



SPECIAL MEETING AGENDA

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Meeting ID: 268 070 852 843 081

Passcode: Hn95kj9h

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CALL TO ORDER

ROLL CALL

1. NOTICE OF AGENDA COMPLIANCE - ACTION ITEM

*Finding that the regular meeting notice and agenda were posted in accordance with Idaho Code §74-204 within forty-eight (48) hours prior to the meeting at: the City of Bellevue City Hall, Post Office, on the City's website on **June 12, 2026.** (**Suggested Motion: I move the notice for the June 15, 2026, regular Meeting was completed in accordance with Idaho Code, Section §74-204.**)*

2. CALL FOR CONFLICT: (As outlined in Idaho Code §74-404)

3. PUBLIC COMMENT: For items of concern **NOT** on the Agenda.

4. PUBLIC HEARING – ACTION ITEM

a. TA-26-01 – Right-of-Way Management – ACTION ITEM

A city-initiated zoning and subdivision text amendment to improve management practices of rights-of-way within the City of Bellevue.

5. NEXT MEETING

a. Regular Meeting – July 6, 2026

6. ADJOURNMENT - ACTION ITEM

I, designated Planning Commission Secretary for the City of Bellevue, Idaho, hereby certify that the regular meeting notice and agenda were posted in accordance with **Idaho Code §74-204** within forty-eight (48) hours prior to the meeting at: the City of Bellevue City Hall, Post Office, and on the City of Bellevue Website: <https://www.bellevueidaho.us/> on **May 29, 2026.**

In compliance with the American with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, or **phone number 208-788-2128 ext. 8, at least twenty-four (24) hours prior to the meeting.**



ORDEN DEL DÍA DE LA REUNIÓN ESPECIAL

UNIRSE A LA REUNIÓN DE EQUIPOS

[Únete a la reunión ahora](#)

ID de la reunión: 268 070 852 843
081

Código de acceso: Hn95kj9h

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LLAMADA AL ORDEN

PASE DE LISTA

1. AVISO DE CUMPLIMIENTO DEL ORDEN DEL DÍA - PUNTO DE ACCIÓN

Se determinó que el aviso y la agenda de la reunión ordinaria se publicaron conforme al Código de Idaho §74-204 dentro de las cuarenta y ocho (48) horas previas a la reunión en: el Ayuntamiento de Bellevue, Oficina de Correos, en la página web de la ciudad el 12 de junio de 2026. (Moción sugerida: Propongo que el aviso para la reunión ordinaria del 15 de junio de 2026 se haya completado conforme al Código de Idaho, Sección §74-204.)

2. LLAMADO AL CONFLICTO: (Según lo establecido en el Código de Idaho §74-404)

3. COMENTARIO PÚBLICO: Para asuntos de preocupación que NO están en la agenda.

4. AUDIENCIA PÚBLICA – PUNTO DE ACCIÓN

a. TA-26-01 – Gestión de derechos de paso – PUNTO DE ACCIÓN

Una enmienda al texto de zonificación y subdivisión impulsada por la ciudad para mejorar las prácticas de gestión de los derechos de paso dentro de la ciudad de Bellevue.

5. PRÓXIMA REUNIÓN

a. Reunión ordinaria – 6 de julio de 2026

6. SUSPENSIÓN - PUNTO DE ACCIÓN

Yo, secretario designado de la Comisión de Planificación para la ciudad de Bellevue, Idaho, certifico por la presente que el aviso y la agenda de la reunión ordinaria se publicaron conforme al *Código de Idaho §74-204* dentro de las cuarenta y ocho (48) horas previas a la reunión en: el Ayuntamiento de Bellevue, la oficina de correos y en la página web de la ciudad de Bellevue: <https://www.bellevueidaho.us/> el 29 de mayo, 2026.

En cumplimiento con la Ley de Personas con Discapacidad Estadounidense, las personas que necesiten adaptaciones especiales durante esta reunión deben notificar a la ciudad de Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, o **al número de teléfono 208-788-2128 ext. 8, al menos veinticuatro (24) horas antes de la reunión.**



Memorandum

To: Bellevue Planning & Zoning Commission

From: Carter Bullock, Planner

Re: Implementation Priorities – Ordinance 2026-02

Date: 6/16/2026

Context

In its 6/1/2026 meeting, the Planning & Zoning Commission requested that Staff more thoroughly consider the implementation of Ordinance 2026-02. Staff agreed with the Commission that properly prioritizing implementation measures will be critical to the success of new code. On 6/9/2026, Staff convened a meeting with P&Z Chair John Kurtz, the Public Works Director, and the Bellevue Marshal to discuss priorities for enforcement, permitting, and community outreach. This memorandum summarizes the results of this discussion and includes detailed recommendations by Staff.

Enforcement

Properly determining which violations should be prioritized for enforcement will allow Staff, including Community Development, City Assets, and Marshal’s Office employees to use their time efficiently and to maximum effect. The priority for enforcement will be those violations which pose a clear danger to health and safety. These include violations which hinder visibility, obstruct infrastructure, or are otherwise dangerous.

Please see the below table showing the intended priority level for violations of the proposed code:

Violation	Proposed Code Section	Proposed Priority Level: (1-3)
Work without Public Way Contractor License	3-7-2	1
Parking that obstructs travel lanes	6-3-3	3
Parking on pathways and sidewalks	6-3-3	3
Parking within alleys	6-3-3	3
Parking within vision triangle	6-3-3	3

Right of Way Management – Trees and Landscaping

Violation	Proposed Code Section	Proposed Priority Level: (1-5)
Parking within 10' of the street surface	6-3-3	2
Parking in excess of 3 days	6-3-3	1
Parking in Business Zone overnight when prohibited	6-3-3	2
Idling in excess of 30 minutes	6-3-3	1
Parking in violation of posted sign	6-3-3	2
Parking trailer where vehicle parking is prohibited	6-3-4	3
Parking trailer in excess of 24 hours	6-3-4	2
Parking unhitched trailer	6-3-4	2
Parking oversized vehicle	6-3-5	3
Parking recreational vehicle (e.g. snowmobile) in excess of 2 hours	6-3-5	1
Parking vehicle or trailer for sale	6-3-5	1
Parking construction vehicles or equipment	6-3-5	3
Parking damaged vehicles	6-3-5	2
Parking vehicles undergoing repair	6-3-5	1
Parking inoperable vehicles	6-3-5	3
Obstructing ROW	7-1-2	3
Placing personal property on ROW	7-1-2	2
Placing junk on ROW	7-1-2	3
Storing garbage containers or dumpsters in excess of 48 hours	7-1-2	2
Littering	7-1-2	3
Improper use of public pathway	7-1-4	2
Placement of snow on public ROW or property	7-1-5	3
Placement of snow within 25' of fire hydrant	7-1-5	3
Damage to traffic control device	7-1-6	3
Modification to ROW (including encroachments) without permit	7-2-2	3
Violation of vision triangle	7-2-4	3
Failure to obtain ROW lease	7-2-5	3
Failure to install improvements/ encroachments to standards	7-2-7	3
Not abiding by construction activity standards within ROW	7-2-8	2
Excavation without a permit	7-2-9	3

Permitting

A crucial component of the implementation of new right-of-way management code will be changes to permitting and review practices for greater efficacy and efficiency. Efficient permitting procedures will ensure that Staff time is efficiently used, fees may be kept minimal, and residents and businesses are not unduly burdened by lengthy reviews. However, permitting procedures must also ensure that the most relevant departments are involved in review, and that all code requirements can be met.

Existing Permitting Process:

1. The applicant uploads an application online.
 - a. The application requests information about the property owner, contractor, site, a site plan, and street closure plans.
2. Community Development Staff pre-reviews the application for initial compliance, especially with Bellevue City Code Section 9-2-2.
3. The applicant is automatically reminded to pay the application fee (\$125).
4. The Public Works Director reviews the application and determines whether the project would interfere with utilities.
5. Community Development Staff issue final approval, print the permit, and send a message to the applicant with posting requirements.

This process is relatively simple and efficient. Application turnaround times are typically 1-3 days. However, Staff has identified shortcomings of the current approach:

- Most applications are received without a site plan that is to-scale or contains all components needed for proper review.
- Current encroachment standards are not easily applied to reviews. Denials often seem flippant or unfair to applicants, as Staff cannot readily justify current code requirements. On the other hand, the outcomes of approved applications may be undesirable.
- The Streets Superintendent (Casey McGehee) is typically not involved in permit review.
- Fees are one-size-fits-all, whereas proposed encroachments vary in complexity and review times.

Proposed Permitting Process:

1. The applicant uploads an application online.
 - a. The application requests information about the property owner, contractor, site, and street closure plans.
 - b. A site plan is required, with specific requirements and standards stated.
 - c. Depending on the encroachment type, additional questions may be asked, or additional plans may be required.
2. Community Development Staff pre-reviews the application for initial compliance.
 - a. Staff use regularized review checklists to ensure compliance.
3. The applicant is automatically reminded to pay the application fee.
4. The Public Works Director AND/OR Street Superintendent reviews the application.
 - a. Staff use regularized review checklists to ensure compliance.

5. Projects that may impact utilities, such as tree planting, may require a utility locate.
6. Community Development Staff issue final approval, print the permit, and send a message to the applicant with posting requirements.
7. An inspection could be beneficial to verify that encroachments were installed according to plans.
 - a. Likely to be necessary only for substantial projects.

Note: Permitting processes are largely decided and implemented on a Staff level. They may be liable to change at any time for increased efficacy or efficiency.

Community Outreach and Education

Prior to Passage:

On 6/1/2026, the Commission requested that Staff consider undertaking community outreach prior to passage of right-of-way management code. Lessons learned from outreach would inform possible revisions to the proposed Ordinance. Options for outreach include:

- **Community surveying and tabling**
 - Surveys could focus on the broad strokes of right-of-way management policy and gauge community priorities; OR surveys could include randomized questions on specific proposed regulations and code changes.
 - A tabling event (or multiple) would allow Staff to meet residents where they are and received more overall engagement than at a formal event.
- **Public Forum**
 - Would allow for a more detailed presentation and Q&A session with Staff.
 - Overall attendance may be limited and may or may not be representative of the entire community.
- **Resident Focus Group**
 - Would allow for thorough discussion of the proposed changes.
 - Would likely require compensation or some other incentive to participate, in order to attract enough participants to be representative.

Following Passage:

Education and outreach will be critical to ensuring that residents are properly informed of all regulation, permitting, and enforcement changes. The City does not want residents to feel “caught off-guard” by changes. This will require multiple forms of outreach and clear, readable communications from Staff and elected leaders.

An “all-of-the-above” approach to education will be necessary to reach all Bellevue residents. The Communication Handbook approved last year will be critical in shaping this approach. The following means are anticipated to be used to educate residents of right-of-way management changes:

- **Bi-Weekly City Newsletters**
- **Handouts available in City Hall**

- **Handouts mailed physically and electronically with utility bills.**
 - **City webpage, featured prominently on website homepage.**
 - **Social media posts.**
-

Next Steps

1. Suggested Motions:

- “I move to recommend the passage of Ordinance 2026-02, as written, to the Common Council.”
- OR*
- “I move to continue the discussion of Ordinance 2026-02 to the July 20, 2026 meeting.”
-

Enclosures

- 1.
2. Ordinance 2026-02



Memorandum

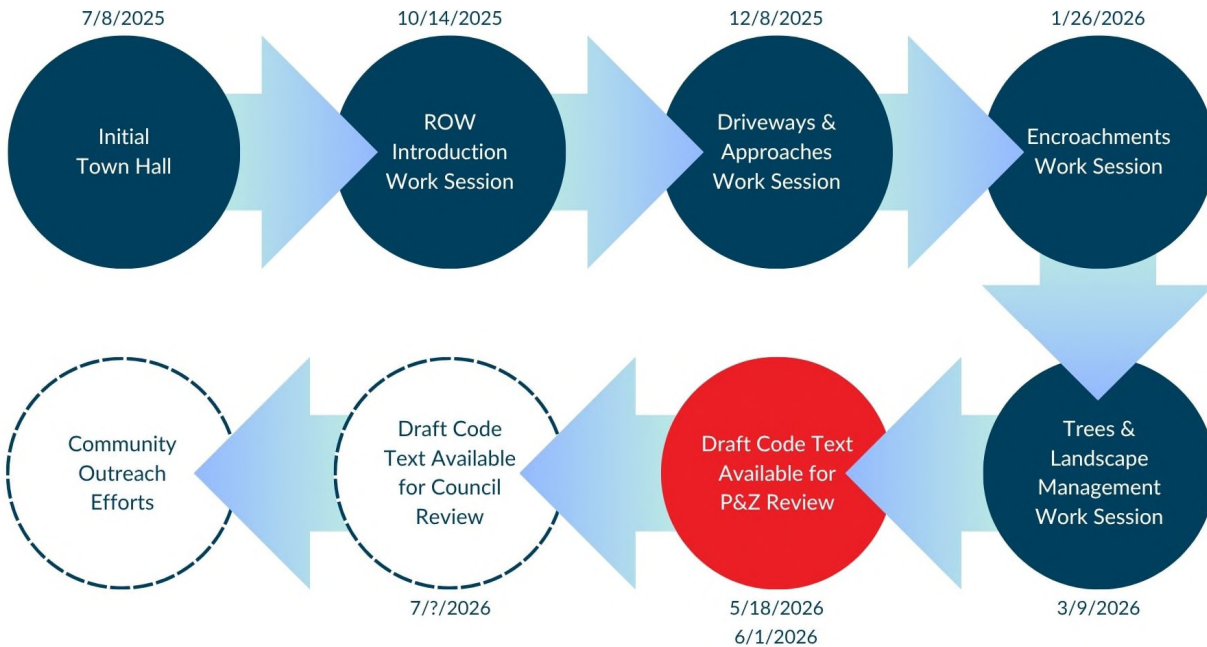
To: Bellevue Planning & Zoning Commission

From: Brian Parker, Community Development Director
Carter Bullock, Planner

Re: Ordinance 2026-02 – Right-of-Way Management Code Changes

Date: 6/1/2026

Context – ROW Management Timeline



Why Do We Need New Code?

