

TITLE 7

PUBLIC WAYS AND PROPERTY

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CHAPTER 1
STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

- 7-1-1: Sidewalk Construction And Maintenance
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- 7-1-3: Barbed Wire And Electric Fences
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7-1-1: **SIDEWALK CONSTRUCTION AND MAINTENANCE:**

- A. Responsibility: The construction, repair and maintenance of sidewalks, curbs, and gutters located within the City limits is the responsibility of the abutting property owner. All fees and costs associated with such construction, maintenance and repair of sidewalks will be borne by the abutting property owner. The power of the City to regulate repairs and maintenance is set forth in Idaho Code, section 50-317. (amd. Ord. 15-810, 10-07-15)
- B. Notification: The Public Works Superintendent, upon determining that a sidewalk is dangerous and unsafe, shall notify the abutting property owner of the defects, the repairs required and a time period within which the repairs must be completed. The notice shall require the repairs to be completed within thirty (30) days of receipt of the notice by the property owner. If weather conditions do not allow the repairs to be completed in a workmanlike manner, the time period for completing the repairs may be extended upon a written extension agreed to by the Public Works Superintendent. Said notice shall be sent through the U.S. Postal Service certified mail. In the event the certified mail is refused, or undeliverable, the City shall mail notice through first class mail to the property owner. If the notice is mailed as first class mail, the property owner will then have thirty five (35) days from the date of the notice to effect the repairs or obtain an extension because of weather-related construction problems.

- C. **Assessment Of Costs:** In the event the property owner does not complete the repairs within the allotted time period, the City may repair, or cause to be repaired, said sidewalk. In this instance, the City shall assess the costs of such repairs to the property, as provided for in Idaho Code, section 50-1008.
- D. **Specifications:** The construction, repair and maintenance of sidewalks shall conform to the standards set forth in the Idaho Standards for Public Works Construction. (Ord. 94-577, 11-2-1994)

7-1 -2: **RESTRICTING FLOW OF STORM WATERS IN STREETS:**

- A. No material or debris shall be allowed to be placed or allowed to accumulate in a matter that will restrict the flow of storm waters.
- B. No persons shall cause debris to be placed in street gutters or on street corners which results in the constriction and/or restriction of the flow of storm waters.
- C. Debris will not accumulate that restricts the efficiency of the storm drain system. (Ord. 84-481, 12-3-1984)
- D. Any person violating this Section shall be guilty of an infraction, and subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 84-481, 12-3-1984; amd. 1995 Code; amd. Ord 15-810, 10-07-15)

7-1-3: **BARBED WIRE AND ELECTRIC FENCES:** It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land unless the said barbed wire shall commence at a height of at least six feet (6') above the ground. (Ord. 65-360, 5-7-1965)

7-1-4: **STREET EXCAVATIONS:**

- A. **City Authorization:** It shall be unlawful for any person to break into or in any manner interfere with or molest any paving, street, alley, water line or sewer line within the corporate limits of the City unless first being duly authorized by the City. (Ord. 56-333, 3-19-1956)

- B. Excavation Permit: Any person, organization, company or entity wishing to make any excavation within any public right of way or any public property within the City limits shall first obtain an excavation permit from the City.

1. Application, Fee; Utility Placement: Application for such permits shall be made to the City at City Hall. Such permits for excavation shall be made not less than forty eight (48) hours prior to the beginning of such excavation. The permit shall be approved by the Public Works Superintendent of the City, or, in the Superintendent's absence, the City Clerk.

Each application for excavation shall be accompanied with a fee that will be set by resolution. The application will not be processed until this fee has been received by the City. (amd. Ord. 15-810, 10-07-15)

The application shall contain the following information: the name of person, organization or entity making application; type of utility to be installed; exact location of utility to be installed, date of the start of work; traffic-control plan, if required; depth of excavation; method of restoration of project area; map of project area, if so required by the Public Works Superintendent or City Clerk.

All utilities placed within public rights of way or on public property shall be placed a minimum of two feet (2') beneath the finished grade of the area in which placed. Directly over the utility a magnetic locator strip, at least four inches (4") in width, color coded for the utility being placed, shall be installed. Said strip shall be installed twelve inches (12") above the utility placement.

