under the supervision and satisfaction of the appropriate public official in charge of the public sidewalk, public pathway or public street, and in accordance with applicable standards. It shall be unlawful for any person or entity to fail to make or cause to be made such repairs unless in accordance with this section. (Ord. 906 §1, 2005)

12.04.060 Motorized vehicles. It shall be unlawful for any person or entity to drive or operate a motorized vehicle, including a motorcycle, on a public sidewalk or public pathway, except for equipment used for snow removal. (Ord. 906 §1, 2005)

12.04.070 Snow removal from roofs. It shall be unlawful for any person or entity to:

A. Shovel or place snow from a roof onto any public sidewalk without immediately removing the snow.

B. Allow snow or ice to fall or slide from a building onto a public sidewalk without preventing the danger and removing the snow and/or ice in a prompt manner.

Failure to remove snow or ice from a public sidewalk in accordance with this section is also hereby declared to be a nuisance and may be abated in accordance with Idaho law. (Ord. 906 §1, 2005)

12.04.080 Snow removal on public streets. It shall be unlawful for any person or entity to:

A. Plow, shovel or place snow removed from private property across or onto any public street or public sidewalk.

B. Plow, shovel or place snow within twenty-five feet (25') of a fire hydrant on the street side of the fire hydrant.

C. Plow, shovel or place snow in such a manner that obstructs the view of a traffic regulatory sign from any public or private street, alley or right-of-way.

D. Shovel or place snow from a roof onto any public street without immediately removing the snow in accordance with this ordinance.

E. Allow snow or ice to fall or slide from a building onto a public street without preventing the danger and removing the snow and/or ice in a prompt manner.

Failure to remove snow or ice from a public street in accordance with this section is also hereby declared to be a nuisance and may be abated in accordance with Idaho law. (Ord. 906 §1, 2005)

12.04.090 Violation–penalty. Any person, firm or other legal entity 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. 906 §1, 2005)

Chapter 12.08

HOUSE NUMBERING

Sections:

12.08.010	Purpose.
12.08.020	House numbering required.
12.08.030	Administration and maps.
12.08.040	Subdivisions.
12.08.050	Violation–Penalty.

12.08.010 Purpose. The purpose of this chapter is to promote the public health, safety, general welfare, peace, order, comfort, and convenience of the city and the inhabitants thereof. (Ord. 497 §1, 1985)

12.08.020 House numbering required. All lots, buildings and structures in the city shall be numbered in accordance with a city number grid map attached hereto and incorporated as Exhibit A, which is on file in the office of the city clerk. House or building numbers for structures set behind existing buildings shall have the same number as the building in front with a proper fraction added. Apartments, office or business suites, trailer courts, townhouses, condominiums, shall have a street address assigned to the structure with the addition of either a numerical or alphabetical designation for each separate unit. (Ord. 497 §2, 1985)

12.08.030 Administration and maps. The city shall appoint an administrator who will be responsible for maintaining the numbering system. The administrator shall compile and maintain an official street name or number list as well as an official map record of the numbering system in the city. The administrator shall, upon the final building inspection, require the proper address be posted and visible from the street or road. (Ord. 497 §3, 1985)

12.08.040 Subdivisions. A. Proposed subdivision street or lane names shall be shown on all preliminary and final plats when submitted to the city for review. No preliminary or final plat shall be approved until the street names or numbers have been reviewed and approved by the house number administrator and checked against the original street name or number list for possible duplications.

B. It shall be the responsibility of any subdivider dedicating a new street to the city to finance the cost of installing such street name or number signs at each and every intersection. Street or number signs shall conform to the city’s specification requirements.

C. Specification requirements will be the responsibility of the house numbering administrator and with the approval of the city council.