The City of Bellevue maintains a duty and desire to provide a safe, clean, well-functioning network of rights-of-way to its residents. In recent years, however, a number of events have revealed a substantial disconnect between the community’s needs and what City Code allows for. From limitations on needed enforcement to inflexibility in allowing for trees, gardens, and shrubs, existing code hinders the City’s ability to meet residents’ needs. Essentially, the goal of this right-of-way effort – culminating in proposed code changes – is to ensure that Bellevue’s regulations and desired

outcomes are matched. Bellevue residents deserve efficient enforcement, precise and sensible regulations, and flexibility for individual expression.

Better Navigability

When looking in code for certain right-of-way provisions, both Staff and residents frequently find themselves lost in code. The organization of existing provisions is not intuitive: some vehicle regulations are placed in sections on junk, regulations on personal property in rights-of-way are found in vehicle regulations, and encroachment permit standards are placed in building code. On top of this, many provisions conflict.

One of the primary goals of the proposed code changes is to consolidate and reorganize Bellevue’s regulations in logical titles and chapters for each topic. Further, these changes would add references throughout new and existing code to allow for more cohesion and useability overall.

Better Enforcement

Currently, code requires any enforcement to proceed through a time and labor-intensive enforcement process of convicting violators of misdemeanors. This after placing and documenting stop work orders, writing detailed letters, and more.

Proposed code changes would improve the ability of the City to quickly respond to code violations in the right-of-way and reach compliance effectively. These changes would allow needed flexibility for Bellevue’s Marshals and Staff to cite violations as infractions and place tickets on illegally-parked vehicles.

Better Outcomes

In town halls, surveys, and public meetings, the Bellevue community has repeatedly asked for safer, cleaner, and better-functioning rights-of-way. Rightfully, residents want their children to be seen at street corners. Residents want alleys that are accessible and unblocked. Residents want trees, shrubs, and beautification along Bellevue’s streets. However, existing regulations and desired outcomes are mismatched. Current code disallows street trees, free little libraries, and similar, while technically allowing parking on sidewalks. Current code prohibits angle parking by Memorial Park while allowing personal, daily storage of construction equipment in rights-of-way.

Proposed code changes are outcome-focused. Those elements in rights-of-way which support a good quality of life are encouraged and allowed, while damaging elements are prohibited or restricted. Furthermore, maintenance and operations of the City and utilities have been considered during each step of the evaluation and code-revision effort.

Adjustments from 5/18/2026 Meeting

In following with the goals of this right-of-way management effort and based on the Planning and Zoning Commission’s recommendations during its May 18, 2026 meeting, Staff has made the following revisions to the proposed ordinance:

1. 6-3-5(D): Allowed construction vehicles and equipment associated with a valid building permit may be stored for a limited period within the right-of-way.
2. 7-2-1: Changed “Major Addition” to “Major Improvement” for cohesion with other code.
3. 7-2-2(F): Expanded the maximum area for exempt signage has been expanded to four (4) square feet.
4. 7-2-3(B)(2): Rounded partial approaches provided per 100 feet of lot frontage to the next whole approach.
5. 7-2-3(B)(11): Updated a reference to another provision.
6. 7-2-3(K)(6): Removed approach widths from the total lot frontage amount.
7. 7-2-3(K)(6): Added an exemption from this requirement for trees lost due to acts of god.

Next Steps

1. Suggested Motions:

- “I move to recommend the passage of Ordinance 2026-02, as written, to the Common Council.”
OR
- “I move to recommend the passage of Ordinance 2026-02, as amended, to the Common Council.”
OR
- “I move to continue the discussion of Ordinance 2026-02 to the June 15, 2026 meeting.”

Enclosures

1. Ordinance 2026-02

CITY OF BELLEVUE, IDAHO

5

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, AMENDING BELLEVUE'S CITY CODE BY AMENDING TITLE 3; BUSINESS AND LICENSE REGULATIONS, CHAPTER 1; GENERAL LICENSE AND PERMIT PROVISIONS, AND ADDING CHAPTER 7; PUBLIC WAY CONTRACTOR LICENSE, TITLE 4; HEALTH, SANITATION, AND ENVIRONMENT, CHAPTER 1; GARBAGE, JUNK, AND GLASS CONTAINERS, TITLE 6; MOTOR VEHICLES AND TRAFFIC, CHAPTER 3; PARKING VEHICLES AND TRAILERS WITHIN PUBLIC WAYS, TITLE 7; PUBLIC WAYS AND PROPERTY, CHAPTERS 1; USE OF PUBLIC WAYS, 2; PUBLIC WAY ENCROACHMENTS, IMPROVEMENTS, AND LEASES, AND 4; TREES AND SHRUBS, TITLE 8; PUBLIC UTILITIES, CHAPTER 2; SANITARY SEWER SYSTEM, TITLE 9; BUILDINGS AND CONSTRUCTION, CHAPTERS 1; BUILDING CODES AND 2; [RESERVED], TITLE 10; ZONING REGULATIONS, CHAPTERS 2; DEFINITIONS, 6; GR GENERAL RESIDENTIAL DISTRICT, 14; GENERAL ZONING PROVISIONS, 17; DESIGN REVIEW, 21; OFF STREET PARKING AND ZONING, AND 22; SIGNS, LIGHTING AND FENCES, AND TITLE 11; SUBDIVISION REGULATIONS, CHAPTER 4; DESIGN AND IMPROVEMENT REQUIREMENTS, AND WHICH CONSOLIDATES, REVISES, AND ADDS PROVISIONS PRIMARILY RELATING TO PARKING, STORAGE, MANAGEMENT, IMPROVEMENTS, VISION TRIANGLES, ENCROACHMENTS, AND LEASING WITHIN BELLEVUE RIGHTS-OF-WAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS

25 ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO
LAW.

WHEREAS, Idaho Code §50-313 grants care, supervision, and control of public rights-of-way
within the limits of cities to the governing bodies of such cities, save for rights-of-way
30 designated as part of the state highway system; and

WHEREAS, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, provides authority for
the City of Bellevue to adopt ordinances establishing land use standards, procedures, and uses;
and

WHEREAS, Idaho Code §67-6511 and §67-6518 authorizes the city to set standards for private
35 and public development, including subdivisions, and zoning standards for buildings and
structures, where in accord with the adopted comprehensive plan; and

WHEREAS, The City of Bellevue is obligated to preserve the general health, safety, morals, and
welfare, and strives to manage and maintain public property, including rights-of-way, to this end;
and

40 WHEREAS, The City of Bellevue aims to steward rights-of-ways with care to ensure they are
beautiful, clean, and functional; and

WHEREAS, the Bellevue Common Council strives to establish enforceable, equitable, needed,
and clear regulations.

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

SECTION 1

Title 3, Chapter 1: General License and Permit Provisions of the Bellevue City Code is hereby amended as follows:

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CHAPTER 1

GENERAL LICENSE AND PERMIT PROVISIONS

3-1-7-4: STANDARDS FOR ISSUANCE OF LICENSE:

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

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E. Structures, signage and/or the display of merchandise shall comply with the setback requirements of the district within which it is located. Temporary structures and merchandise shall be displayed so as not to interfere with the clear vision triangle (pursuant to Section 7-2-4 of this Code). In no case shall items be displayed or business conducted within the public right-of-way unless otherwise authorized by the

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transportation authority and the City.

SECTION 2

Title 3, Chapter 7: Public Way Contractor License is hereby added to Bellevue City Code, to read:

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CHAPTER 7

PUBLIC WAY CONTRACTOR LICENSE

3-7-1: DEFINITIONS:

PUBLIC WAY CONTRACTOR: Any private person, business, or party which undertakes
70 commercial work on public or private property where such work is likely to interface with, or
impact, public rights-of-way. This definition shall include snow removal contractors, paving
companies, and similar. However, public way contractors shall not include franchised utilities or
contractors of the City of Bellevue.

3-7-2: LICENSE REQUIRED:

- 75 A. No public way contractor shall conduct business activities which impact with, or
interface with, the public right-of-way without having applied for and obtained a public
way contractor license.
- B. Public way contractor licenses shall follow the same terms and expiration dates as those
specified for general business licenses.
- 80 C. The City Clerk shall have power to review public way contractor license applications,
create application forms, and require any information necessary to enforce the provisions
of this Code. The City Clerk may request additional review of applications by other
relevant officers of the City.
- D. Fees for license applications shall be as provided for by resolution of the Council.

85 3-7-3: CONTRACTOR RESPONSIBILITY:

- A. All public way contractors, including those holding active licenses pursuant to this
chapter, shall comply with the below:

1. Notwithstanding the licensure status of any public way contractor, none shall undertake work which modifies, damages, improves, or otherwise changes the public right-of-way without having applied for and obtained an encroachment permit pursuant to Chapter 7-2 of this Code.
2. Notwithstanding the licensure status of any public way contractor, none shall deposit snow from any private property onto any public property or right-of-way, pursuant to Section 7-1-5 of this Code.
3. While engaged in commercial activities, all public way contractors shall prominently display appropriate documentation, as required by the City Clerk, to prove compliance with the provisions of this chapter.

3-7-4: PENALTIES AND ENFORCEMENT:

A person who violates any provision of this chapter shall be guilty of an infraction or misdemeanor, punishable as provided in Section 1-4-1 of this Code. Each day that a violation of this chapter occurs shall be deemed a separate offense.

SECTION 3

Title 4, Chapter 1: Garbage, Junk, and Glass Containers of the Bellevue City Code is amended as follows:

CHAPTER 1

GARBAGE, JUNK, AND GLASS CONTAINERS

4-1-1: DEFINITIONS:

**Note: The following definitions shall replace and supersede all current definitions.*

110 All words not specifically defined herein shall be given the common and ordinary meaning generally applied to such words.

DUMPSTER: A large garbage container, typically with a hinged top lid, which is designed to be lifted by a truck.

GARBAGE: Unwanted or useless material including animal, vegetable, or mineral matter
115 discarded by any person or persons for any reason. The term "garbage" shall include tin and aluminum cans, glass and plastic bottles, leaves, weeds, cuttings from trees, lawns, shrubs or gardens, paper products, wood products, plastics, and synthetic substances of any kind.

GARBAGE CONTAINER: Any container, whether or not designed or intended for such use, which is used for storage and/or collection of garbage or junk.

120 JUNK: Any used material or parts of material units which have become useless for the purpose for which said material or materials were originally fabricated or manufactured and shall include, but not be limited to: automobiles and other motor vehicles not licensed for the current year, furniture, appliances, lawn and garden tools and equipment, and machinery and component parts thereof.

125 OWNER/OCCUPANT: Any person in possession, charge or control of any dwelling, flat, rooming house, shop, place of business, or dwelling or outbuilding of any kind where garbage or junk is created or accumulated.

4-1-2: ACCUMULATION, PROHIBITED DEPOSITS OF GARBAGE AND JUNK:

130 **Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

B. Prohibited Deposits:

1. It shall be unlawful for any person to dump, deposit, or place any garbage or junk on the streets, alleys, or public places in the City (pursuant to Section 7-1-2(C)).

135 **~~4-1-3: GARBAGE CONTAINER PLACEMENT ON PUBLIC WAYS AND PROPERTY PROHIBITED:~~**

**Note: The following section has been deleted from this chapter.*

140 Except for the temporary placement for pickup by a licensed garbage disposal business, it shall be unlawful for any person to place or maintain on any public street, alley or other public place within the City any garbage can, garbage dumpster or other container for the storage of garbage or junk.