The person making the utility installation shall provide the City with a drawing showing the actual location of the installation at the completion of the project. Failure to do so shall result in no further permits being granted until such time as the as-built drawings are submitted to the City.

2. Site Condition: The site of the excavation shall be returned to a "as good or better" condition. The repair of the excavation shall conform to the standards established by the Idaho Standards for Public Works Construction as adopted by the City. All excess material shall be removed from the site. Failure to make proper excavation repairs or return the site to its previous condition will result in the City making the repairs and charging the person or organization responsible for the repairs the cost of work performed by the City. No further permits will be issued to this

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person or organization until previous excavations have been successfully completed and all costs associated with the repair have been paid.

3. Penalty: Any violation of this Section shall be deemed an infraction and the offender shall be subject to penalties as provided in Section 1-4-1 of this Code. (Ord. 97-597, 10-15-1997; amd. Ord. 15-810, 10-07-15)

7-1 -5: **SNOW, HAIL, SLEET, AND ICE REMOVAL:**

- A. It shall be the property owner's responsibility to remove snow, hail, sleet and/or ice from sidewalks to allow citizens to use the sidewalks in a safe manner.
- B. Absent written permission from the City, no person shall place snow, hail, sleet and/ or ice removed from private property upon any public sidewalk, street, or other public right-of-way with the exception of the business district where buildings abut the sidewalk.
- C. Snow, hail, sleet and/or ice from sidewalks in the business district area where buildings abut the sidewalk may be plowed, shoveled, or blown into the right-of-way of the abutting street. The Business District is defined as Main Street including the Salmon River Bridge east to Challis Street.
- D. No person shall deposit or place any snow within two (2) feet of or block access to any fire hydrant.
- E. The property owner shall be issued formal notification of violations to this ordinance with an appropriate timeframe for corrective action prior to issuance of an infraction citation.
- F. Penalty: Any violation of this Section shall be deemed an infraction and the offender shall be subject to penalties as provided in Section 1-4-1 of this Code. (Ord. 15-812, 12-17-15)

7-2-3: **SPEED LIMIT:** The maximum speed limit for City Parks for any motorized vehicle in said park shall be ten (10) miles per hour. (Ord. 79-431, 7-16-1979; amd. Ord. 04-669, 6-02-2004)

7-2-4: **PET CONTROL:** Pets are allowed on Island Park except for the hours of eleven-thirty (11:30) A.M. to one-thirty P.M. daily. Pets are allowed at the Sacajawea Interpretive, Cultural and Educational Center on a leash. No pets shall be allowed in any other City Parks. The City Council shall have the authority to waive said restriction for special events held on City Parks. (amd. Ord. 07-711, 2-07-2007)

1) **RESTRICTED LEASH REQUIREMENTS ON THE "ISLAND":** It shall be lawful for an owner to walk and exercise his dog (limit 2) on the Island without a leash. The owner or his agent must accompany the dog and be able to restrain the dog if necessary. This limited leash restriction shall not be in effect on days special events are scheduled on the Island. Unleashed dogs will not be allowed on the Island on days of special events. No dogs of fierce, dangerous or vicious propensities shall be allowed on the "Island". (Ord. 02-639, 11-06-2002)

2) **ACCOMPANIMENT AND CLEAN UP:** The owner/agent of the dog must be with the dog off the leash at all times. The owner/agent must clean up all excrement left by the dog and remove the same from the Island and the Sacajawea Center. (Ord. 02-639, 11-06-2002; amd. 2007 Code)

3) **DAMAGES:** Any damage to persons or property by a dog or dogs on the Island or at the Sacajawea Center shall be the sole responsibility of the owner and or his agent. (Ord. 02-639, 11-06-2002; amd 2007 Code)

4) **CITY WATER PUMP STATION:** No owner/agent shall allow a dog or dogs to enter and/or swim in the west channel of the Salmon River within 100 feet of the Salmon City water pump station. (Ord. 02-639, 11-06-2002)

7-2-5: **CAMPING:**

A. **Permit Required:** Camping in City Parks is prohibited with the exception of the Sacajawea Interpretive, Cultural and Educational Center.