D. Where necessary or desirable, any person may make application to the house numbering administrator to change a street name or number, or the house numbering administrator may do so for reasons of duplication, similar pronunciation or spelling, or

for other reasons relating to public safety or convenience. The city will not change signs without compensation or agreement from the applicant. (Ord. 497 §5, 1985)

12.08.050 Violation–Penalty. Houses and buildings incorrectly numbered or not numbered at all, shall have ninety days from the effective date of the ordinance codified in this chapter in which to post the correct address on the house or building occupied. Should any person, firm or corporation fail to post the correct number on their house or building within ninety days following the effective date of the ordinance codified in this chapter, the city may give fifteen days' written notice of such violation of this chapter. If compliance has not been made within fifteen days following mailing by the city, the city may place the number on the house or building and bill the owner a reasonable charge. (Ord. 497 §4, 1985)

Chapter 12.12

PARKS AND PUBLIC PATHWAYS

Sections:

12.12.010	Definitions
12.12.020	Overnight camping.
12.12.030	Railroad right-of-way.
12.12.040	Use of city parks.
12.12.050	Use of parks–hours of operation.
12.12.060	Use of skate park facility.
12.12.070	Permitted and prohibited uses of city parks and city trails.
12.12.080	Violations–penalty.

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

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

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

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

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

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

"Roller Skates" shall mean footwear containing two axles with two wheels attached to each axle. "Seasonal Event" shall mean an event held at regular intervals within a specified time period, typically an organized recreational league, and scheduled in advanced.

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

"Skate Park Facility" shall mean that City Park located adjacent to the intersection of Airport Way and Highway 75, Hailey, Idaho, and used for skateboarding, roller skating and in-line skating.

"Skateboard" shall mean a short board-like object that has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object. (Ord. 1083 §1-6, 2011; Ord. 1030 §1, 2009)

12.12.020 Overnight camping.

A. Except as otherwise provided herein, it is unlawful for any person, firm, corporation, partnership or association to park and/or camp overnight in any way, method or manner, in any City Park under any circumstances without the express permission of the city of Hailey.

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

2. Overnight camping may be permitted in a City Park as part of an approved special event permit, pursuant to Chapter 12.14, or park reservation. Requirements for such camping will be imposed as part of the special event permit, pursuant to Chapter 12.14, or park reservation application process and approval. (Ord. 1083 §1-6, 2011; Ord. 1030 §1, 2009)

12.12.030 Railroad right-of-way. Except as otherwise provided herein, the railroad right-of-way shall only be used for nonmotorized recreational uses by any pedestrians, equestrians, bicycle riders, cross-country skiers, snowshoers, and similar users. Except when necessary for construction of improvements or maintenance of the railroad right-of-way, no motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motor scooters, shall be permitted on the railroad right-of-way. (Ord. 1030 §1, 2009)

12.12.040 Reservation of City Parks.

A. Applicability. Reservation for the exclusive use of a City Park or a portion thereof, for gatherings of less than 250 people shall require the prior issuance of a park reservation. For gatherings that are reasonably expected to attract 250 or more people, the procedures and requirements of Chapter 12.14 of the Hailey Municipal Code shall apply instead.

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

- a. Memorial Day
- b. The weekend closest to July Fourth. If July 4th is on a Tuesday the weekend before is reserved. If July 4th is on a Wednesday or Thursday then the weekend after is reserved.
- c. The first weekend of August for the Northern Rockies Folk Festival.
- d. Labor Day
- e. The second weekend in October for the Trailing of the Sheep Festival

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

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

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

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

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

1. Authority of Administrator.

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

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

C. Application Procedure.

1. An application for a park reservation shall be signed by the applicant on a form provided by the Administrator and shall be filed with the Administrator.

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

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

a. If Hop Porter, McKercher or Lions Park is not reserved for a Special Event on one of the weekends listed in 12.12.040(A)(1), then a park reservation application may be submitted to reserve the park on one of the weekends listed in 12.12.040(A)(1) not more than fourteen (14) calendar days prior to the start of the desired reservation date.

D. Fees.

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

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

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

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

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

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

a. 10 hours of service in the park

b. A proposed plan of the service to be performed presented to the Parks & Lands Board for recommendation to the City Council

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

E. Compliance with the terms and requirements of this section shall exempt the applicant or organizer of the event subject to such requirements from the provision and requirements of Chapter 5.16 of the Hailey Municipal Code. (Ord. 1083 §1-6, 2011; Ord. 1030 §1, 2009)

12.12.050 Use of City Parks–hours of operation.

A. Except as otherwise provided herein and in section 12.12.020(A), the hours of use for City Parks shall be daylight hours, from dawn to dusk, defined as one-half hour before sunrise to one-half hour after sunset. Such hours of use shall be posted in plain view by sign at each City Park. An exception to the hours of use may be authorized with an approved park reservation or an approved Special Event permit pursuant to Chapter 12.14 of the Hailey Municipal Code.