~~4-1-34: GARBAGE DUMPSTERS: (B)(2)~~

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified.*

- 145 2. Application For Permit; Fees And Conditions: Applications for a dumpster permit shall be provided by the City ~~Marshal's Office~~. The completed application form, together with a ~~ten dollar (\$10)~~ permit application fee as established by resolution of the Council, shall be filed with the City ~~Marshal's Office~~. As a condition of each dumpster permit, the dumpster shall be maintained in a clean and sanitary condition and shall not emit odor
- 150 detectible on any neighboring property.

~~4-1-34: GARBAGE DUMPSTERS: (C, D)~~

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified.*

155 C. Impoundment Of Dumpsters: The City Marshal is hereby authorized to impound any
dumpster which is located in violation of this section ~~within the right-of-way of any
public street or alley within the City.~~ The owner of an impounded dumpster shall pay to
the City ~~an impound fee of fifty dollars (\$50.00) and a storage fee of three dollars (\$3.00)~~
per day for each day, or portion thereof, the dumpster is impounded by the City all
reasonable costs associated with removal and impoundment prior to reclaiming
160 possession of the dumpster. ~~Said impound and storage fees~~ Such fees shall be paid to the
City Marshal's Office and shall be in addition to any fine for violation of this section.

D. ~~Misdemeanor~~ Violation; Penalties: A violation of this section shall constitute an
infraction or misdemeanor, and any person convicted of violating this section shall be
subject to the penalty provisions of Section 1-4-1 of this Code.

165 **4-1-45: MOTOR VEHICLE RESTRICTIONS:**

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified.*

~~B. Inoperable Motor Vehicles: It shall be unlawful for any person to place or maintain on
any public street, alley or other public place within the City any motor vehicle which is
170 not in operating condition, meaning a motor vehicle, or part thereof, which is not able to
move under its own power including, without limitation, any motor vehicle which does
not have an operating motor or drive train or transmission.~~

~~C. Repair Of Vehicle On Public Ways And Property: It shall be unlawful for any person to
repair a motor vehicle on any public street, alley or other public property within the City
175 except for emergency roadside repairs taking no more than twelve (12) continuous hours.~~

~~D. Vehicle Parked In Excess Of Three Days: It shall be unlawful for any person to continuously park a motor vehicle on any public street, alley or other public property within the City for a period of time in excess of three (3) consecutive days.~~

4-1-56: GLASS CONTAINERS FOR LIQUIDS PROHIBITED:

180 **Note: Only the heading of this section has been revised by this ordinance. For brevity and clarity, the contents of this section, which are unmodified, have been omitted.*

4-1-67: ~~MISDEMEANOR VIOLATION TYPE~~; PENALTIES:

A person who violates any provision of this chapter shall be guilty of an infraction or misdemeanor, punishable as provided in section 1-4-1 of this Code. Each day that a violation of
185 this chapter occurs shall be deemed a separate offense.

SECTION 4

Title 6, Chapter 3: Parking Vehicles or Placing Personal Property Within Public Rights-of-Way of the Bellevue City Code is hereby renamed Parking Vehicles and Trailers Within Public Ways.

190 All previous contents of this chapter are removed and superseded by the following:

CHAPTER 3

PARKING VEHICLES AND TRAILERS OR PLACING PERSONAL PROPERTY ON WITHIN PUBLIC RIGHTS-OF- WAYS

195 **6-3-1: DEFINITIONS:**

ALLEY: A minor public way providing secondary access to the back or the side or property otherwise abutting a street.

CONSTRUCTION EQUIPMENT: Any equipment primarily designed or modified for support of construction activities, which may include hauling of construction materials or debris, production
200 or storage of asphalt or concrete, demolition, excavation, fill, grading, or lifting.

CONSTRUCTION VEHICLE: Any specialized vehicle primarily designed or modified for support of construction activities, which may include hauling of construction materials or debris, demolition, excavation, fill, grading, or lifting.

DAMAGED TRAILER: Any trailer awaiting repair to its body, frame, wheels, or any other
205 critical components for safe and normal operation.

DAMAGED VEHICLE: Any motor vehicle awaiting repair to its engine, body, wheels, or any other critical components for safe and normal operation.

EMERGENCY VEHICLE: Any vehicle or trailer being utilized by on-duty, certified emergency personnel, including but not limited to marshals, firefighters, and medical personnel.

210 FRANCHISED UTILITY: A utility provider which has obtained a signed franchise agreement with the City of Bellevue.

IDLE (VERB): To keep the engine of a vehicle running while such vehicle is parked.

INOPERABLE VEHICLE: A motor vehicle, or part thereof, which is not able to move under its own power including, without limitation, any motor vehicle which does not have an operating
215 motor or drive train or transmission.

PARK (VERB): To make a vehicle or trailer stationary and leave it in place.

PUBLIC PATHWAY: A two-way pathway located within public property or easement for use as a path for pedestrians, equestrians, bicycle riders, skiers, and snowshoers, and which has been improved for such purposes.

220 REPAIR (OF A VEHICLE OR TRAILER): The act of restoring or replacing damaged, destroyed, or deteriorating components of a vehicle or trailer.

SELF-PROPELLED RECREATIONAL VEHICLE: Any wheeled or tracked vehicle which moves under its own power and is entirely devoted to recreational usage. This definition shall include snowmobiles, trail bikes, all-terrain vehicles, and similar.

225 STREET SURFACE: The physical material within the right-of-way utilized to support vehicle usage, especially travel, by the public and which is typically asphalt or gravel.

TRAILER: Any wheeled object, typically unpowered, which is designed to be hitched to and pulled by a vehicle.

230 VEHICLE: Any motorized, self-propelled device used to transport passengers and cargo, and which is typically but not always wheeled.

6-3-2: APPLICABILITY:

Unless stated otherwise, the provisions of this chapter shall apply to vehicles and trailers parked within public rights-of-way within the City.

6-3-3: PARKING VEHICLES WITHIN PUBLIC WAYS:

- 235 A. Parking Within Public Streets: No vehicle shall be parked so as to obstruct the travel
lanes of any street for any period.
- B. Parking On Public Pathways and Sidewalks: No vehicle shall be parked so as to obstruct
any public pathway or sidewalk for any period.
- C. Parking Within Public Alleys: No vehicle or trailer shall be parked for any period within
240 any public alley except in accordance with Section 10-21-5(D) of this Code.
- D. Parking Within the Vision Triangle: No vehicle shall be parked for any period within the
vision triangle established by Section 7-2-4 of this Code.
- E. Parking Near Street Surfaces: No vehicle shall be parked within ten feet (10') of the
travel lanes of any public street except when:
- 245 1. Such vehicle is parked on 2nd Street, in which case no vehicle shall be parked within
eight feet (8') of any travel lane.
2. The vehicle is located within a portion of the right-of-way officially striped for street
parking, so signed, and/or designated for such purpose by resolution of the Council.
- F. Maximum Parking Duration: No vehicle shall continuously park within the right-of-way
250 for a period of time in excess of three (3) consecutive days.
- G. Overnight Parking Restrictions Within Business Districts:
1. Effective May 1 to October 31 of Any Given Year: No vehicle shall be parked within
the right-of-way of any public street within any Business Zoning District (as
established by Chapter 10-7 of this Code) on any given Monday between the hours of
255 midnight (12:00 A.M.) to six o'clock (6:00) A.M.
2. Effective November 31 to April 30 of Any Given Year: No vehicle shall be parked
within the right-of-way of any public street within any Business Zoning District (as

established by Chapter 10-7 of this Code) on any given day between the hours of two
midnight (12:00 A.M.) to six o'clock (6:00) A.M.

260 H. Idling Vehicles: In order to preserve the environmental quality of the City, no vehicle
shall idle for a duration in excess of thirty (30) minutes within any right-of-way, nor
within any parcel of real property within the City.

I. Posted Signs: The City reserves the right to further limit or prohibit the parking of
vehicles on any portion of any public right-of-way within the City by posting signs
265 stating such limitation or prohibition. No person shall violate any such limitation or
prohibition so posted.

6-3-4: PARKING TRAILERS WITHIN PUBLIC WAYS:

A. Vehicular Parking Restrictions Applied: No recreational vehicle, trailer, boat, or any
other object meeting the definition of trailer as defined by this chapter (collectively
270 “trailers”) shall be parked within the right-of-way in any location where vehicular
parking is prohibited.

B. Time Limitation: No trailer shall be parked within the right-of-way in excess of twenty
four (24) consecutive hours.

C. Trailers Must Be Hitched: No trailer shall be parked within the right-of-way for any
275 period when such trailer is not hitched to a vehicle.

6-3-5: RESTRICTIONS ON SPECIFIC VEHICLE AND TRAILER TYPES:

A. Oversize Vehicles: No oversize vehicle shall park within the right-of-way in excess of
two (2) hours.

1. An oversized vehicle shall be that which exceeds eight feet (8') wide, twenty two
280 (22') long, and/or nine feet (9') tall.

B. Self-Propelled Recreational Vehicles: No self-propelled recreational vehicle shall be parked within the right-of-way in excess of two (2) hours.

C. Vehicles or Trailers for Sale: No vehicle or trailer offered for sale and so signed or advertised shall be permitted to park within the right-of-way for any period.

285 D. Construction Vehicles and Equipment: No construction vehicle, nor any piece of construction equipment, shall be parked or stored within the public right-of-way for any period, except for those construction vehicles and equipment associated with an active building permit, which may be placed within the right-of-way for no longer than two (2) hours.

290 E. Damaged Vehicles or Trailers: No damaged vehicle or trailer shall be parked within the right-of-way for any period.

F. Vehicles or Trailers Undergoing Repair: No vehicle or trailer undergoing repairs shall be parked within the right-of-way for any period except when undergoing emergency roadside repairs lasting no more than twelve (12) hours.

295 G. Inoperable Vehicles: No inoperable vehicle shall be parked within the right-of-way for any period.

6-3-6: EXEMPT VEHICLES AND TRAILERS:

The following shall be exempt from the provisions of this chapter:

Emergency Vehicles

300 Vehicles Placed in the Right-of-Way in Accordance with an Approved Street Closure Permit and/or Special Event Permit

Vehicles, Trailers, and Construction Equipment Associated with Ongoing Street, Infrastructure, Street Tree, Garbage Removal, or Utility Work Undertaken by the City, Contractors of the City, or Franchised Utilities

305 **6-3-7: ENFORCEMENT AND PENALTIES:**

A. Violation Type and Penalty:

1. Primary Penalty: A violation of any provision this chapter shall be an infraction pursuant to Section 1-4-1 of this Code, and for which a ticket may be issued pursuant to Section 7(C) of this section, located below. Fines charged in accordance with this provision may vary by violation type and shall be established by resolution of the Council.

2. Vehicle or Trailer Removal:

a. Any vehicle or trailer located within the right-of-way of any public street in violation of this chapter may be removed after forty eight (48) hours of posting notice of such violation in the form of a warning or ticket.

b. Notwithstanding any other provision of this Code, any vehicle or trailer in violation of this chapter may be removed without prior notice if such vehicle or trailer is parked in a manner which interferes with the plowing of snow, work/maintenance on any street, or water, sewer or other public utility, or is a hazard to public safety. Any vehicle placed upon the scofflaw list may similarly be removed.

c. The owner of any vehicle or trailer removed for violation of any provision of this chapter shall pay all costs of towing or removal and storage costs and fees before the same may be restored to the owner.

B. Vehicle or Trailer Ownership as Evidence:

1. If any vehicle or trailer is found parked in any manner which violates any provision of this chapter, and the identity of the operator cannot be determined, the owner in whose name such vehicle or trailer is registered, or the named lessee in a rental or

330 lease agreement for such vehicle or trailer, shall be held prima facie responsible for
such violation.

2. Any citation against a presumed owner of any vehicle or trailer made pursuant to this chapter shall be dismissed if such person has made a bona fide sale or transfer of the vehicle or trailer, has delivered possession to the purchaser, and has complied with all applicable state requirements for transfer of ownership of the vehicle or trailer.

