

ORDINANCE 1226

AN ORDINANCE OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 19 IN TITLE 12 OF THE PAYETTE CITY CODE, WHICH CHAPTER SETS OUT A STATEMENT OF PURPOSE; PROVIDES DEFINITIONS; DESCRIBES PROHIBITED ACTS; PROVIDES FOR RECREATIONAL ACTIVITIES; PROHIBITS CERTAIN BEHAVIORS; PROHIBITS MERCHANDISING; ALLOWS FOR CLOSURE OF CERTAIN AREAS; PROVIDES FOR ENFORCEMENT AND FOR PENALTIES; PROVIDES FOR A REPEALER; PROVIDES FOR SEVERABILITY; PROVIDES FOR PUBLICATION BY SUMMARY; SETS AN EFFECTIVE DATE:

Whereas the City Council of the City of Payette has determined that a recreational area would benefit the residents of the City of Payette; and

Whereas, the Payette Greenway constitutes a significant asset that can enhance the quality of life within Payette and the surrounding community; and

Whereas, a community asset of such value deserves protection to assure its viability for future generations; Therefore,

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

SECTION 1: There is hereby created a new Chapter 19 of Title 12 of the Payette City code which Chapter shall read as follows:

Chapter 12.19

PAYETTE CITY GREENWAY

Sections:

- 12.19.010 Short Title
- 12.19.020 Definition
- 12.19.030 Prohibited Acts Relating To Greenway Property
- 12.19.040 Recreational Activities
- 12.19.050 Behavior
- 12.19.060 Merchandising, Advertising and Signs
- 12.19.070: Closed Areas
- 12.19.080 Enforcement

12.19.010 Short Title: This chapter shall be known as the Payette City Greenway Chapter.

12.19.020 DEFINITION: The Payette City Greenway is property which is owned, operated or maintained by the City of Payette and is located within the City of Payette, Idaho, for public use as a footpath which runs along the Snake River and Payette River in Payette, Idaho. This definition includes any

federal or state owned properties which are included in the Greenway.

12.19.030 PROHIBITED ACTS RELATING TO GREENWAY PROPERTY: No person shall:

A. Buildings or Other Property:

1. Disfiguration and Removal. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, railings, paving or paving material, water lines or other public utilities or parts or appurtenances whatsoever, either real or personal, or have in his possession any of the foregoing things or objects, or any part thereof.

B. Trees, Shrubbery and Lawns

1. Injury and Removal. Damage, cut, carve transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

C. Wild Animals, Birds, Livestock, Etc.

1. Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, annoy, shoot or throw missiles at any animal, reptile or bird nor shall he/she remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

2. Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

3. No person shall allow any livestock to become a stray or estray. Stray or estray means any livestock whose owner is unknown or cannot be located, or any livestock whose owner is known but who permits livestock to roam at large upon the Greenway.

12.19.040 RECREATIONAL ACTIVITIES: No person in the Greenway shall:

A. Hunting and Firearms. Use firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons

potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device; or discharge, or have in his possession, any fireworks defined by Chapter 20 of title 8 of the Payette City Code or Section 39-2602 of the Idaho Code; or shoot into Greenway areas from beyond park boundaries; provided that it shall be lawful for police officers while on duty to use and carry firearms.

B. Camping. Set up tents, shacks, or any other temporary shelter for the purpose of camping, nor shall any person bring onto the Greenway any movable structure or special vehicle to be used, or that could be used, for such purpose such as house-trailer, camp-trailer, camp-wagon, or the like.

C. Games. Take part in or abet the playing of any games involving thrown or otherwise propelled dangerous objects such as stones, arrows or javelins.

D. Horseback Riding. Ride a horse.

E. Motorized vehicles. Operate a motorized vehicle, including but not limited to, cars, trucks, vans, snowmobiles, motorcycles and golf carts. Exception is hereby made for emergency or other duly authorized vehicles.

12.19.050 BEHAVIOR: No person in the Greenway shall:

A. Possess or consume any alcoholic beverage.

B. Permit or allow a dog or other domestic animal to enter or remain in the Greenway except on a leash and/or carried while leashed by such person owning or having the care, custody and control of such dog or domestic animal. The owner or person having possession of any dog or other domestic animal on the Greenway shall remove any feces left by such animal.

C. Endanger the safety or health of any person by any conduct or act, including, but necessarily limited to, urinating or defecating in, on or upon the Greenway, except when using an enclosed bathroom facility authorized by the City.

D. Prevent any person from using the Greenway, or any of its facilities, or interfere with such use in compliance with this Ordinance and the rules and regulations applicable to such use.

E. Solicit or accost other persons for the purpose of begging or soliciting alms.

F. Operate or aid in the operation of private radios, stereophonic or sound-amplification devices at a greater operating level than seventy-five (75) decibels measured at a distance of twenty feet (20') from such radios or devices.

G. Enter, or stay upon, the Greenway during times when the Greenway is closed. The Greenway shall be closed one (1) hour after sunset and shall not be open to the public until sunrise.

H. Litter, as defined by Idaho Code Section 18-3906, which code section is adopted hereat.

1. Engage in any unlawful conduct or criminal activity or in any way commit a violation or breach of the peace, as defined by Idaho Code and/or Payette City Code.

12.19.060 MERCHANDISING, ADVERTISING AND SIGNS: No person shall:

A. Vending and Peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority the Payette City Council.

B. Advertising. Distribute, leave or throw any advertising material, such as dodgers, handbills, circular or like matter, or give away or otherwise distribute for advertising purposes any goods or wares.

C. Signs. Paste, glue, tack or otherwise post any signs, plaques, advertisement or inscription whatever, except plaques, tablets or signs, of a size, design and location approved by the Payette City Council, recognizing or acknowledging donations or contributions to the Greenway.

12.19.070: CLOSED AREAS: Any section or part of the Greenway may be declared closed to the public by the Payette City Council at any time and for any interval of time, either temporarily or at regularly and stated intervals (daily or otherwise) and either entirely or merely to certain uses.

12.19.080 ENFORCEMENT:

A. Officials. Payette City police officers and duly authorized police officers from other jurisdictions, shall

enforce the provisions of this Ordinance.

B. Ejectment. A police officer shall have the authority to eject from the Greenway any person acting in violation of this Ordinance. Any person ejected from the Greenway shall leave promptly and peaceably and shall not return to the Greenway for any reason on the same calendar day of his ejectment.

C. Seizure of Property. A police officer shall have the authority to seize and confiscate any property, thing or device in the Greenway, or used in violations of this Ordinance.

12.19.080:PENALTIES: A person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding three hundred dollars (\$300.00) or be imprisoned in the Payette County jail for a period not exceeding six (6) months, or be both so fined and imprisoned. Nothing in this Chapter shall be construed as to limit City employees or other authorized persons from performing their official or City authorized duties.

SECTION 2: SUMMARY: In accordance with the Idaho Code, this ordinance may be published by summary.

SECTION 3. SEVERABILITY: The provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 4. REPEALER: Any provisions of the current Payette City Code or any ordinances of the Payette City, which are in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE: This ordinance shall be effective immediately upon passage and publication as provided by law.

Passed and approved by the Mayor and City Council this 10th day of ~~September~~, 2003.
October

CITY OF PAYETTE

By Mark S. Helger
Mayor

ATTEST:

John P. Franks
City Clerk