B. It is unlawful for any person, firm, corporation, partnership or association to park at, occupy or otherwise use any City Park, under any circumstances, from dusk to dawn without the express written permission of the city of Hailey. (Ord. 1083 §1-6, 2011; Ord. 1030 §1, 2009)

12.12.060 Use of Skate Park Facility.

A. Use of the Skate Park Facility is for use by persons using Skateboards, in-line skates and roller skates only. All other uses are prohibited. Bicycles, BMX bicycles and similar bicycles are expressly prohibited from using the Skate Park Facility.

B. All persons using the Skate Park Facility shall do so at their own risk. (Ord. 1083 §1-6, 2011; Ord. 1030 §1, 2009)

12.12.070 Permitted and prohibited uses of City Parks and City Trails.

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

B. Except as otherwise provided in this chapter, motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motorized scooters, shall not be permitted on City Parks and City Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the City Parks and City Trails or for emergency access. (Ord. 1083 §1-6, 2011; Ord. 1030 §1, 2009)

12.12.080 Violations–penalty. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than three hundred dollars or imprisoned in the county jail for a period of not more than thirty days, or by both such fine and imprisonment. (Ord. 1030 §1, 2009)

GALENA ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

DESCRIPTION OF
NON-MOTORIZED TRANSPORTATION CORRIDOR
ALONG FORMER UPRR CENTER LINE

A non-motorized transportation corridor easement being 15 feet left and 15 feet right of the following described centerline of the former Union Pacific Railroad Right-of-Way through the City of Hailey, Idaho and also through parts of Sections 4, 9, 10, 15, 22 and 23, T.2N., R.18E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at Railroad Centerline Station 3059 + 84.6 of said Union Pacific Railroad Right-of-Way which point defines the intersection of said Railroad Centerline with the Northerly boundary of the Original Townsite of Hailey, Idaho, which point is the REAL POINT OF BEGINNING of said easement:

thence southerly along said Railroad Centerline 898 feet around a 1° curve left, with a radius of 5729.58 feet to a point of tangency at Railroad Centerline Station 3050 + 86.6.

thence South 29° 02' 54" East, more or less, 4795.6 feet along said Railroad Centerline to Railroad Station 3002 + 91.0, which point is a point of curvature;

thence Southerly along said Railroad Centerline 620.0 feet around a 1° curve left with a radius of 5729.58 feet to a point of tangency at Railroad Centerline Station 2996 + 71.0.

thence South 35° 14' 54" East, more or less, 7700 feet, more or less, along said Railroad Centerline to the South Boundary of said City of Hailey as the boundary exists on 7/25/88, said point being the point of ending of said easement, excepting existing street crossings between Myrtle and Spruce, at Bullion, Croy, Elm, Fox Acres, Countryside and at the Hailey Cemetery.

JWK:wsk
7/23/88

EXHIBIT A to Ord. No. 529 published Aug 17, 1988

1007 WARM SPRINGS ROAD • BOX 400 • KETCHUM, IDAHO 83340 • TELEPHONE (208)733-4723

Chapter 12.14 *

SPECIAL EVENTS

Sections:

12.14.010	Purpose.
12.14.020	Definitions.
12.14.030	Applicability.
12.14.040	Administration.
12.14.050	Requirements.
12.14.060	Display of Banners.
12.14.070	Fees and Deposit.
12.14.080	Standards.
12.14.090	Right of Appeal.
12.14.100	Enforcement.