335 C. Tickets and Procedures:

1. Tickets: The Marshal, Planning and Zoning Administrator, Public Works Director, Street Superintendent, or designee of any of these, upon observing a vehicle parking in violation of the provisions of this chapter, may leave upon such vehicle an individual parking ticket for each such violation. Each parking ticket shall bear the date and hour of leaving the same at or upon the vehicle, the make of the vehicle and its license number, the specific violation, the amount of the fine, and any instructions for payment and appeal.
340
2. Fees and Appeals: Each person receiving a parking ticket issued pursuant to this section shall pay the corresponding fee within fifteen (15) days of the issuance of such ticket. However, if such person should feel that the citation was issued in error, they may file an appeal form with the City Clerk within this same fifteen (15) day period. Should the appeal be denied, the ticket fee must be paid, minus any late fee.
345
3. Scofflaw list: Any vehicle with one or more overdue parking fines that are ninety (90) days delinquent shall be placed on the scofflaw list. Should a vehicle be placed on the scofflaw list, the City or contracted party shall send notice to the registered owner of the vehicle.
350

SECTION 5

Title 7, Chapter 1: Streets, Sidewalks, and Public Ways of the Bellevue City Code is hereby
355 renamed Use of Public Ways. All previous contents of this chapter are removed and superseded
by the following:

CHAPTER 1

~~STREETS, SIDEWALKS, AND USE OF PUBLIC WAYS~~

7-1-1: DEFINITIONS:

360 The following words shall have the meanings set forth below for the purposes of the
interpretation of this chapter:

ALLEY: A minor public way providing secondary access to the back or the side or property
otherwise abutting a street.

BELLEVUE OR CITY: The City of Bellevue, Idaho.

365 DUMPSTER: A large garbage container, typically with a hinged top lid, which is designed to be
lifted by a truck.

GARBAGE CONTAINER: Any container, whether or not designed or intended for such use,
which is used for storage and/or collection of garbage or junk.

GARBAGE: Unwanted or useless material including animal, vegetable, or mineral matter
370 discarded by any person or persons for any reason. The term "garbage" shall include tin and
aluminum cans, glass and plastic bottles, leaves, weeds, cuttings from trees, lawns, shrubs or
gardens, paper products, wood products, plastics, and synthetic substances of any kind.

JUNK: Any used material or parts of material units which have become useless for the purpose
for which said material or materials were originally fabricated or manufactured and shall include,
375 but not be limited to: automobiles and other motor vehicles not licensed for the current year,

furniture, appliances, lawn and garden tools and equipment, and machinery and component parts thereof.

PERSONAL PROPERTY: Any property owned by a private entity or person, except for any property defined as a vehicle or trailer pursuant to Section 6-3-1 of this Code.

380 PUBLIC PATHWAY: A two-way pathway located within public property or easement for use as a path for pedestrians, equestrians, bicycle riders, skiers, and snowshoers, and which has been improved for such purposes.

7-1-2: OBSTRUCTIONS, PERSONAL PROPERTY, AND GARBAGE:

A. Obstruction of Rights-of-Way: It shall be unlawful for any person to obstruct any street,
385 alley, sidewalk, public pathway, public thoroughfare, or bridge of the City by placing any obstruction thereon.

B. Personal Property Storage: No person shall place or store any item of personal property on any portion of the right-of-way of any public street or alley within the City, nor within any property owned by the City of Bellevue, except in the following circumstances:

390 1. When the item is a vehicle authorized for temporary parking in the right-of-way pursuant to Chapter 6-3 of this Code.

2. When the placement of the item of personal property is associated with a valid encroachment permit in accordance with Chapter 2 of this title.

395 3. When the temporary placement of the item of personal property is associated with a right-of-way lease permit in accordance with Chapter 2 of this title.

4. When the temporary placement of the item of personal property is associated with a valid street closure and/or special event permit.

C. Junk: No person shall place or store any junk on any portion of any right-of-way or within public property.

400 1. Nuisance Declared; Abatement: Any placement of junk upon public rights-of-way
and property within the City shall be declared a nuisance pursuant to Section 4-1-2 of
this Code, and the City may pursue the remedies set forth in said section.

D. Garbage Containers and Dumpsters: No person shall store any garbage container,
dumpster, nor any other receptacle holding garbage, junk, or debris within the right-of-
405 way except in the following circumstances:

1. Dumpsters may be placed within the right-of-way only when associated with a valid
building permit and right-of-way lease permit pursuant to Section 7-2-5 of this Code.
2. A garbage container may be placed within the right-of-way for a period not to exceed
one (1) period of no more than forty eight (48) hours per week for removal by a
410 licensed garbage disposal business.

E. Litter: It shall be unlawful for any person to willfully or negligently throw or permit to be
thrown, or to fly from any vehicle, or to deposit upon or alongside any street, alley,
public thoroughfare, or bridge of the City any debris, paper, litter, glass, nails, tacks, trash
or garbage, or other such waste substance.

415 **7-1-3: TEMPORARY CLOSURE OF PUBLIC WAYS:**

A. The Street Superintendent may post a notice and temporarily close, or reasonably limit,
travel on any public road, street or way within the jurisdiction of the City for certain
circumstances, including but not limited to:

1. When, due to the characteristics of the road (such as grade or condition) or the
420 occurrence of natural phenomena, travel thereon would likely inflict damage on the
road or endanger the public health or welfare.
2. For parades, other public events, or private special events associated with a valid
special event and/or street closure permit.

3. For road construction, maintenance and repairs.

425 4. For construction projects on adjacent property when associated with a right-of-way
lease permit, street closure permit, encroachment permit, or similar.

B. The notice of road closure shall be made by the posting of a written notice of closure in a
manner that it may be read by the public at the point of which the road is closed. No
person shall violate any of the provisions of the posted notice of road closure.

430 **7-1-4: USE OF THE PUBLIC PATHWAY SYSTEM:**

Any and all public pathways within the City of Bellevue shall be utilized and enjoyed by the
public according to the following rules and regulations:

A. Public pathways shall only be used by pedestrians, equestrians, and those utilizing non-
motorized modes of transportation.

435 B. Except when necessary for construction or maintenance of the pathway, no motorized
vehicles, including, but not limited to, mopeds, motorcycles, dirt bikes, motorized
bicycles, motor scooters, and snow machines shall be permitted on public pathways.

7-1-5: PROHIBITED SNOW AND ICE REMOVAL:

440 A. No person shall place, plow or otherwise deposit snow or ice onto on any portion of the
right-of-way of any public street or alley within the City, nor within any property owned
by the City of Bellevue.

B. No person shall place, plow, or otherwise deposit snow or ice within twenty five feet
(25') of a fire hydrant.

7-1-6: DAMAGE TO TRAFFIC CONTROL DEVICES:

445 It shall be unlawful for any person to injure or destroy any traffic regulation sign, street sign, or any sign or marker of any kind located upon any street, alley, public thoroughfare, bridge, or public easement of any kind.

7-1-7: PENALTIES:

A. A violation of this chapter shall be an infraction or misdemeanor and any party found to
450 be in violation shall be subject to the penalty provisions of Section 1-4-1 of this Code.

B. The City may proceed in a civil action against the offending party in any case where violations of this chapter have caused damage to City property, utilities, or improvements.

455 **SECTION 5**

Title 7, Chapter 2: Public Pathways of the Bellevue City Code is hereby renamed Public Way Encroachments, Improvements, and Leases. All previous contents of this chapter are removed and superseded by the following:

CHAPTER 2

460 **PUBLIC ~~PATHWAYS~~-WAY ENCROACHMENTS, IMPROVEMENTS, AND LEASES**

7-2-1: DEFINITIONS:

The following words shall have the meanings set forth below for the purposes of the interpretation of this chapter:

465 AASHTO: The American Association of State Highway and Transportation Officials.

ALLEY: A minor public way providing secondary access to the back or the side of property otherwise abutting a street.

APPLICANT: The person desiring to be issued a permit required under this chapter and, upon issuance, the permittee. References to contractor also include within its meaning the applicant.

470 APPROACH: That portion of a private road, walkway, or driveway which lies within the public right-of-way and provides access to private property by vehicular or pedestrian means.

APRON RADIUS: The radius of the curve where the apron of an approach meets the street.

APRON: The area of an approach immediately adjacent to a street. The apron typically curves outward slightly toward the street to allow vehicles to turn from the street into the apron and
475 vice-versa.

ASTM: American Society for Testing and Materials.

CITY COUNCIL OR COMMON COUNCIL: The Common Council of the City of Bellevue, Idaho.

CITY ENGINEER: The engineer or engineering firm designated by the City to review and
480 approve permit applications and construction plans and inspect, test and approve completed work.

CITY: The City of Bellevue, Idaho.

CONTRACTOR: The individual, firm or corporation undertaking execution of the construction work for which an application for permit has been made and issued. The contractor shall be the
485 agent of the applicant, and all references to contractor shall include, within its meaning, the applicant, jointly and severally, and the applicant shall be responsible for full compliance by the contractor as required under this chapter.

EDIBLE GARDEN PLANT: Any cultivated plant which is not a tree and contains edible parts.

FRANCHISED UTILITY: A utility provider which has obtained a signed franchise agreement
490 with the City of Bellevue.

GARDEN BOX: A framed, elevated container which holds soil and edible garden plants.

HIGH-CONSUMPTION IRRIGATION: Any method of irrigation where fixtures spray or otherwise apply water indiscriminately across an area, rather than delivering water to specific plantings.

495 LOT FRONTAGE: The cumulative length of all lot lines for a parcel which border any rights-of-way. However, the length of lot lines bordering alley rights-of-way shall be excluded.

LOW-CONSUMPTION LANDSCAPING: Vegetation not including trees which, following an establishment period of up to three years (3), can survive within the City with little or no supplemental watering.

500 MAJOR IMPROVEMENT: Any change to a site or structure which adds a new residential unit, increases the size of the structure by twenty percent (20%) or more, or increases parking by ten (10) stalls or twenty percent (20%), whichever is greater.

MATURE HEIGHT: The maximum height to which a plant or tree species will typically grow throughout its lifespan.

505 NFPA: The National Fire Protection Association.

ORNAMENTAL FEATURES: Decorative non-structure elements and items which are inexpensive or simple to move, do not serve as storage of personal property, and are not vehicles. These include but are not limited to artifacts, benches, decorations, little free libraries, ornamental archways or trellises, and sculptures.

510 PERSON: Any individual, partnership, joint venture, corporation, private or public, Municipal corporation or other governmental entity and any other business or other legal entity.

RETAINING WALL: A wall designed to create a step in the landscape and hold back soil.

SHARED APPROACH: An approach jointly utilized by two (2) or more private properties for access to their respective parcels.

515 SOIL OVERLAY: Any natural substance which protects soil against erosion by being spread atop it. Soil overlay includes but is not limited to mulch, compost, gravel, and rock.

STANDARDS: The standards, criteria, design criteria, standard specifications, standard drawings and other data and information adopted or referenced herein.

STREET TREE: Any tree where more than fifty percent (50%) of the trunk of such tree lies
520 within the public right-of-way.

SURFACE DRIP IRRIGATION: An irrigation system which delivers water at low pressure, typically below twenty (20) pounds per square inch (psi), to individual plantings or groups of plantings.

SWALE: A linear depression which is used as a landscape feature and stormwater management
525 strategy. Swales are designed to hold or slow surface water and allow it to percolate into the soil.

TRAVEL LANE: The area of a street used for through-travel, especially by vehicles. Travel lanes are typically nine to thirteen feet (9'-13') wide, which width can be demonstrated in specific instances by visible striping present, width of total pavement divided by number of lanes, clear markers of vehicle behavior/activity, or other means.

530 TURF GRASS: Any species in the Poaceae family used to create a continuous and even ground cover.

7-2-2: GENERAL ENCROACHMENT REQUIREMENTS:

A. Permit Required: No person, firm, or corporation shall excavate any portion of the public right-of-way, nor place, move, or modify any improvement, infrastructure, utility,
535 approach, planting area, area of substrate, ornamental feature, or other item therein, without having applied for and obtained an encroachment permit issued by the City.

B. Application Established:

1. An encroachment permit application, or multiple versions thereof, shall be created by the Public Works Director with input from relevant City departments.

540 2. Fees for review of encroachment permit applications shall be established as per resolution set forth by the Council.

C. Application Requirements:

1. The Public Works Director or City Engineer may require such information, plans, engineering reports, and studies as deemed necessary to properly consider an
545 application.

2. Where deemed necessary by the Public Works Director or designee, or when proposed work may include construction, relocation or replacement of any required improvement, then construction plans, drawings and specifications, prepared by a professional engineer registered in the State of Idaho, shall be submitted as part of the
550 application.

D. Application Decision:

1. The Public Works Director and City Engineer, with input from interested City departments, shall review and decide upon encroachment applications.

2. Conditions: The City may impose reasonable conditions of approval upon any
555 proposed encroachment or improvement when deemed necessary to ensure the health, safety, and welfare of the public.

3. Rejection: Applications for any encroachment may be rejected if found to be incongruent with the provisions of this chapter, other relevant chapters within this Code, or applicable City, State, or Federal standards, or when the proposed
560 encroachment would threaten the safety or welfare of the public.

4. Appeals: Any decision made pursuant to this chapter may be appealed as per Section 7-2-11 of this chapter.

565 E. Allowable Encroachments Within Specific Rights-of-Way Types: The following shall be considered allowable encroachments within either non-alley or alley rights-of-way and may be placed therein pursuant to approval of an encroachment permit, subject to the applicable regulations listed in Section 7-2-3 of this chapter: (“A” shall mean “Allowable”.)

