

ORDINANCE NUMBER 1214

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 12.04.210 OF THE PAYETTE CITY CODE SETTING FORTH A METHOD FOR OBTAINING A PERMIT TO TEMPORARILY CLOSE CITY STREETS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ALLOWING PUBLICATION BY SUMMARY;

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

Section 1. section 12.04.210 of the Payette City Code is hereby amended to read as follows:

12.04.210 Obstructions-Permission Required-- Violation Declared Misdemeanor--Process Of Obtaining A Permit:

A. Any person who obstructs or causes to be obstructed any of the streets, alleys or other City rights of way, without having first obtained a permit from the City, shall be guilty of a misdemeanor.

B. To obtain temporary street closure permit, ninety days before a street closure a person ~~must-first~~ shall file an application with the Director of the Department of Public Safety. The application shall contain the following information: 1) the reason for the request; 2) the date and time of closure; 3) the date and time of reopening; 4) the type of barricades or devices which will be used to effect the closure; 5) the exact location where barricades or other closing devices will be placed; 6) the location of the event requiring closure; 7) a diagram of the area of the requested closure; 8) a statement indicating if police services will be needed for the event.

C. Provide to the Director of the Department of Public Safety proof of liability insurance in an amount not less than five hundred thousand dollars (\$500,000.00) of coverage, which shows that the City is a named insured. This shall be provided no less than five (5) working days prior to the event.

D. Within thirty (30) days of submitting the application, the applicant shall provide copies of the application to all households within five hundred (500) feet of the proposed closure, shall inform those households in writing of their right to object within 30 days to the closure and shall and provide proof of notice to the Director that the required notice has been given. The Director shall give the persons entitled to notice thirty (30) days to file objections to the requested closure. In the event no objections are received, immediately after the thirty days have lapsed, the Director shall determine if the request should be granted or denied. In the event objections are received by the department head, the Director shall schedule a public forum where proponents and opponents of the request may appear and present information regarding the application. Immediately after the public presentations, the Director shall make a deci-

sion regarding the closure. After the decision any effected party may file an appeal with the City Council. The council shall set the matter for a hearing at its next regularly scheduled meeting. The council shall make a decision either reversing or upholding the decision of the Director. Either the Director or the council may impose such conditions as it may deem appropriate to protect the interests of the applicant as well as the neighbors effected by the application.

E. Sidewalks shall remain so unobstructed that any pedestrian or disabled person shall be allowed to move freely through and beyond the activity.

~~F. -In-the-event-the-request-for-closure-is-denied,-the-applicant may-appeal-to-the-City-Council.-The-appeal-process-shall-be-as simple-and-informal-as-applicant-being-placed-on-the-City-Council agenda.-The-applicant-shall-then-appear-at-the-City-Council meeting-and-explain-why-the-request-for-closure-should-be-granted.-The-Council-may-reverse-or-uphold-the-decision-of-the-department-head-~~

Section 2. This ordinance may be published summary as permitted by Idaho Code.

Section 3. Any ordinances or resolutions which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 4. 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 1204.

Section 5. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Section 6. Any violation of this ordinance shall be misdemeanor punishable in accordance with the general misdemeanor statutes of the State of Idaho.

Passed and approved by the Mayor and City Council this 1st day of July, 2002.

CITY OF PAYETTE

By Mark S. Decker
Mayor

ATTEST:

John P. Franks
City Clerk