Camping at the Sacajawea Interpretive, Cultural and Educational Center will be allowed only for educational groups or individuals that are participating in a Sacajawea Center Program that has been approved by the Sacajawea Center Director where overnight camping is part of the program. Two recreational vehicle sites west of the Police Department may only be used by volunteers working at least 20 hours each week on site at the Sacajawea Center after passing a background check and submitting a use and volunteer agreement. One recreational vehicle site by the main entrance of the Sacajawea Center may only be used by Tribal members who are presenting educational or interpretive programs specifically for the Center. The Mayor of the City of Salmon has the authority to grant permission to allow limited camping in all City parks or property; for Emergency or Security personnel only. No other permits for camping will be issued. (Ord. 79-431, 7-16-1979; amd. Ord. 04-669, 6-02-2004; amd. 2007 Code; amd. Ord 15-803, 09-02-15)

- B. Fees: The fee for camping in City Parks shall be set by resolution by the City Council of the City of Salmon. The organization obtaining the permit from the City shall be responsible for payment of the fees to the City. The City Council shall have the authority to waive said camping fees.

7-2-6: **BICYCLES AND MOTORIZED VEHICLES:** Bicycles and motorized vehicles may be used in designated areas only in City Parks. (Ord. 79-431, 7-16-1979; amd. Ord. 04-669, 6-02-2004)

7-2-7: **OPERATION OF CONCESSIONS AND SPECIAL EVENTS:**

- A. Definition. No person shall sell or offer for sale any food, beverage, candy or goods of any kind, within a public park, except for persons operating under a concession agreement approved by the Council or except for persons operating at a special event as determined by the City Clerk for which specific approval of limited duration has been given by said Clerk. (Ord. 03-651, 6-06-2003; amd. Ord. 04-669, 6-02-2004)
- B. Limited Concession Operations. No individual or group may operate a concession that violates Idaho State Statute 18-4103 or any other State Statute within or on any City Park. (Ord. 03-651, 6-06-2003; amd. Ord. 04-669,6-02-2004)

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- C. Special Events Concession Primacy. When any of the City Parks have been approved by the City Clerk for special events, the entity that has reserved the Park has primacy for operation of concessions at that location. Individuals or groups that are not part of the special event, must seek the approval of the initial party for dual occupancy if for the purpose of concession. (Ord. 03-651, 6-06-2003, amd. Ord.04-669, 6-02-2004)
- D. Fee. Any entity or individual desiring to conduct operation of concessions or a special event on or within City Parks, must pay a fee as part of the concession agreement or special event request. The fee for such agreement shall be fixed by resolution of the City Council. The City Council shall have the authority to waive said camping fees. (Ord. 03-651, 6-06-2003, amd. Ord. 04-669, 6-02-2004)

7-2-8: **OTHER FEES:** All other fees associated with operations, administration and maintenance of City Parks shall be fixed by resolution of the City Council. These fees will include but are not limited to the rate and fee schedule for the Sacajawea Interpretive, Cultural and Educational Center and for all other City Parks. (amd. Ord. 04-669, 6-02-2004; amd. Ord. 07-711, 2-07-2007; amd. Ord. 08-728, 4-16-2008; amd. Ord. 15-810, 10-07-15)

7-2-9: **PENALTY:** Any person violating any of the sections of this chapter shall be guilty of an infraction and subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 79-431, 7-16-1979; 1995 Code) amd. Ord. 04-669, 6-02-2004; amd. Ord. 15-810; 10-07-15)

7-2-10: **REPEALER:** Ordinance 04-669, other ordinances, or parts of ordinances in conflict herewith are hereby repealed. (amd. Ord. 07-711, 2-07-2007)

CHAPTER 3
USE OF PUBLIC WAYS

SECTION:

7-3-1	Operation of Bicycles, Skateboards, Scooters, Unicycles, Roller Blades, and Wheeled Conveyances
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7-3-3	Central Business District Definition
7-3-4	Salmon Pedestrian Bridge
7-3-5	Exceptions
7-3-6	Enforcement
7-3-7	Passage
7-3-8	Severability
7-3-9	Repealer
7-3-10	Effective Date

7-3-1 **OPERATION OF BICYCLES, SKATEBOARDS, SCOOTERS, UNICYCLES, ROLLER BLADES, AND WHEELED CONVEYANCES:** All bicycles, skateboards, scooters, unicycles, roller blades, and wheeled conveyances, operating within the city limits of the City of Salmon, Idaho, are to be regulated by the provisions of this ordinance and Idaho State Code.