Encroachment Type	Allowable Within Non-Alley Rights-of-Way	Allowable Within Alley Rights-of-Way
Approaches, Both Pedestrian and Vehicular	A	A
Connections and Improvements to Public Utilities	A	A
Drainage Improvements	A	A (except swales)
Garden Boxes	A	
Improvements and Amenities Required by City Standards and/or Engineer	A	A
Low-Consumption Landscaping	A	

Mailboxes	A	
Ornamental Features	A	
Projecting, Awning, or Promotional Signage (Subject to the requirements of Chapter 10-22A of this Code)	A	
Retaining Walls	A	
Soil, Soil Overlay	A	A
Street Trees	A	
Surface Drip Irrigation	A	
Survey Pins and Monuments	A	A
Temporary Storage of Construction Materials (Pursuant to the requirements of Section 7-2-5 of this title.)	A	

Transit Shelters and Amenities	A	
Wireless Communications Facilities (Subject to the requirements of Chapter 10-23 of this Code)	A	A

F. Exempt Encroachments: The following shall be exempt from any requirement for an encroachment permit and shall be allowed by-right within the right-of-way, subject to the applicable regulations listed in Section 7-2-3 of this chapter:

570

Encroachments and Improvements Installed by the City of Bellevue, Contractors of the City, or Franchised Utilities

Minor Modifications to Low-Consumption Landscaping, Ornamental Features, Mailboxes, or Surface Drip Irrigation

575

Signage Cumulatively Less Than Four (4) Square Feet in Size Which is in Place No Longer Than Ninety (90) Days (To be Subject to Section 7-2-2(H) of this chapter)

G. Area of Modification: When any person owning property obtains an encroachment permit for modifications to the right-of-way near their same property, the encroachment permit shall generally be constrained to allow for work only within that area of the right-of-way which lies adjacent to the property. In addition, exempt encroachments shall generally be limited to the area of the right-of-way which lies adjacent to the property.

580

H. Expiration Of Permit: A permit issued under this chapter shall expire if work associated with the permit is not started within sixty (60) days or not completed within one (1) year from the date of issuance, and a new permit shall be required before beginning or

585 completing the work. An extension of no more than one year may be granted by the City
upon written request of the applicant for good cause beyond control of applicant or his or
her contractor(s).

7-2-3: REQUIREMENTS FOR SPECIFIC ENCROACHMENT TYPES:

A. Pedestrian Approaches:

- 590 1. Pedestrian approaches shall not be designed for or used to accommodate vehicular
access or parking. Pedestrian approaches shall not be more than six feet (6') wide and
the applicant for encroachment shall demonstrate that the design thereof discourages
vehicle parking.
2. Within five feet (5') of the street surface, and within the entirety of an alley right-of-
595 way, the approach must be constructed from concrete, fine gravel, asphalt, or another
material if approved by the Street Supervisor, so as to not interfere with snow
removal operations. Pavers and similar materials shall be prohibited within said areas.

B. Vehicular Approaches:

- 600 1. Approach Required: Pursuant to Section 10-21-2(B) of this code, an improved
approach shall be required to be provided for any new parking and loading area, as
well as for any change to such area which constitutes a major improvement. Improved
approaches shall be constructed of asphalt, concrete, compacted gravel, crushed rock,
or other dustfree durable material.
2. Number of Approaches: One (1) vehicular approach shall be permitted per hundred
605 feet (100') of lot frontage or one (1) per lot; whichever is greater. Partial approach
numbers resulting from this provision shall be rounded to the next whole number.
This provision shall not apply to approaches within alleys.

- 610 3. Width of Approaches: Any individual vehicular approach shall not be wider than twenty four feet (24'); however, approaches within alleys shall be exempt from this provision. Any individual vehicular approach shall not be narrower than eight feet (8'). Any differing requirements within adopted Fire Codes shall supersede this provision as necessary on a case-by-case basis. Apron radii shall not be included in width measurements for the purpose of these provisions.
- 615 4. Approach Separation Distance: No vehicular approach shall be within twelve feet (12') of another such approach which is located on the same property.
5. Distance from Intersection: Vehicular approaches shall be located entirely outside of any vision triangle as established by Section 7-2-4 of this chapter.
- 620 6. Distance from Lot Lines and Alleys: Vehicular approaches shall be located six feet (6') from any common lot line or alley; however, exceptions may be granted for shared driveways. Approaches within alleys shall be exempt from this provision.
- 625 7. Angle of Intersection with Street: Approaches shall meet the street surface at a ninety (90) degree angle, or within thirty (30) degrees of such.
8. Apron Radius: The apron radius of any vehicular approach shall not be greater than three feet (3').
- 630 9. Materiality: Within five feet (5') of the street surface, and within the entirety of an alley right-of-way, the approach must be constructed from concrete, fine gravel, asphalt, or another material if approved by the Street Superintendent, so as to not interfere with snow removal operations. Pavers and similar materials shall be prohibited within said areas.
10. Shared Approaches: Shared approaches shall not require any distance from a common lot line. The maximum width for any shared approach shall be thirty two feet (32'); however, such approaches within alleys shall be exempt from this requirement.

Shared approaches shall be officially referenced and recorded for all involved properties in an official manner acceptable to the Planning and Zoning Administrator.

635 11. Circular Driveways: One (1) circular driveway may be placed per lot, to include two (2) vehicular approaches, and the same shall together be considered one (1) single approach for the purposes of meeting Subpoint 7-2-3(B)(2) of this section. Each individual approach associated with a circular driveway shall not exceed twelve feet (12') in width.

640 C. Drainage Improvements: All swales, dry wells, and other drainage improvements shall be built to applicable City standards. Swales shall be constructed and designed to pose minimal risk to any member of the public utilizing the street or adjacent property. Swales shall provide visual diversity, which must include trees and low-consumption vegetation, in order to prevent a monotonous appearance.

645 D. Garden Boxes: Any garden box shall not be larger than sixty four (64) square feet in total area, shall not be greater in height than eighteen inches (18"), shall not be placed within eight feet (8') of the street surface, and shall not be used except to contain edible garden plants and/or other cultivated vegetation. Such edible garden plants and similar shall not require an encroachment permit when placed within a garden box.

650 E. Low-Consumption Landscaping:

1. Low-consumption landscaping shall utilize drip irrigation or no irrigation.
2. Low consumption landscaping shall meet the definition thereof, being capable of survival with little or no supplemental watering after an establishment period of up to three years (3). Turf grasses shall not be construed to meet this definition.

655 F. Mailboxes: Mailboxes shall be located at least five feet (5') from the street surface and shall remain at such distance at all times.

G. Ornamental Features:

- 660
1. Ornamental features shall not be difficult or expensive to move, shall not serve to store materials, shall not themselves be storage of raw or piled materials, and shall not be vehicles.
 2. Allowable ornamental features include but are not limited to artifacts, benches, decorations, little free libraries, ornamental archways or trellises, and sculptures.
 3. In any case where the Public Works Director, Street Superintendent, or Marshal determines that a proposed ornamental feature encumbers use of the right-of-way, 665 impedes snow removal operations or public utilities, or blocks visibility, such official shall have power to reject the proposal.
 4. Ornamental features shall not exceed eight feet (8') in height and shall not exceed in area.
 5. Ornamental features shall be located at least five feet (5') from the street surface.
- 670 H. Projecting, Freestanding, Awning, or Promotional Signage: The requirements of section 10-22A-10(B) of this Code shall apply to any projecting, freestanding, awning, or similar signs requiring an encroachment permit.
- I. Retaining Walls: Retaining Walls: Any retaining wall shall not be taller than eighteen inches (18") in height or shall be approved with the consent of the City Engineer.
- 675 J. Soil, Soil Overlay:
1. Soils shall be augmented with a form of erosion control, which may be provided by vegetation, street trees, or a soil overlay such as mulch.
 2. Any area within the right-of-way which is larger than eight feet (8') by eighteen feet (18') and contains soil and/or soil overlays shall contain large rocks, vegetation, 680 swales, ornamental features, or any other allowable encroachments which adequately preclude such area from being utilized as vehicular storage.
 3. Soil overlays shall be comprised of natural materials.

K. Street Trees:

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1. Street Trees Required: Street trees shall be required in the right-of-way as required improvements for major improvements (see the definition thereof) within every zoning district of the City pursuant to Section 10-14-6 of this Code. All street trees shall be managed and maintained pursuant to Chapter 7-4 of this title.
 2. Approved Street Tree Species: Only those tree species explicitly permitted by the Bellevue Street Tree List, which shall be established by resolution and available at the office of the City Clerk, shall be permitted to be placed within the right-of-way.
 3. Street Tree Placement: Street trees shall be planted at least eight feet (8') from the street surface, though a lesser distance may be approved where appropriate infrastructure is provided as determined by the City Engineer. No tree shall be planted within six feet (6') of underground utilities, nor shall any tree with a mature height of more than twenty five feet (25') be placed under any overhead utilities or within twenty five feet (25') of such.
 - a. Location Inspection: Street tree locations shall be flagged by the applicant and inspected in-person by the Public Works Director or designee, and the same shall perform a utility locate to determine compliance.
 4. Street Tree Growth Area: Each street tree shall be provided an area for growth, permeation of water, and aeration which surrounds the trunk of such tree. Said area shall be at least nine (9) square feet in size, with the trunk of such tree centered therein, and shall contain soil, soil overlay, and/or other permeable surfaces.
 5. Street Tree Number: Street trees shall be planted at a frequency of one (1) per thirty feet (30') of lot frontage, minus the linear width of said lot frontage occupied or proposed to be occupied by a permitted approach. Any proposal for more frequent street trees at lesser spacing shall be permissible, but any proposal for fewer street

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trees with greater spacing shall not be permissible. Existing street trees shall be counted for purposes of meeting this requirement.

710 6. Street Tree Number Maintenance: No property which meets, or partially meets, the requirements of the above provision shall be permitted to increase in noncompliance. Street trees removed by the City shall be replaced as necessary by the same. Street trees removed by a private party in accordance with Chapter 7-4 of this title shall be replaced as necessary by the adjacent property owner. No replacement shall be necessary when street trees are lost due to acts of god. Should any street tree be removed and the loss of such tree is found to increase the noncompliance of the adjacent property, such tree shall be replaced as established below:

a. Street trees less than twenty four inches (24") in diameter at breast height shall be replaced by at least one (1) street tree.

720 b. Street trees greater than or equal to twenty four inches (24") in diameter at breast height shall be replaced by at least two (2) street trees.

7. Street Tree Caliper: All street trees shall be three inch (3") caliper or greater when planted.

7-2-4: VISION TRIANGLE REGULATIONS:

725 A. No party shall place any encroachment, object, or vehicle (pursuant to Chapter 6-3 of this Code) which obstructs the vision triangle between three and a half feet (3.5') and eight (8) feet in height.