12.14.010 Purpose. The purpose of the Special Event permit process is to make the City of Hailey an event friendly place while maintaining public safety and reducing costs and time associated with permitting incurred by the city and the Applicant. (Ord. 1082 §1, 2011)

12.14.020 Definitions.

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

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

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

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

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

“Street Closure” means the deliberate or incidental temporary blockage of all, or a portion of, a public or private street, alley, highway, public right-of-way, parking lot or other thoroughfare used for pedestrian or vehicular circulation.(Ord. 1082 §1, 2011; Ord. 912 §1, 2005)

12.14.030 Applicability.

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

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

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

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

1. Events fully contained on private property within the Business zoning district.
2. A school or recreational district sporting event held on a school or recreational district property.
3. A Government Event (Ord. 1082 §1, 2011; Ord. 912 §1, 2005)

12.14.040 Administration.

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

B. Authority of Administrator.

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

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

C. Application Procedure.

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

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

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

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

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

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

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

4. An applicant may apply for their next year's event upon completion of the current year's event and upon completion of a post event review with the Administrator.(Ord. 1082 §1, 2011; Ord. 912 §1, 2005)

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

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

1. The Applicant may apply for a Street Closure and will be required to submit a closure and traffic control plan; such a plan shall accommodate access by emergency response vehicles.

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

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

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

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

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

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

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

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

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

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

F. No more than two events anticipating more than 250 participants per event per month per City Park shall be allowed unless the City Council makes a determination that the limitation set forth in this subsection should be waived for a given event. The start date of each event anticipating more than 250 participants shall be no less than ten (10) calendar days apart.

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

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

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

The agreement to indemnify, defend and hold the city harmless shall be a condition of any Special Event permit.

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

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

L. The Special Event permit is subject to other applicable city, state, federal or other governmental rules, regulations or laws. (Ord. 1082 §1, 2011; Ord. 912 §1, 2005)

12.14.060 Display of Banners

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

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

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

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

a. Street Banner Specifications.

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

ii) Material: Polyester net background, the edges and lettering in denier nylon, nylon rope, with steel snap hooks on top and 2 in each bottom corner. The changeable text area not to exceed 16 square feet made of 3 mil vinyl patches.

b. Pole Banner Specifications.

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

ii) Material: 3 mil vinyl

B. Installation.

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

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

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

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

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

C. Application.

1. A request to display a banner across Main Street may be included by the Applicant in a Special Event permit application as set forth in section 12.14.030.

2. A request to display a banner across Main Street for an event outside of the City of Hailey may be submitted by an Applicant, at least fourteen (14) calendar days prior the date first requested for display of the banner, on a form provided by the Administrator.

3. A request to display a banner on light poles shall be submitted by the Applicant at least four (4) weeks prior to the date first requested for display of banners, on a form provided by the Administrator.

4. In the case of more than one application for the same period of time, the Administrator shall give preference to events held within the City of Hailey. In the case of more than one application for events held within the City of Hailey, the Administrator shall permit the first application filed to display for this period.

5. An application to display the same banner may be submitted immediately following the take down of a banner's display. (Ord. 1082 §1, 2011)

12.14.070 Fees and Deposits

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

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

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

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

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

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

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

a. Events with 1,500 to 2,000 participants require coverage by at least 3 officers.

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

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

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

4. Street Services

a. Street sweeping

b. Garbage collection from city owned receptacles

c. Traffic control (Ord. 1082 §1, 2011; Ord. 912 §1, 2005)

12.14.080 Standards.

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

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

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

3. All required fees and deposits have been paid.

B. Following an evaluation of the above requirements and standards, the application may be approved, conditionally approved or denied. Conditions may be imposed that are deemed to be reasonably related to the above standards and that will promote the public health, safety and general welfare. (Ord. 1082 §1, 2011)

12.14.090 Right of appeal.

A. An appeal from any decision of the Administrator made in the administration or enforcement of this chapter may be made to the city council by filing a written appeal and fee with the Administrator within fifteen calendar days following the date of the action or decision giving rise to the appeal. Upon hearing the appeal, the city council shall consider the record, the decision of the Administrator, and the written appeal together with oral presentation by the appellant, a city officer, and the Applicant. The city council may affirm, reverse, or modify the decision of the Administrator. The city council shall not substitute its judgment for that of the Administrator as to the weight of the evidence on questions of fact. The city council shall affirm the Administrator's decision unless the city council finds the decision is a) clearly erroneous, b) arbitrary, capricious or an abuse of discretion, or c) not supported by substantial evidence in the record as a whole. The Administrator shall transmit a copy of the city council's decision and findings to the appellant, the Applicant and any other person who has requested a copy in writing. The fee for processing the appeal shall be set by resolution of the city council. (Ord. 1082 §1, 2011)