7-3-2 **USE IN THE CENTRAL BUSINESS DISTRICT:** It shall be unlawful to ride a bicycle, skateboard, scooter, unicycle, roller blades, or wheeled conveyance (not including exceptions defined in Section 4) on any sidewalk in the Central Business District of the City of Salmon as defined in Section 3 of this code. Any bicycle, skateboard, scooter, unicycle, roller blade or wheeled conveyance being propelled on the sidewalk in the Central Business District must be walked along side of and be in complete control, so as not to injure any person or property.

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7-3-3 **CENTRAL BUSINESS DISTRICT:** Shall be defined as Main Street including the Salmon River Bridge East to Challis Street.

7-3-4 **SALMON PEDESTRIAN BRIDGE:** Bicycles, skateboards, scooters, unicycles, roller blades, or wheeled conveyances are allowed on the Pedestrian Bridge. Pedestrians shall be given the right-of-way and control of such conveyances must be maintained at all times so as not to injure any person or property. Motorized vehicles are prohibited on the Pedestrian Bridge.

7-3-5 **EXCEPTIONS:** This Ordinance does not apply to wheelchairs, whether motorized or propelled, used by someone who must use it because he is non-ambulatory, nor shall this apply to baby carriages, child wagons, walkers, and strollers.

7-3-6 **ENFORCEMENT:** Any person violating the provisions of this Ordinance shall be subject to the following penalties;

PENALTY: Violation will be considered an infraction. (amd. Ord. 15-810, 10-07-15)

7-3-7 **PASSAGE:** This ordinance shall become effective upon the passage, approval and publications as provided by law.

7-3-8 **SEVERABILITY:** The provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

7-3-9 **REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

7-3-10 **EFFECTIVE DATE:** This ordinance shall be effective upon its passage, approval and publication. (Ord. 06-710, 12-20-2006; amd. Ord. 10-765, 9-01-2010)

CHAPTER 4
CITY TREE CARE

SECTION:

7-4-1	Statement of Purpose
7-4-2	Definitions
7-4-3	Tree Department
7-4-4	Protection of Public Trees
7-4-5	Required Maintenance
7-4-6	Application to Prune, Plant or Remove Public Trees
7-4-7	Compensatory Payments
7-4-8	Topping Prohibited
7-4-9	Nuisance Trees
7-4-10	Work on City Property
7-4-11	Emergencies
7-4-12	Appeals
7-4-13	Penalties for Violation

7-4-1: **STATEMENT OF PURPOSE:** This chapter establishes regulations and standards necessary to ensure the City continues to realize the benefits provided by its community forest. It is not intended to resolve or regulate disputes over private trees on private property that do not affect general public safety. This ordinance is enacted to:

- A. Protect public safety, health, and welfare;
- B. Preserve and enhance the City's environmental, economic, and social character with mature trees;
- C. Encourage site and utility planning, building, and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City.

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- D. Maintain trees in a healthy, non-hazardous condition through application of tree care standards contained in ANSI A300;
- E. Establish and maintain appropriate species diversity and age classes in order to provide a stable and sustainable community forest;
- F. Establish a process and schedule by which trees are to be planted, pruned, and removed.

7-4-2: **DEFINITIONS:**

ANSI: American National Standards Institute, specifically standards for tree care operations.

COMMUNITY FOREST: Trees located on city-owned or city-controlled property.

DRIP LINE: The area directly below the branches of a tree.

PRIVATE TREE: A tree whose stem is located entirely on private property within the City of Salmon.

PRUNING: The practice of cutting tree limbs according to standards in the latest revision of the *American National Standards Institute for Tree Care Operations*, a copy of which is on file with the City.