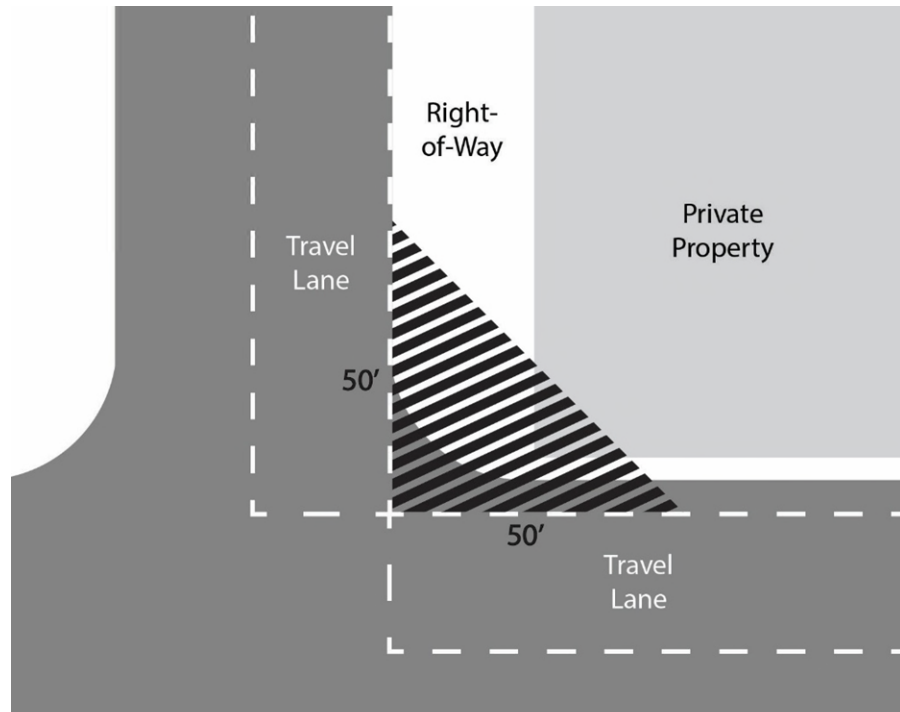
B. The vision triangle shall be measured as such where two (2) or more public streets intersect:

730 1. Wherever the travel lanes of any two (2) streets intersect, the outside corner of the intersection of these lanes shall be the origin point for the vision triangle. From

such origin point, lines shall be measured extending fifty feet (50') along the edge of the pertinent travel lanes. The far points of such lines shall then be connected, forming a triangle as demonstrated by the figure below:

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Figure 7-2-4(B): Street-Street Vision Triangle (Not to Scale):

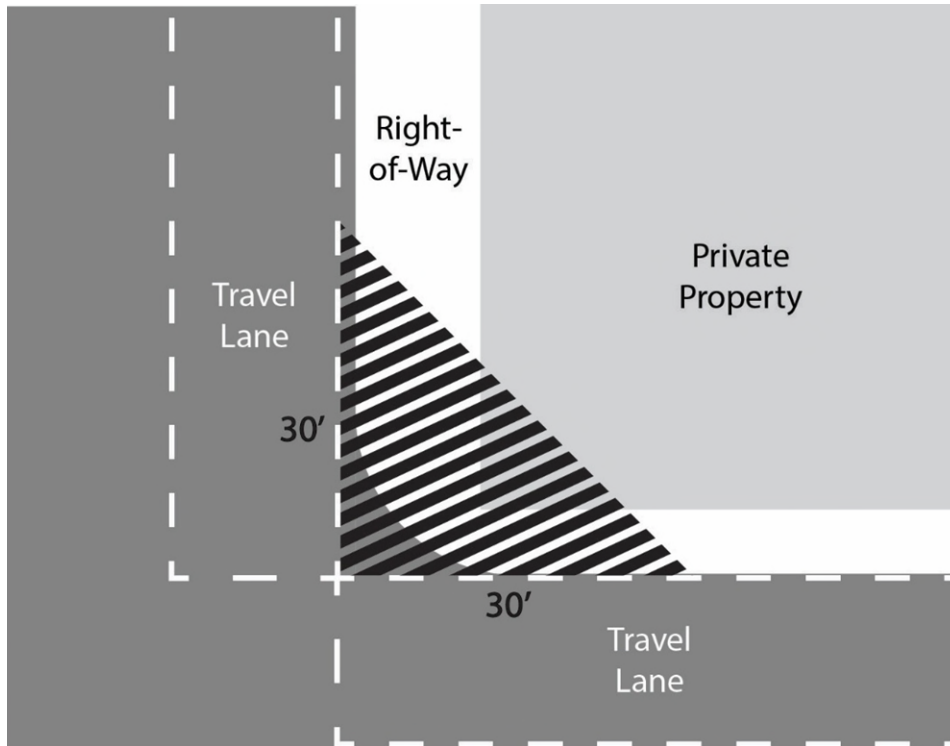


C. The vision triangle shall be measured as such for intersections of streets and alleys:

1. Wherever the travel lanes of any street and alley, or two (2) alleys, intersect, the outside corner of the intersection of these lanes shall be the origin point for the vision triangle. From such origin point, lines shall be measured extending fifty feet (50') along the edge of the pertinent travel lanes. The far points of such lines shall then be connected, forming a triangle as demonstrated by the figure below:

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Figure 7-2-4(C): Street-Alley Vision Triangle (Not to Scale):



745 D. Exemptions: Objects exempt from the provisions of this section shall include:

Public Improvements and Utilities

Snow Deposited from Snow Removal Operations by Public Agencies

Traffic Control Devices and Street Signage

Trunks of Single-Stem Trees

750 Exempt Vehicles (Pursuant to Section 6-3-6 of this Code)

7-2-5: PUBLIC WAY LEASES:

A. Lease Required: No person, firm, or corporation shall utilize any portion of the right-of-way for any temporary business use without having applied for and secured a right-of-way lease from the City.

755 B. Application Established:

1. A right-of-way lease application, or multiple versions thereof, shall be created by the Public Works Director and City Engineer with input from relevant City departments.

2. Fees for review of right-of-way lease applications shall be established as per resolution set forth by the Council. The amount for lease of any portion of the right-of-way shall be assessed on a monthly basis and such amount(s) shall be established as per resolution set forth by the Council.

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C. Application Requirements: The Public Works Director or City Engineer may require such information, plans, engineering reports, and studies as deemed necessary to properly consider an application.

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D. Application Decision:

1. The Public Works Director and City Engineer, with input from interested City departments, shall review and decide upon right-of-way lease applications.

2. Conditions: The City may impose reasonable conditions of approval upon any proposed use of the right-of-way for which a lease has been proposed when deemed necessary to ensure the health, safety, and welfare of the public.

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3. Rejection: Applications for lease may be rejected if the proposed lease location or proposed use is found to be incongruent with the provisions of this chapter, other relevant chapters within this Code, or applicable City, State, or Federal standards, or when the proposed lease would threaten the safety or welfare of the public.

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4. Appeals: Any decision made pursuant to this chapter may be appealed as per Section 7-2-11 of this chapter.

E. Seasonal Restrictions: No right-of-way lease shall be granted between October 31 and April 30 of any year.

F. Locations Available for Lease:

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1. All portions of the right-of-way shall be considered potential areas for lease except vehicular travel lanes, public pathways, sidewalks, and any applicable vision triangle areas (pursuant to Section 7-2-4 of this chapter).

2. A location may be deemed unsuitable for lease by the Public Works Director and City Engineer if the placement of the proposed use therein would encumber use of the right-of-way, impede maintenance of and access to public utilities, interfere with a previously-planned or ongoing project, or block visibility.

G. Allowable Uses for Leases: The following shall be considered allowable purposes for right-of-way leases and may occur in the public right-of-way pursuant to approval of a right-of-way lease.

Temporary Storage of Construction or Landscaping Materials
Outdoor Seating Associated with a Restaurant, Café, Bar, or Similar

H. Area of Modification: When any person owning property obtains an encroachment permit for modifications to the right-of-way near their same property, the encroachment permit shall generally be constrained to allow for work only within that area of the right-of-way which lies adjacent to the property. In addition, exempt encroachments shall be limited to the area of the right-of-way which lies adjacent to the property.

I. Expiration Of Lease: A lease issued under this chapter shall expire when specified within that particular lease, which date shall be no later than October 31 of such year.

7-2-6: STREET AND ALLEY IMPROVEMENTS:

Whenever any street or alley in the City has been laid out on any plat, including the original townsite plat, but has never been opened or improved to provide access to abutting properties, whether by the City or abutting property owners, those abutting property owners who desire to open or improve such street or alley shall be financially responsible for the costs of such action. All street and alley improvements shall be done according to City standards and specifications, and must be found to be in the public interest by the Common Council after a duly noticed public hearing.

7-2-7: STANDARDS AND DESIGN CRITERIA:

A. Street Standards:

1. The design criteria, standard specifications, standard drawings, and additional requirements for the construction, reconstruction, repair, replacement and improvement of all streets and roadways, public or private, or any portion thereof, are set forth in appendix A entitled City of Bellevue, Idaho Street Construction Standards, which is on file with the City, and subsequent amendments thereto.
2. All NFPA, AASHTO, ASTM, Idaho State Department Of Transportation, and other standards, codes, rules and regulations referred to in this chapter are each hereby adopted and incorporated herein by reference.

B. Public Pathway Construction Standards: The design criteria, standard specifications, standard drawings and additional requirements for bicycle paths, equestrian paths and other public pathways are set forth in the Blaine County Bikepath and Public Pathway Construction Standards, and subsequent amendments thereto, hereby adopted by reference.

C. Street Excavation Standards: The design criteria, standard specifications, standard drawings and additional requirements for any digging in, excavation, trenching or other disturbance to the surface or subsurface of any street, public or private, or public right-of-way, or any portion thereof, are set forth in appendix A, incorporated herein by reference and which is on file with the City, and subsequent amendments thereto. Further excavation standards and requirements follow below:

1. Prohibited Period: No permission for excavation shall be given, except in cases of extreme emergency, during the period from October 31 of each year to April 1 of the following year, when the ground is frozen or likely to be frozen.

2. Safety Devices: Before and during any digging, excavating, or other disturbance of any street or right-of-way, the person, firm, or corporation responsible shall adequately flag and post the excavation, in the interest of public safety.

835 3. Restoration Of Excavated Area: Each person, firm, or corporation obtaining written permission for work as provided herein shall restore the surface of the street or right-of-way to a condition satisfactory to the Public Works Director or Street Superintendent. The permittee shall have such time as is specified in the permit to restore the street or right-of-way according to the City specifications. Trenches must be adequately compacted against settling, and the contractor shall be liable for any
840 further repairs necessary due to settling.

D. Special Conditions: Reasonable criteria, specifications and drawings may be required for special situations or improvements as determined by the City Engineer and Public Works Director, and all such special criteria, standard specifications and drawings shall be approved by the same.

845 E. Other Improvement Standards: If an improvement is proposed for which no standards are set forth herein, the standards of the Idaho Department of Transportation, or other State agency having standards therefor, including subsequent amendments thereto, are hereby adopted by reference and incorporated herein by reference. Standards for construction of sidewalks, curbs and gutters shall be pursuant to a specific plan approved by the City
850 Engineer consistent with existing improvements to adjacent property.

F. Amendments To Standards: Amendments and additions to each of the appendices on file with the City may be adopted by resolution of the City Council.

7-2-8: REQUIREMENTS FOR CONSTRUCTION ACTIVITY WITHIN

PUBLIC WAYS:

- 855 A. Guarantee, Hold Harmless Agreement, and Bond or Security:
1. As a condition of the issuance of any permit under this chapter, in addition to all other guarantees set forth in this chapter and relevant resolutions available in the Office of the City Clerk, the applicant and the contractor shall, jointly and severally, irrevocably guarantee the quality and durability of all materials and workmanship to
860 the City for the period of two (2) years from the date of final inspection approval.
 2. The applicant and contractor shall execute a hold harmless agreement to indemnify and hold the City harmless from any loss, injury or damage resulting from the work undertaken or the manner of doing same, and the City may require the applicant and contractor to post a bond to secure full performance thereof.
 - 865 3. The City may require the applicant and/or contractor to post a performance bond, or other security acceptable to the Common Council, prior to the issuance of the permit or at any time thereafter. The bond shall be for one hundred fifty percent (150%) of the bona fide estimated construction cost, and the bond shall be effective until the expiration of guarantee.
- 870 B. General Responsibilities of Contractors and Permittees: There shall be compliance with the following by all permittees and contractor(s):
1. The contractor shall use every reasonable precaution to safeguard the public and to prevent injury to persons and property. It shall be the sole responsibility of the contractor to furnish, place and maintain such barricades, barriers, lights, flares,
875 danger signals, watchmen and other safety items and procedures as are reasonably necessary to protect persons and property. All barricades and obstructions shall be

marked at night by signal lights which shall be suitably distributed, placed and kept burning from sunset to sunrise to adequately mark the same and warn the public thereof.

880 2. Whenever a contractor's operation creates a hazardous condition, the contractor shall furnish flagmen and guards as necessary to give adequate warning to the public of any dangerous condition to be encountered. Flagmen and guards, while on duty, shall wear apparel of red or orange or other bright, reflective color, and carry adequate flags or other warning and caution devices as shall be appropriate under the
885 circumstances.

3. No road or street shall be closed to the public by an applicant or contractor except by express prior written permission of the City employee who approved the permit application for the work requiring such closure. The contractor shall conduct the work so as to ensure the least possible obstruction to traffic and to protect persons and
890 property in a safe and adequate manner. The contractor shall notify the City Marshal's Office before the closing of any street, or portion thereof, and no closing shall be made without the prior written approval of the Marshal's Office.

4. The contractor shall leave his night emergency phone number or numbers with the City Marshal's Office and the Blaine County Sheriff's Office so that contact may be
895 made as easily as possible at all times in case of emergencies.

5. The contractor shall perform all work in a fire safe manner and shall supply and maintain on the site adequate firefighting equipment capable of extinguishing incipient fires. The contractor shall comply with all applicable local and State fire prevention regulations and applicable parts of NFPA no. 214.