12.14.100 Enforcement.

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

B. Civil liability. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of the provisions stated in this chapter, to prevent any violation of these regulations, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of public property. These remedies shall be in addition to the penalties described above. (Ord. 1082 §1, 2011)

Chapter 12.16

ENCROACHMENT PERMITS

Sections:

- 12.16.010 Definitions.
- 12.16.020 Actions requiring permit.
- 12.16.030 Permit application.
- 12.16.040 Action on permit application.
- 12.16.050 City standards.
- 12.16.060 Time limitations on pavement cuts.
- 12.16.070 Fees.
- 12.16.080 Bonding required.
- 12.16.090 Appeals.
- 12.16.100 Prohibited acts.
- 12.16.110 Violation–Penalties and remedies.

12.16.010 Definitions. For purposes of this chapter, the words and phrases defined in this section apply:

“City engineer” means the individual designated by the city of Hailey to perform engineering services for the city of Hailey.

“City street superintendent” means the individual designated by the city of Hailey to administer the Hailey street department.

“Easements” means any right created by grant, reservation, agreement, prescription or necessary implication in favor of the city of Hailey to use the land of another, including but not limited to an easement for vehicular access and utilities.

“Encroachment” means any excavation, digging, paving, landscaping, construction of an improvement or placement of personal property within an easement or right-of-way. Encroachments include but are not limited to fences, sidewalks, driveways, mailboxes, newspaper boxes, utility boxes and poles, trees, shrubs, grass, sprinklers and other landscaping improvements.

“Major project” means any encroachment that is twenty five feet (25’) or more in length or width along the contiguous boundary of a right-of-way or easement.

“Planning director” means the individual designated by the City of Hailey to administer the planning department.

“Public works director” means the individual designated by the city of Hailey to administer the public works department, including the Hailey street department.

“Right-of-way” means any property owned by, or dedicated to, the city of Hailey for the purposes of providing city services and general circulation to the public. Such rights-of-way include, but are not limited, the following: public streets, alleys and sidewalks. (Ord. 993 §1, 2007; Ord. 878 §1, 2004; Ord. 566 §1, 1990)

12.16.020 Actions requiring encroachment permit. A. It shall be unlawful for any person or entity other than the city or its contractors or agents, or that person's or entity's contractor, subcontractor, paving company, landscaper or agent, to excavate, dig, pave, landscape or construct improvements, within or on any right-of-way or easement or make any alterations thereto without first obtaining an encroachment permit from the city of Hailey. The issuance of an encroachment permit does not establish any property or easement rights to the permittee. An encroachment permit is merely a license and is revocable by the city of Hailey at any time for any reason.

B. Fences. Fences shall be prohibited in an easement or right-of-way.

C. Street signs. Notwithstanding the provisions set forth in this section, city approved traffic, street and directional signs are exempt from the provisions of this chapter and are allowed in an easement or right-of-way. (Ord. 993 §2, 2007; Ord. 900 §1, 2005; Ord. 878 §2, 2004; Ord. 720 §1, 1998; Ord 566 §2, 1990)

12.16.030 Encroachment permit application. The party applying for a permit shall provide, at a minimum, the following information to the city of Hailey at least three (3) business days prior to any action being taken on the permit application:

A. Name, phone number and address of applicant;

B. Location of proposed encroachment including zoning and any overlay districts;

C. Need or reason for encroachment;

D. Description of activity within the right-of-way or easement, including a plan;

E. Time period in which the proposed encroachment will take place;

F. Contractor performing the work if other than the applicant.

G. Appropriate application processing fee.

H. Any additional information requested by the city. (Ord. 993 §3, 2007; Ord. 878 §3, 2004; Ord. 566 §3, 1990)

12.16.040 Standards of evaluation. The public works director or his or her designee may issue an encroachment permit if the applicant can establish all of the general standards and all of the applicable specific standards, as follows:

A. General standards.

1. Granting the request shall not contribute to the public expense;

2. Granting the request shall not jeopardize the public health, safety or welfare;

3. Construction shall be conducted in such a way that circulation needs can be reasonably met;

4. Drainage shall not be adversely affected; and

5. Unless otherwise permitted, the right-of-way or easement shall be restored to its original condition.

Specific standards.

