

ORDINANCE NO. 1351

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, REPEALING SECTION 10.45.010 AND CREATING A NEW SECTION 10.45.010 OF THE PAYETTE CITY CODE PROHIBITING THE USE OF ELECTRONIC WIRELESS COMMUNICATIONS DEVICES FOR TEXTING AND GAMING WHILE OPERATING A MOTOR VEHICLE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO AS FOLLOWS:

SECTION 1: Section 10.45.010 of the Payette Municipal code is hereby repealed and there is hereby created a new Section 10.45.010 which section shall read as follows:

10.45.010 USE OF WIRELESS COMMUNICATIONS DEVICES

(A) No person shall operate a motor vehicle while using a hand held electronic wireless communications device while playing games thereon, or to write, send, or read a text based communication.

(B) "Hand held electronic communications device" includes wireless or cellular phones, PDAs, Blackberries, smart phones, laptop and notebook computers utilizing VOIP (voice over internet protocol) technology, wireless and cellular phones utilizing push-to-talk technology and any other mobile communication device that uses short-wave analog or digital radio transmissions between the device and a transmitter to permit wireless communications to and from the user of the device.

(C) As used in this section "write, send, or read a text based communication" means using an electronic wireless communications device to manually communicate with any person using a text based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail.

(D) For purposes of this section, a person shall not be deemed to be writing, reading, or sending a text based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call.

(E) A violation of this section is an infraction punishable by a fine of One Hundred Dollars (\$100.00).

Section 2. This Ordinance may be published in summary form as permitted by Idaho Code.

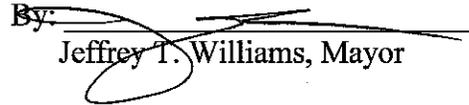
Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

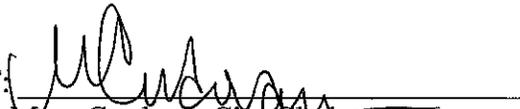
Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED AND APPROVED by the Mayor and City Council this 6TH day of September, 2011.

CITY OF PAYETTE, IDAHO

By: 
Jeffrey T. Williams, Mayor

ATTEST: 
Mary Cordova, City Clerk