900 6. Whenever the contractor's operation could cause damage or loss of service of any utility, including, but not limited to, telephone, television, power, gas, water,

irrigation or other private or public utility systems, the contractor shall make all arrangements necessary for the protection thereof with the utility involved prior to commencing any work in the vicinity thereof. The contractor shall notify all utility offices which are affected by the construction at least forty eight (48) hours in advance. The contractor shall not expose any utility without first requesting permission and being granted permission to do so from the affected utility. Once permission has been granted, the contractor shall locate, if necessary, and expose all existing underground utilities in advance of any trenching operation or other work. In the event of the interruption of or damage to any such utility, the contractor shall promptly notify the proper utility authority and fully cooperate with said authority in restoration of services as promptly as possible and bear all costs of repair. In no case shall the contractor cause or permit interruption of any utility service to exist outside the working hours unless prior approval has been received by the utility and all affected parties.

C. Preservation Of Land Monuments And Utility Markers: The contractor shall preserve or replace all existing Federal, State, County and private land monumentations and utility markers. Any destroyed or damaged markers shall be accurately relocated by the contractor, at the contractor's expense, to the satisfaction of the governmental entity, property owner and/or utility whose marker has been so removed or damaged.

D. Site Cleanup: The contractor shall, at all times during the performance of the work, keep the worksite clean and orderly and promptly remove all waste material and rubbish. Upon completion of the work, all materials, equipment, rubbish and any items placed by the contractor and not part of the completed improvements shall be completely removed within forty eight (48) hours of approved final inspection.

E. As Built Drawings: Upon completion of the construction of an improvement, and prior to final inspection approval thereof, the applicant shall provide the building inspector with a set of "as built" drawings of all construction and improvements.

F. Inspections and Tests:

930 1. Access: The City Engineer, City Road Department, and their authorized
representatives, shall at all times have access to the work for which a permit has been
issued, and the contractor shall provide such personnel proper facilities for such
access and inspection. The City reserves the right to reject any construction
completed prior to the issuance of a construction permit or approval of construction
935 plans or construction not in compliance with the standards set forth in this chapter and
the terms and conditions of the permit issued for such work.

2. Inspections: The contractor and/or applicant shall notify the City Engineer or City
employee responsible for inspecting the work not less than a minimum of twenty four
(24) normal workday hours prior to each of the following: 1) the beginning of
940 commencement of any work for which a permit has been issued under this chapter;
and 2) any requested inspection of any work covered by such permit; and 3)
commencement of any backfilling operations to allow for inspection of all utilities,
bedding, joints and similar items. In each instance where an inspection is required,
until the required inspection is completed and the work approved by the City, no
945 further work shall be undertaken.

3. Tests: All testing shall be in accordance with the standard specifications set forth in
the applicable appendices on file in the Office of the City Clerk. All testing shall be at
the expense of the applicant, and the payments for required testings shall be made
directly to the testing agency. Sampling and testing methods shall be approved in
950 advance in writing by the City Engineer. Copies of all test reports shall be submitted

to the City Engineer immediately upon their issuance by the testing agency and/or their receipt by the applicant or contractor. Replacement, correction or repair of unsatisfactory materials, workmanship or improvements shall be as specified by the City Engineer. Completion of the same, as specified, shall be in accordance with
955 criteria, specifications and drawings approved by the City Engineer and shall be done within a period of time as determined by the City Engineer.

4. Compaction Tests: Any required compaction tests shall be performed at the location of the work being tested. Testing frequency established prior to the beginning thereof by the City Engineer will normally be required on at least two (2) layers of backfilled
960 material. Failing to perform such compaction tests will necessitate excavation, recompaction, and retesting.

7-2-9: EXCAVATIONS:

A. Written Permission Required: No person, firm, or corporation shall dig in, excavate, trench, or otherwise disturb the surface or subsurface of any street or right-of-way within
965 the City without first obtaining an encroachment permit or written permission from the Public Works Director, City Engineer, or Street Superintendent.

B. Prohibited Period: No permission, as described in subsection A of this section, shall be given, except in cases of extreme emergency, during the period from October 31 of each year to April 1 of the following year, when the ground is frozen or likely to be frozen.

970 C. Safety Devices: Before and during any digging, excavating, or other disturbance of any street or right-of-way, the person, firm, or corporation responsible shall adequately flag and post the excavation, in the interest of public safety.

D. Restoration Of Excavated Area: Each person, firm, or corporation obtaining written permission for work as provided herein shall restore the surface of the street or right-of-

975 way to a condition satisfactory to the Public Works Director or Street Superintendent.
The permittee shall have such time as is specified in the permit to restore the street or
right-of-way according to the City specifications. Trenches must be adequately
compacted against settling, and the contractor shall be liable for any further repairs
necessary due to settling.

980 E. The City may proceed in a civil action for damages to collect the amount of money found
necessary to restore the surface of the street or right-of-way disturbed, dug in, excavated
or trenched without the written permission as in this section required, or where the
surface restoration has been found to be inadequate or substandard according to City
street specifications.

985 **7-2-10: OBLIGATIONS OF THE CITY AND ITS CONTRACTORS:**

A. Adherence to the regulations, standards, and specifications contained in this chapter shall
not obligate the City, in any way, to accept any street or other improvement or to repair
or maintain same.

990 B. Should the City of Bellevue, Contractors of the City, or Franchised Utilities disturb or
destroy any permitted encroachments by any other party within any portion of the right-
of-way during work or typical operations, said parties shall be under no obligation to
restore such encroachments, save for any utility connections, required improvements, or
approaches, and the same shall be reconstructed or restored to applicable standards.
Notwithstanding this provision, the City shall make reasonable efforts to preserve or
995 move any ornamental features in the right-of-way.

C. All work done by or under contract with the City, including by franchised utilities, shall
require an encroachment permit as applicable; however, all permit fees for such
contracted or franchised parties shall be waived.

7-2-11: APPEALS:

1000 A person who is aggrieved by the denial or issuance of a permit or any decision made by the City
Engineer or other City official or employee shall have the right to appeal said decision within
fifteen (15) days of the date that the permit is issued or denied or the decision otherwise under
appeal is made. If no appeal is filed with the City Clerk within said fifteen (15) day period, the
decision is final. The notice of appeal shall be in writing and shall set forth the decision appealed
1005 and the reasons that the appeal should be granted. All appeals shall be heard by the Common
Council and shall be limited to the record before the City Engineer or other representative with
regard to the subject application. The Common Council may approve, approve with conditions,
modify, or deny the appeal or remand the application for further review.

7-2-12: CRIMINAL PENALTIES; CIVIL ENFORCEMENT:

- 1010 A. Violation Type and Penalty: Any person violating this chapter or the design criteria,
standards or standard drawings hereby adopted may be issued a citation for infraction or
may be found guilty of a misdemeanor and shall be punishable as provided in Section 1-
4-1 of this Code. Each day upon which the illegal construction, alteration, maintenance or
use continues shall be deemed a separate violation of this chapter.
- 1015 B. In addition to any other penalties, whenever a violation of this chapter occurs, the City
may institute proceedings in the District Court to seek injunctive relief to prevent the
continued violation thereof or to compel compliance with the terms and provisions of this
chapter. Whenever it appears that any person has engaged or is about to engage in any act
or practice violating any provision of this chapter, the City may institute a civil action in
1020 District Court to enforce compliance herewith.
- C. It is hereby declared that a violation of any provision of this chapter constitutes an
immediate threat to public health, safety, and welfare necessitating immediate action to

remove any prohibited improvement to or obstruction of any public street or right-of-way, and the City shall have the right to order the same removed from the public right-of-way, and the responsible party shall pay all reasonable costs incurred by the City with regard thereto.

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D. Should any party, including those having obtained an encroachment permit, contractors of the City, and Franchised Utilities, be found to have undertaken work or installed improvements within the right-of-way or public property which fails to conform with the standards of this chapter, the City may require same to revise, repair, or replace such work or improvements. Should such party refuse to undertake required work within fifteen (15) days of the date such notice is issued by the City, the City may perform the work at the expense of the permittee, and the City shall have a right to recover and a cause of action against the permittee for all related costs including, but not limited to, the cost of removal, repair, restoration or improvement, court costs, and reasonable attorney fees.

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E. Should any party, including those having obtained an encroachment permit, contractors of the City, and Franchised Utilities, be found to have violated any provision of this chapter, the City may choose to reject or revoke any permit or license applied for or obtained by the same.

SECTION 6

Title 7, Chapter 4: Trees and Shrubs of the Bellevue City Code is hereby amended as follows:

CHAPTER 4

1045

TREES AND SHRUBS

7-4-2: DEFINITIONS:

**Note: For brevity and clarity, unmodified definitions have been omitted from this ordinance. All omitted definitions remain unmodified and in place.*

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STREET TREE: Any tree where more than fifty percent (50%) of the trunk of such tree lies within the public right-of-way. ~~Any tree, shrub, or other woody vegetation within a public street.~~

SECTION 7

Title 8, Chapter 2: Public Utilities of the Bellevue City Code is hereby amended as follows:

CHAPTER 2

1055

SANITARY SEWER SYSTEM

8-2-7: EXCAVATION REQUIREMENTS:

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- ~~A. Permit Required: The existence of a sewer connection permit shall not permit any work for which the street excavation permit is required by the City.~~
- ~~B. Safety Precautions: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.~~
- ~~C. Restoration Of Excavation Area: Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in accordance with the street standards ordinance at the applicant's expense.~~

1065 All excavation and work within the right-of-way shall be in accordance with the provisions of Chapter 7-2 of this Code. All work and improvements shall meet applicable City street standards and be permitted unless exempt.

SECTION 8

Title 9, Chapter 1: Building Codes of the Bellevue City Code is hereby amended as follows:

1070 CHAPTER 1

BUILDING CODES

9-1-2: AMENDMENTS TO IBC:

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

1075 ~~—Chapter 37.3701: Sidewalks, Curb and Gutters. Construction of any curb, gutter, sidewalk, alley, street, or any other improvement within the right-of-way shall comply with the regulations of Chapter 7-2 of this Code. This Chapter shall apply to the construction of all sidewalks, curbs, gutters, drainage and all paving of streets, alleys and appropriate easements within the City of Bellevue, Idaho. No person shall construct a curb, sidewalk, gutter, alley or pave any street, alley~~

1080 ~~or easement without first having submitted plans thereof certified by a Civil Engineer and approved by the building official designed for safe and adequate construction, grade, drainage and/or paving in accordance with the standards set forth in this ordinance, the Bellevue Street Standards Ordinance and all other applicable ordinances and resolutions of the City of Bellevue, Idaho."~~

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SECTION 9

Title 9, Chapter 2: Roads, Streets, Pathways and Other Improvements of the Bellevue City Code is hereby renamed [Reserved] and the contents thereof are entirely removed as follows:

CHAPTER 2

1090

~~**ROADS, STREETS, PATHWAYS AND OTHER**~~
~~**IMPROVEMENTS [RESERVED]**~~

SECTION 10

Title 10, Chapter 2: Definitions of the Bellevue City Code is hereby amended as follows:

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CHAPTER 2
DEFINITIONS

**Note: For brevity and clarity, unmodified definitions have been omitted from this ordinance. All omitted definitions remain unmodified and in place.*

MAJOR IMPROVEMENT:

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Any change to a site or structure which adds a new residential unit, increases the size of the structure by twenty percent (20%) or more, or increases parking by ten (10) stalls or twenty percent (20%), whichever is greater.

SECTION 11

1105

Title 10, Chapter 6: GR General Residential of the Bellevue City Code is hereby amended as follows:

CHAPTER 6

GR GENERAL RESIDENTIAL

10-6-2: PERMITTED USES:

1110 **Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

Multiple family dwellings, including townhouses, shall be allowed on no less than a 6,000 square foot lot per dwelling in the platted and unplatted portions of the City unless a reduced lot size is approved by the City through a planned unit development, annexation agreement, development 1115 agreement, design review or other similar process, or when the City deems it as a benefit for providing affordable housing. The Planning and Zoning Commission shall review and approve a design review application that requires a minimum of on-site parking for single-family and two-family dwellings and access is off an improved street, ~~not~~ or alley and there is compliance with front, rear and side setbacks. The approved reduced lot size shall not be less than 3,000 square 1120 feet per dwelling unit.

10-6-5: DIMENSIONAL, BULK AND BUILDING COVERAGE

STANDARDS AND REQUIREMENTS: (D)(2,3)

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

1125 2. No residence or outbuilding shall be placed closer than six feet (6') from any side or rear property line, unless otherwise approved by the City through an approved design review application. The reduced side and rear property line setbacks shall not be less than four feet (4'). All applications proposing to utilize reduced setbacks shall provide

1130 on site snow storage and not obstruct the vision triangle at an intersection (pursuant to
Section 7-2-4 of this Code). Setbacks shall be measured from the extremities of the
building to the property line.