1. Mailboxes and newspaper boxes.
 - a. A mailbox or newspaper box shall be located at least eight feet (8') from the street pavement, as measured between the point on the approved grade directly below the front of the mailbox or newspaper box and the edge of the street pavement and shall be permanently installed in the ground. In the event the application of this specific standard for the location of mailboxes and newspaper boxes increases the hazard to the public health, safety and welfare, the Public Works Director or his or her designee may approve a revised location for a mailbox or newspaper box.
 - b. Installation of any mailbox shall receive approval by the United States Postal Service.
 - c. Mailboxes or newspaper boxes shall consist of either wood or metal (standard steel or aluminum pipe) post supports of adequate strength. At a maximum, wood post supports shall consist of a post with a 4" diameter or a standard 4" x 4" and metal post supports shall consist of a post with a 2" diameter.
 - d. Metal post supports shall not have an anchor plate but may have an anti-twist device no more than 10" below the ground surface.
 - e. There shall be only one support for any mailbox or newspaper box.
 - f. A support for a mailbox or newspaper box may be embedded no more than 24" into the ground.
 - g. A support for a mailbox or newspaper box shall not be set in concrete, either permanently in the ground or as a movable support.
 - h. The bottom of the mailbox or newspaper box shall not be less than 41" or more than 48" from the ground surface.
 - i. The applicant shall ensure adequate access to the mailbox or newspaper box.
2. Major projects.
 - a. Any major project shall comply with all applicable streetscape design standards of the City Standards, as established by the Hailey Subdivision Ordinance, and applicable standards of design review for the zoning district contiguous with the encroachment within the right-of-way or easement, as established by the Hailey Zoning Ordinance. (Ord. 993 §4, 2007; Ord. 920 §1, 2005; 878 §4, 2004; Ord. 566 §4, 1990)

12.16.050 Conditions of approval. The public works director or his or her designee and the planning director may impose reasonable conditions to an approved encroachment permit, including but not limited to:

A. Any city infrastructure, such as water valves and manholes, within a right-of-way or easement must remain visible and accessible.

B. The city of Hailey shall assume no responsibility for damage to any encroachment regardless whether the damage is caused by the city of Hailey, or its agents and employees. The applicant and the applicant's successors, heirs and assigns shall indemnify, defend and hold the city of Hailey harmless from any and all claims for personal injury and property damages resulting from the installation and maintenance of an encroachment.

C. If applicable, the property owner adjacent to a mailbox or a newspaper box shall be responsible for clearing snow to allow access. (Ord. 993 §5, 2007; Ord. 920 §1, 2005)

12.16.060 Time limitations on pavement cuts. No cutting of pavement located within a right-of-way shall be allowed prior to March 31 or after October 15, unless emergency or mitigating circumstances are found to exist by the city street superintendent or the city engineer. (Ord. 878 §6, 2004; Ord. 566 §6, 1990)

12.16.070 Fees. A. Any application for an encroachment permit shall be accompanied by a non-refundable application fee set by resolution by the Hailey city council. A review of an application for an encroachment permit is not required until the appropriate application fee has been submitted.

B. The bonding requirements set forth in Section 12.16.080 shall also apply as set forth therein.

C. Upon approval of an application for an encroachment permit and at the time of the issuance of the encroachment permit, the applicant shall pay an inspection fee set by resolution by the Hailey city council.

