

ORDINANCE NUMBER 1215

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 10.16.020 TO ELIMINATE REFERENCES TO OBSOLETE TERMS AND TO SET THE SPEED LIMIT IN SCHOOL DISTRICTS AT TWENTY MILES PER HOUR BETWEEN THE HOURS OF 8:00 A.M. AND 4:00 P.M. ON SCHOOL DAYS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY;

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

Section 1. Section 10.16.020 of the Payette City Code is hereby amended to read as follows:

10.16.020 Limits designated--Unlawful to violate. A. Subject to the provisions of Section 10.16.010 and except in those instances where a lower speed is either posted or is specified in this title, it is prima facie lawful for the driver of a vehicle to drive the-same at a speed set out below not exceeding ~~the-following~~, except in any case when such speed would be unsafe:

1. Fifteen miles per hour when approaching within fifty feet of a grade railroad crossing ~~of-any-steam,-electric-or-street railway-when~~ the driver's view is obstructed. A driver's view shall be deemed to be obstructed when, at any time during the last two hundred feet of his approach to such crossing, he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;
2. ~~Fifteen-miles-per-hour-when-passing-a-school-during-school recess-or-while-children-are-going-to-or-leaving-school during-opening-and-closing-hours;~~ Twenty miles per hour in any school zone while school is in session between eight o'clock (8:00) a.m. and four o'clock (4:00) p.m.
3. Fifteen miles per hour when approaching within fifty feet and while in traversing an intersection of streets when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when, at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the streets entering such intersection for a distance of two hundred feet from such intersection;
4. Fifteen miles per hour while in traversing or going around curves or traversing a grade upon a street when the driver's view is obstructed within a distance of one hundred feet along such street in the direction in which he is proceeding;

~~5. -Twenty-miles-per-hour-on-any-street-in-a-business-district when-traffic-on-such-street-is-controlled-at-the-intersections-by-traffic-officers-or-stop-and-go-signals.~~

~~6. -Fifteen-miles-per-hour-on-all-other-streets-in-a-business district;~~

5. 7. Fifteen miles per hour in any alley and in public parks, unless a different speed is fixed-by-local-authorities and-duly posted;

6. 8. Thirty five miles per hour on through highways and all other conditions not covered in this subsection.

7. 9. Unless a different speed limit is posted in a specified area, it shall be prima facie lawful to drive 25 miles per hour within the city limits.

B. It is ~~prima-facie~~ unlawful for any person to exceed any of the speed limitations set forth in subsection A of this section. In every charge of violation, the complaint and-the warrant-or-notice-to-appear shall specify the speed at which the defendant is alleged to have driven and the speed which subsection A of this section declares ~~prima-facie~~ lawful at the time and place of such alleged violation.

Section 2. Any person found guilty of violating the provisions of this chapter shall be guilty of an infraction and punishable in accordance with the infraction statutes of the State of Idaho.

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 1215.

Section 5. 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 5th day of August, 2002.

CITY OF PAYETTE

By Mark L. Heister
Mayor

ATTEST: John P. Franke
City Clerk

SUMMARY OF ORDINANCE 1215

Ordinance 1215 is an ordinance of the City Of Payette, Idaho, adopted August 5 , 2002. The ordinance may be descriptively known as the Payette City Speed limit Ordinance.

Ordinance 1215 repeals subsections 5, 6 and 7 of the presently existing chapter 10.16.020. Ordinance 1215 sets the speed limit at 15 miles per hour in any alley or park and 20 miles per hour in any school zone between 8:00 a.m. and 4:00 p.m. while school is in session. The ordinance sets an effective date, establishes severability, establishes a repealer, allows for publication by summary and creates a penalty. The ordinance becomes effective immediately upon passage and publication.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1215 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 6th day of August, 2002.



Bert L. Osborn