1135 3. ~~There shall be nothing that would possibly obstruct the vision triangle placed closer
than fifteen feet (15') from the property line at a corner or intersection. Any fences,
shrubs, etc., that are placed on the property lines shall not exceed a height of three
and one-half feet (3 1/2') where they could possibly interfere with vision at
intersections.~~

SECTION 12

1140 Title 10, Chapter 14: General Zoning Provisions of the Bellevue City Code is hereby amended as
follows, and a new section added as written:

CHAPTER 14

GENERAL ZONING PROVISIONS

10-14-6: CURB, GUTTER, SIDEWALK AND STREET TREE

REQUIREMENTS:

1145 ~~Within the B-Business Zoning District, LB/R-Limited Business/Residential Zoning District, LI
Light Industrial Zoning District and LI/B-Light Industrial/Mixed Business Zoning
District, curbs, gutters, sidewalks and street trees are required and shall be installed along the
street frontage of each lot or parcel of real property upon which a new building is constructed or
a major addition (defined as requiring a building permit and having a cost of construction~~

1150 ~~exceeding \$55,000.00). Such improvements shall be constructed in accordance with the applicable construction standard and ordinances of the City.~~

A. The following improvements shall be required when a major improvement (see the definition thereof) occurs within the specified zoning district: (“R” shall mean “Required Improvement”)

<u>Zoning District</u>	<u>Street Trees</u>	<u>Curbs, Gutters</u>	<u>Sidewalks</u>
<u>B – Business</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>LB/R – Limited Business Residential</u>	<u>R</u>	<u>R</u>	<u>R (except on 2nd Street)</u>
<u>GR – General Residential</u>	<u>R</u>		
<u>LI – Light Industrial</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>LI/B – Light Industrial Mixed Business</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>T – Transitional</u>	<u>R</u>		

1155 B. Standards for Improvements: All applicable engineering standards for improvements shall be followed, and all necessary permits obtained, in accordance with Chapter 7-2 of this Code.

C. Street Trees: Street Trees shall be only placed in the right-of-way when associated with an approved encroachment permit, and when the species, locations, and spacing are compliant with Section 7-2-3(K) of this Code.

1160

10-14-10: VISION TRIANGLE:

Nothing placed on any private property within any zoning district shall violate the vision triangle regulations established by Section 7-2-4 of this Code.

1165 **SECTION 13**

Title 10, Chapter 17: Design Review of the Bellevue City Code is hereby amended as follows:

CHAPTER 17

DESIGN REVIEW

10-17-4: APPLICATION PROCEDURE: (A)(1)(f)

1170 **Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

- f. Street tree sizes and locations, shall be pursuant to Chapter 10-14 of this title and in accordance with the provisions of Section 7-2-3(K) of this Code. ~~a minimum of three inch (3") caliper and planted at spacing not less than one tree for every thirty five feet (35')~~ of public street right of way, excluding alleys. All trees shall comply with the Bellevue Street Tree Guidelines, and an approved encroachment permit shall be obtained from ITD or the City.

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10-17-4: APPLICATION PROCEDURE: (D)

1180 **Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

- D. Curbs, Gutters, Sidewalks And Street Tree Requirements: These shall be required for any major improvement, as defined by this title, in certain zoning districts pursuant to Section

10-14-6 of this title. Street trees shall meet the requirements of Section 7-2-3(K) of this Code. ~~Within the B Business, LB/R Limited Business/Residential, LI/B Light Industrial/Mixed Business and LI Light Industrial Zoning Districts, curbs, gutters, sidewalks and street trees are required and shall be installed along the street frontage of each lot or parcel of real property upon which a new building or a "major addition" (defined as requiring a building permit and having a cost of construction exceeding \$50,000.00) is constructed. Such improvements shall be constructed in accordance with the applicable construction standards and ordinances of the City.~~

SECTION 14

Title 10, Chapter 21: Off Street Parking and Loading of the Bellevue City Code is hereby amended as follows:

CHAPTER 21

OFF STREET PARKING AND LOADING

10-21-2: GENERAL PARKING AND LOADING REQUIREMENTS: (B)

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

B. Access: An improved approach shall be required to be provided for any new parking and loading area, as well as for any change to such area which constitutes a major improvement. No new parking or loading area shall be accessed by means of an unimproved approach, nor by a portion of the right-of-way for which an encroachment permit has not been issued. Improved approaches shall be constructed of asphalt,

1205 concrete, compacted gravel, crushed rock, or other dustfree durable material. Approaches
within rights-of-way shall be constructed pursuant to Section 7-2-3(A) of this Code, and
vehicle accesses shall meet applicable Fire Code requirements. All spaces must have
unobstructed access to and from streets or alleys by means of a driveway not less than ten
feet (10') wide. The total length of curb cuts onto any one street shall be limited to twenty
1210 feet (20'), except there shall be no limitation for parking accessed from an alley. Access
driveways for parking areas or loading spaces shall be located in such a way that any
vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist
approaching the access or driveway from a public or private street.

10-21-2: OFF STREET PARKING AND LOADING (E)(1)

1215 **Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

1. Nonresidential uses within the Business Zoning District ~~and Limited Business/Residential District~~ may improve City public street rights-of-way within said zoning districts within six hundred feet (600') of the real property on which the use is
1220 located and may be credited with one on site parking space for each two (2) on street parking spaces created by that right-of--way improvement as provided in this subsection.

SECTION 15

Title 10, Chapter 22, Article C: Fence Requirements of the Bellevue City Code is hereby
1225 amended as follows:

ARTICLE C

FENCE REQUIREMENTS

10-22C-2: OBSTRUCTING VISION PROHIBITED: (B)

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

B. Fences, hedges, etc., ~~placed~~shall be compatible with the vision triangle regulations established by Section 7-2-4 of this Code. ~~on the property line of lots located at the intersection of two (2) streets or a street and an alley shall not exceed a height of three and one-half feet (31/2') beginning at the corner point of the private property boundary and extending a distance of thirty feet (30') down the applicable rear, front or side lot lines.~~

SECTION 16

Title 11, Chapter 4: Design and Improvement Requirements of the Bellevue City Code is hereby amended as follows:

CHAPTER 4

DESIGN AND IMPROVEMENT REQUIREMENTS

11-4-7: BLOCKS: (A)

**Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

A. No block shall be longer than one thousand feet (1,000') nor less than ~~four~~ two hundred feet (~~400~~200') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots.

11-4-7: BLOCKS: (D)

1250 **Note: For brevity and clarity, unmodified portions of this section have been omitted from this ordinance. All omitted portions of this section remain unmodified and in place.*

D. Corner lots shall contain a building envelope outside of the vision triangle established by Section 7-2-4 of this Code. ~~a seventy five foot (75') radius from the intersection of the streets.~~

1255 11-4-8: STREETS AND IMPROVEMENTS:

A. Transportation Network Design: Streets shall be arranged in order to form a functional, walkable, and efficient network well-linked to existing and future City streets, to the satisfaction of the Common Council, and in accordance with the following:

1260 1. The arrangement and location of streets shall conform with the Comprehensive Plan and Transportation Plan.

2. Proposed street networks shall conform to the traditional Bellevue street and alley grid design or a similar network design which is found to be equally connective. Exemptions may only be considered when the applicant proves that meeting this requirement would be prohibitively impractical due to site characteristics, or would require excessive cuts and fills.

1265 3. Proposed streets shall adjoin and continue existing adjacent streets in every case, unless the applicant proves that doing so would be prohibitively impractical due to site characteristics.

- 1270 4. Proposed streets shall allow for future connectivity on adjacent buildable lands, regardless of current use or current political jurisdiction, unless the applicant proves that doing so would be prohibitively impractical due to site characteristics. Until such streets are improved by subsequent development, resultant dead-end streets shall conform with all applicable International Fire Code turnaround standards.
- 1275 5. Blocks shall be no larger than three (3) acres, unless the applicant proves that doing so would be prohibitively impractical due to site characteristics. No block over eight (8) acres shall be allowed in any circumstance.
- 1280 6. Streets which dead-end and do not allow future connectivity, such as cul-de-sacs, shall be private and shall not be dedicated to the City in any case. Such streets shall conform with all applicable International Fire Code turnaround standards.
- 1285 7. The Council shall have the right to require reasonable and proportional upgrades of the larger transportation network in conjunction with approval of any subdivision, including but not limited to improvements to streets, bridges, intersections, trails, and sidewalks.
- 1290 8. Proposed subdivisions shall supply one (1) public access pathway, either by easement or dedication of land to the City, for every five hundred feet (500') where the proposed subdivision abuts publicly-accessible open space, pathways, conservation land, or similar. Public access pathways shall be built to City standards or in accordance with best practices for trail construction. For each four (4) public access pathways provided pursuant to this provision, at least one (1) public parking area shall be provided, to contain at least three (3) parking spaces dedicated to trailhead parking.

B. Street and Improvement Design: All proposed streets and transportation infrastructure shall be designed to meet City Street and other Standards, including International Fire

Code and other applicable codes as determined by the City Engineer, as well as the

1295 following:

1. The design and planned use of all proposed streets shall conform with the Comprehensive Plan and Transportation Plan.

~~A. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land.~~

1300
1305 ~~B. All streets shall be constructed to meet or exceed the criteria and standards set forth in the City Standard Specifications for Streets and Water, and all other applicable ordinances, resolutions, or regulations of the City, or any other governmental entity having jurisdiction thereover, now existing or hereafter adopted, amended or codified.~~

2. ~~C.~~—Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of- way, the Council may require a frontage street, planting strip, or similar design features.

1310 ~~D. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods.~~

3. ~~E.~~—Street grades shall not be less than three-tenths percent (0.3%) and not more than seven-tenths percent (0.7%) so as to provide for adequate drainage and snow plowing.

1315 4. ~~F.~~—In general, partial dedications shall not be permitted. However, the Council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the Council finds it practical to require the dedication of the remainder of the right-of-way when the adjoining property is subdivided. When a

partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated.

1320 ~~G. Dead end streets shall be permitted as deemed appropriate by the Council when providing for future connectivity to adjacent lands and are in compliance with International Fire Codes regarding turnarounds.~~

~~H. A cul-de-sac or similar type street shall be permitted as deemed appropriate by the Council which complies with International Fire Codes regarding turnarounds.~~

1325 5. I.—Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°).

6. J.—Where any street deflects any angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets and one hundred twenty five feet (125') for minor streets.

1330 7. K.—Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited.

8. L.—A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets.

1335 9. M.—Proposed streets, which are continuations of existing streets, shall be given the same names as the existing streets. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to the Council for preliminary plat approval.

1340 ~~N. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills.~~

~~O. Street patterns of residential areas shall be designed to create areas free of through traffic but readily accessible to adjacent collector and arterial streets.~~

1345 ~~10. P. Preserve~~ Any planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider.

~~11. Q. In general, the centerline of streets shall coincide with the centerline of the street right-of-way, and a~~

1350 12. All crosswalk markings shall be installed by the subdivider as a required improvement.

~~13. R. Street lighting may be required by the commission or Council, where appropriate, and shall be installed by the subdivider as a requirement improvement.~~

1355 14. S. Private streets complying with the International Fire Codes shall be allowed as deemed appropriate by the Council and as required by Section 11-4-8(A)(6) of this chapter.

15. T. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the Administrator and shall be consistent with the type and design of existing street signs elsewhere in the City.

1360 ~~U. Wherever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefor.~~

1365 16. V. Sidewalks, curbs, and gutters, and street trees may shall be a required improvement installed by the subdivider pursuant to Section 10-14-6 of this Code.

1370 ~~17. W. Prior to final plat signature, the first chip sealing shall be applied to all new
dedicated streets and applicable private streets ~~shall be completed by the developer.~~
The Council may elect to accept a bond to undertake such work, but shall not be
obligated to accept such. ~~or bonded for by the developer for any subdivision, planned~~
~~unit development or condominium plat.~~~~

11-4-9: ALLEYS:

1375 Alleys shall be provided as required improvements in commercial and light industrial all zoning
districts in accordance with Section 11-4-8(A)(2) of this Code, unless the applicant proves that
doing so would be prohibitively impractical due to site characteristics or context, ~~and may be~~
~~required in residential districts.~~ The City shall not be obligated to accept any alley dedication.
The width of an alley shall be not less than twenty five feet (25'). Alley intersections and sharp
changes in alignment shall be avoided, but where necessary, corners shall be provided to permit
safe vehicular movement. Dead-end alleys shall comply with the International Fire Codes
regarding turnaround requirements. All alleys shall conform with applicable City street
1380 standards. ~~Improvement of alleys shall be done by the subdivider as a required improvement and~~
~~in conformance with design standards specified in subsection 11-4-8B of this chapter.~~

SECTION 17: EFFECTIVE DATE:

1385 This Ordinance shall be in full force and effect from and after its passage and publication as
required by law.

PASSED AND APPROVED by the CITY OF BELLEVUE, IDAHO this _____ day of _____
2026.

1390

Christina Giordani, Mayor

ATTEST:

1395 Amy Phelps, City Clerk