D. In the event a person or entity is required to file an application for an encroachment permit pursuant to Section 12.16.110(D), the applicant shall, at the time of the filing an application for an encroachment permit, pay a non-refundable discovery/notification fee set by resolution by the Hailey city council. (Ord. 878 §7, 2004; Ord. 566 §9, 1990)

12.16.080 Bonding required. All commercial enterprises, including paving companies, general contractors, subcontractors and landscapers, submitting an application or performing work under the provisions of this chapter shall also provide or have on file with the city clerk a current bond in the minimum amount of ten thousand dollars. The minimum amount of the bond required in this section may be adjusted by the city engineer, depending upon the size and nature of the project. (Ord. 878 §8, 2004; Ord. 566 §10, 1990)

12.16.090 Appeals. Any applicant may appeal a decision or action made in connection with this chapter to the Hailey city council within fifteen (15) days from the date of the decision or action. The appeal shall specifically state the decision appealed and the reasons for the appeal. If not appeal is filed within the fifteen (15) day period, the decision or action shall be deemed final. (Ord. 878 §9, 2004; Ord. 566 §11, 1990)

12.16.100 Prohibited acts. A. No person or entity shall water or irrigate property in such a manner that water is sprayed upon pavement within a right-of-way or easement.

B. Loading, unloading or operation of track-type vehicles on pavement areas in a right-of-way or easement is prohibited. (Ord. 878 §10, 2004; Ord. 566 §7, 1990)

12.16.110 Violation–Penalties and remedies. A. Any person or entity who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine not exceeding three hundred dollars, imprisonment in the county jail for a period not exceeding six months, or both such fine and imprisonment. Each day during which a violation takes place or is allowed to continue shall constitute a separate violation of this chapter.

B. Civil remedies. In addition to any remedy available to the city, the city may maintain an action for an injunction and/or damages pursuant to Idaho law for any violation of this chapter. If the city is determined to be the prevailing party in any such action, the city shall be entitled to recover from the other party or parties all attorney's fees incurred in connection with such action.

C. Removal of encroachment. In addition to any remedy available to the city, the city may remove any encroachment with or without notice to the person or entity responsible for encroachment, and may seek damages for the reimbursement of costs of the removal of the encroachment.

D. Requirement of an encroachment permit for a previously installed encroachment. In the event a person or entity violates the provisions of this chapter by failing to obtain an encroachment permit, Hailey may, in addition to any other remedy available to the city, require the person or entity to file an application for an encroachment permit. In the event the city denies the encroachment permit application for such an encroachment, the city may then pursue any of its other remedies described in this Section 12.16.110. In the event an encroachment will require an inspection after an approval of an encroachment permit, the inspection fee shall be paid as required by Section 12.16.070(C). But if an encroachment will not require an inspection after an approval of an encroachment permit, the inspection fee established by Section 12.16.070(C) is not required to be paid. (Ord. 878 §11, 2004; Ord. 566 §8, 1990)

Chapter 12.20

HAILEY TREE ORDINANCE

Sections:

12.20.010	Purpose.
12.20.020	Definitions.
12.20.030	Public Trees.
12.20.040	Exclusion.
12.20.050	Private Trees.
12.20.060	Enforcement.

12.20.010 Purpose. The purpose of this ordinance is to establish policies, regulations, standards and guidelines necessary to ensure that the City of Hailey will continue to realize the benefits of its community forest. The provisions of this ordinance are enacted to:

- A. Plan maintenance of city trees with sound arboricultural practices and encourage tree diversity based on the Forestry Plan; and
- B. Promote public education of proper tree care practices. (Ord. 1013 §2, 2008)

12.20.020 Definitions. For purposes of this Ordinance, the following words and phrases shall have the following meanings, unless another meaning is plainly intended:

“City of Hailey Urban Forestry Plan” or “Forestry Plan” shall mean that plan recommended by the Hailey Tree Committee and adopted by the Hailey City Council, pursuant to Section 2.36.040 of the Hailey Municipal Code.

“Flush Cut” shall mean cutting within the branch bark collar or ridge of a branch when pruning.

“Hailey Tree Committee” shall mean that committee established pursuant to Chapter 2.36 of the Hailey Municipal Code.

“Private Tree” shall mean any Tree, Shrub or other woody vegetation not on Public Property.

“Public Property” shall mean property owned by the City of Hailey, or a public right-of-way dedicated to the public, or a public easement. Public Property includes but is not limited to public streets, alleys and public parks.

“Public Tree” shall mean any Tree, Shrub or other woody vegetation whose trunk is located wholly or partially on Public Property. The term “Public Tree” includes Street Trees.

