

ORDINANCE NUMBER 1166

AN ORDINANCE OF THE CITY OF PAYETTE IDAHO, CREATING A NEW SECTION 10.28.060 OF THE PAYETTE MUNICIPAL CODE PROHIBITING THE USE OF EXHAUST BRAKES FOR THE PURPOSE OF SLOWING OR STOPPING; PROVIDING A PENALTY; SETTING AN EFFECTIVE DATE; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

Section 1. There is hereby created a new section of the Payette Municipal code which section shall be designated as Section 10.28.060, and which shall read as follows:

Section 10.28.060. (a) It shall be unlawful for any diesel-powered motor vehicle exceeding ten thousand (10,000) pounds total gross vehicular weight, while operating within the city limits of Payette, to make use of exhaust brakes for the purpose of braking, slowing or stopping.

(b) The term "exhaust brakes" shall include but not necessarily be limited to exhaust brakes commonly known as jake brakes.

Section 2. All ordinances in which are conflict with this Ordinance are hereby repealed but only insofar as the conflict exists.

Section 3. Any violation of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

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 remain in full force and effect and shall constitute Ordinance No. 1166.

Section 5. This ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

Section 6. This ordinance shall be in full force and effect immediately upon passage and publication as provided by law.

Passed and Approved by the Mayor and City Council of the City of Payette, Idaho, the 1st day of February, 1999.

ATTEST: John P. Franks
City Clerk

By Ann Crosby
Mayor