PUBLIC TREE: A tree whose stem is located partly or wholly on public property within the City of Salmon.

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REMOVE: To cut down or damage any tree, deliberately or by omission, causing the tree to die or become hazardous within 3 years.

SUPERINTENDENT: The Superintendent of Public Works or person designated by the Superintendent.

TOPPING: Severe cutting back of limbs within a tree crown to buds, stubs, or laterals not large enough to assume a terminal role as defined in ANSI A300.

TREE: Any self-supporting woody plant which has a well-defined stem with a diameter of at least 4" at 1.5' from the ground; any conspicuously flowering woody plant as designated by the Tree Department that has a well-defined stem of at least 2" at 4.5' from the ground; or any small seedling or sapling planted or protected specifically to become a large tree as described above.

7-4-3 **TREE DEPARTMENT:** The Salmon Tree Department shall serve as advisor to the City Council for all matters relating to tree planting, community forestry planning, and the general care and maintenance of trees and shrubs within city limits. The department shall work with concerned citizens, people employed in horticulture, and city staff to assist in the development of tree program policies; manage community forestry events; assist in the implementation of work plans, city tree inventories, and tree plantings; serve as a citizens' representative to city government; and advocate for trees to obtain public support for the program.

A. **Members:** The Tree Department, appointed by the Mayor, shall consist of the Public Works Superintendent and the Parks Foreman.

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7-4-4 **PROTECTION OF PUBLIC TREES:** It shall be unlawful for anyone not acting in an official capacity to:

- A. Damage, cut, carve, prune, or remove a public tree;
- B. Attach any device or structure to a public tree;
- C. Allow any toxic substance to harm or damage a public tree;
- D. Set fire to or otherwise injure by fire a public tree;
- E. Damage any public tree through construction activities, including excavation, placement of fill, compaction of soil, or construction of any structure, street, sidewalk, driveway, pavement or public utility within the drip line of a public tree;
- F. Transplant a public tree;
- G. Spray, inject, or otherwise apply fertilizer or pesticide, to a public tree.

7-4-5 **REQUIRED MAINTENANCE:** Any owner of real property abutting a public right-of-way shall maintain his/her private trees so that no tree obstructs or interferes with the view to oncoming traffic or pedestrians, with the view of traffic signs or signals, or with the extension or maintenance of utility lines. The minimum clearance shall be 7' over sidewalk and 12' over streets. All pruning must conform to ANSI standards for tree maintenance. Pruning standards will be made available to all property owners through a variety of media and always upon request.

Any person who has received from the City a grant to occupy the streets of the City for the purpose of erecting and maintaining poles, wires, fixtures, brackets, or supports, shall, upon written notification by the Superintendent that such item is interfering with a public tree, prune the tree or redesign or relocate its equipment at no expense to the city to remove the interference. Work must be performed within 30 days of written notification.

7-4-6 **APPLICATION TO PRUNE, PLANT OR REMOVE PUBLIC TREES:** To ensure that community tree selection and

maintenance conforms to City standards, no person shall prune, plant, or remove a public tree without receiving permission from the Superintendent. Application shall be in a form prescribed by the Superintendent. The application shall include plans and specifications showing the location, size, species, and condition of all nearby existing trees; the location, size, and species of any trees to be planted; and any existing or planned buildings, street lights, traffic signals or signs, pavement, sidewalk, curb cut, or public utilities. Such plans and specifications shall be in such form and include such additional information as may be required by the community forestry regulations. No species other than those included on a list of approved trees shall be planted; all plantings shall conform to the concept of "*Right Tree, Right Place*". All pruning and planting must conform to ANSI tree maintenance standards.

Trees that must be removed shall be replaced by new planting except in unusual circumstances. Wherever feasible, trees shall be planted near old and dying trees in anticipation of their removal. Coordination of planting of public trees with adjacent private landscaping is desirable. All trees to be planted on public property shall be inspected and approved by the Superintendent prior to and after planting.

Applications shall be approved or disapproved in writing within 10 business days after filing; if the application is rejected, the applicant shall be notified of the reason for the denial.