“Shrub” shall mean a perennial, multiple stemmed woody plant often formed by a number of vertical or semi-upright branches arising from close or at ground level, where any branch is located wholly or partially on Public Property, and whose height at maturity is usually between three and fifteen feet.

Street Tree” shall mean any Tree, Shrub, or other woody vegetation on lands within City of Hailey street rights-of-way.

“Top” shall mean the act of lopping, rounding over or leaving long branch stubs when pruning, not pruning to an auxiliary branch.

“Tree” shall mean a woody perennial plant. (Ord. 1013 §2, 2008)

12.20.030 Public Trees.

12.20.030.01 No person, firm or legal entity shall plant, prune, or remove any Public Tree without first obtaining an encroachment permit from the City of Hailey. All such permit applications shall be reviewed following policies recommended by the Hailey Tree Committee. The city may grant a permit or conditionally grant a permit only when such is consistent with the provisions of this Chapter and/or other applicable laws or standards. There shall be no fee for an encroachment permit obtained for removal of a Public Tree deemed by a certified arborist to be dead, dying or presenting a condition requiring risk mitigation. Conditionally granted encroachment permits may include provisions for the applicant to provide to the City of Hailey the replacement value of the Public Tree for the use of providing new Public Tree(s) in another location at the discretion of the City. (Ord. 1076 §1, 2010)

12.20.030.02 No person, firm or legal entity shall abuse, poison or mutilate any Public Tree, plant or Shrub or the root of any Public Tree, plant or Shrub, unless allowed pursuant to an encroachment permit issued under this Chapter.

12.20.030.03 No person, firm or legal entity shall Top any Public Tree or Flush Cut any branch on Public Trees, unless allowed pursuant to an encroachment permit issued under this Chapter.

12.20.030.04 Any person, firm or legal entity contracting for the maintenance, removal or planting of Public Trees must enter into a contract for services with the City of Hailey. The contract shall be revocable for cause. Any person or entity must provide security in accordance with Section 12.16.080 of the Hailey Municipal Code.

12.20.030.05 Any utility company shall, upon review, be granted a yearly permit that allows work on Street Trees. Permits shall be subject to the following restrictions:

A. Work done on Public Trees and roots must meet the standards and practices as stated in the Forestry Plan.

B. The person or entity must provide security in accordance with Section 12.16.080 of the Hailey Municipal Code.

12.20.030.06 Owners of property adjacent to a Street Tree shall notify the City of Hailey if they are unable to ensure adequate maintenance for that Street Tree. Adequate maintenance shall include sufficient water, mulching young trees, and protection from compaction or injury by vehicles or other causes. (Ord. 1013 §2, 2008)

12.20.040 Exclusion. The City of Hailey has the right to plant, maintain, and remove any Public Tree or Shrub in order to promote public safety or to promote or implement the Forestry Plan. (Ord. 1013 §2, 2008)

2.20.050 Private Trees.

12.20.050.01 Each private property owner shall maintain any Tree or shrub on their real property, regardless whether the trunk of a Tree or any branch of a shrub is partially on Public Property, so that such Trees or shrubs do not endanger the public or become hazardous to any public street, alley or other public right-of-way, public utilities or other Public Property, consistent with provisions of this Ordinance and/or other applicable laws or standards.

12.20.050.02 Upon the discovery of a serious epidemic disease or pest in any Tree, the City of Hailey shall serve notice upon the owner of the Tree, whose trunk is located wholly or partially on private property, which shall require that owner to eradicate, remove or otherwise control such conditions within a given timeframe. (Ord. 1013 §2, 2008)

12.20.060 Enforcement.

12.20.060.01 Any person, firm or legal entity violating any provisions of this Chapter shall be guilty of a misdemeanor which shall be punishable by a maximum fine of \$300.00 or thirty (30) days in jail or both such fine and imprisonment.

12.20.060.02 In addition to the penalties set forth in Section 12.20.060.01, above, any person, firm or legal entity whose actions cause damage to or the destruction of a Public Tree shall be liable to the City of Hailey for the value of the Public Tree and all costs incurred by the City of Hailey in caring for, treating, pruning, removing and/or replacing the Public Tree. (Ord. 1013 §2, 2008)