

ORDINANCE NUMBER 1135

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, REPEALING SECTION 10.36.010 OF THE PAYETTE MUNICIPAL CODE; AMENDING SECTIONS 10.36.020, 10.36.030 and 10.36.040 TO INCLUDE BICYCLES, IN LINE SKATES AND ROLLER SKATES; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;

Section 1. Section 10.36.010 of the Payette Municipal Code is hereby repealed.

Section 2. Section 10.36.020 of the Payette Municipal Code is hereby amended to read as follows:

10.36.020. Bicycles, In Line Skates, Roller Skates and Skateboards prohibited on certain city streets. It shall be unlawful to ride, operate, use or propel a skateboard, in line skates, roller skates or bicycle over and along the sidewalks running along the following named streets: Main Street from Third Avenue North to Second Avenue South and East and West one block on the side blocks; Ninth Street from First Avenue North to First Avenue South; Center Avenue from Seventh Street to Tenth Street; and from Seventh Street to Sixth Street going over the overpass. Carrying, pushing or walking a bicycle or skateboard is excluded from the definition of propel.

Section 3. Section 10.36.030 of the Payette Municipal Code is hereby amended to read as follows:

10.36.030 Violation--Penalties: A violation of this chapter shall be a general misdemeanor and subject to the penalties set forth in the Idaho State Statute. In addition, any law enforcement officer of the city or any law enforcement officer assisting a city officer may seize a bicycle, in line skates, roller skates or skateboard which has been used in violation of this chapter.

Section 4. Section 10.36.040 of the Payette Municipal Code is hereby amended to read as follows:

10.36.040 Hearing. In the event the skateboard in line skates, roller skates or bicycle has been seized by a law enforcement officer, a person owning the skateboard in line skates, roller skates or bicycle may make application through the ~~chief-of-police~~ Director of Public Safety to have the skateboard in line skates, roller skates or bicycle returned. Upon hearing before the ~~chief-of-police~~ Director of Public Safety, that officer may determine whether or not cause exists for return of the skate-

board in line skates, roller skates or bicycle. In the event that the officer finds that the skateboard in line skates, roller skates or bicycle should not be returned, that decision can be appealed to the city council. If that decision is upheld by the city council, then that decision may be appealed to the district court.

Section 5. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 6. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1135.

Section 7. This Ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

Section 8. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 7th day of October, 1996.

CITY OF PAYETTE

By James E. McQuinn
Mayor

ATTEST:

John P. Franks
City Clerk