7-4-7 COMPENSATORY PAYMENTS: In the event any person removes, destroys or damages any public tree except as otherwise required by law, that person shall be required to replace such tree with a tree(s) of equivalent dollar value on public property, unless otherwise determined by the City Superintendent. The value of a tree shall be determined by the City Superintendent in accordance with accepted plant appraisal methods as set forth in the 8th edition of The Guide for Plant Appraisal, published by the International Society of Arboriculture or the same as amended from time to time. If no suitable location exists in the vicinity of the tree removed or if the replacement tree(s) is of lesser value, the person causing the tree to be removed shall make a compensatory payment to the City of Salmon equal to the difference in value between the tree removed and any replacement tree(s). Any public tree that is determined by the Superintendent to be damaged, but not sufficiently to justify its removal, shall be considered to be devalued. The amount of devaluation shall be paid to the City by the person causing the damage. Compensatory payments shall be paid into a fund established for that purpose and restricted to use for community

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forestry programs. Nothing in this ordinance shall prohibit the City of Salmon from negotiating agreements with other governmental entities regarding penalties and compensatory payment for removal damage or destruction of public trees.

7-4-8 **TOPPING PROHIBITED:** No public employee or private citizen shall top or severely trim the branches and/or trunk of a public tree in a manner that will substantially reduce the overall size of the tree so as to destroy the symmetrical appearance or natural shape of the tree. Only those pruning standards identified in ANSI shall be acceptable for the care and maintenance of all public trees within City limits.

7-4-9 **NUISANCE TREES:** Any tree located on private or public property that obstructs a street or sidewalk, or which suffers from a communicable disease or insect infestation, as determined by the Superintendent, which threatens the public welfare or the health of public trees shall be declared a public nuisance.

When such a public nuisance exists, the Superintendent may cause a notice to be delivered to the owner of the property on which the tree is located. The notice shall specify what corrective work is necessary and shall direct the owner to perform corrective work to eliminate the nuisance within a specified time. If the work is not completed within the requisite time, the Superintendent shall cause the tree to be pruned, treated, or removed as necessary to eliminate the public nuisance. The Superintendent shall collect all expenses involved in such work from the person responsible for causing the correction to be required.

7-4-10 **WORK ON CITY PROPERTY:** The City of Salmon Public Works Department shall be responsible for any community forestry work done on City property, except in emergencies defined herein.

7-4-11 **EMERGENCIES:** No application shall be required to remove any tree or part thereof which, because of damage by fire, windstorm, or other calamity, poses an imminent threat to public health or safety or which obstructs any public way. In the event of such emergency, the Superintendent may exempt operations necessary to remove threats to public safety from the requirements of this chapter. The Superintendent

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may determine that a public or private tree is extremely hazardous and order it be immediately treated or removed to protect public health and safety.

7-4-12 **APPEALS:** All decisions of the Superintendent regarding private and public trees may be appealed to the Salmon City Council. Such appeal shall be filed in writing within 15 days of the date of notification of the Superintendent's decision. Action of the Superintendent shall be stayed until the decision of the City Council is rendered and the applicant notified.

7-4-13 **PENALTIES FOR VIOLATION:**

A. Any person who violates any provision of this Chapter or who fails to comply with a lawful order of the City Superintendent shall be guilty of an infraction. (amd. Ord. 15-810, 10-810)

CHAPTER 5**USE OF SALMON VALLEY CENTER****SECTION:**

7-5-1 MEETING ROOM FEES

7-5-2 WAIVER OF USE FEES

7-5-1 **MEETING ROOM FEES:** Fees for the use of the Salmon Valley Center to cover the direct administration, management, and costs incurred will be set by Resolution as needed to cover the direct cost of services.

The applicant shall pay said fees to the City of Salmon at the time the application is filed with the Clerk.

7-5-2 **WAIVER OF USE FEES:** Waiver of use fees, not including the Meeting Room Base Fee, may be requested in writing and submitted to the Salmon City Council. The City Clerk will add the request to the agenda of the next scheduled Council meeting when the Salmon City Council will consider the request and deliver a decision. The requester or designated representative must be present for the Council meeting. (2007 Code)