

ORDINANCE NO. 1346

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 10.45 OF THE PAYETTE CITY CODE BY ADDING A NEW SECTION 10.45.010 PROHIBITING THE USE OF ELECTRONIC WIRELESS COMMUNICATIONS DEVICES 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: That a new Section designated as section 10.45.010 of Chapter 10.45 of Title 10 is hereby added and which section shall read as follows:

10.45.010 USE OF WIRELESS COMMUNICATIONS DEVICES

(A) No person shall use or have in their immediate physical possession a hand held electronic communications device while operating a motor vehicle within the City of Payette.

(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) Immediate physical possession means touching the hand help electronic communications device, or physically holding the device in one's hand or up to one's ear. Simply having the electronic communications device on one's person or in a motor vehicle does not constitute immediate physical possession.

(D) Exceptions:

1. This provision shall not apply to any person reporting a health, fire, safety, or police emergency.

2. This provision shall not apply to governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other "Authorized Emergency Vehicles" as defined by Idaho Code.

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

(F) This section shall not apply to an emergency services professional using an electronic wireless communications device while operating an authorized emergency vehicle in the course and scope of his or her duties.

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.

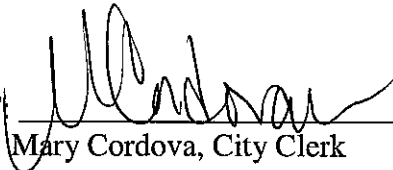
Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

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 2nd day of August, 2011.

CITY OF PAYETTE, IDAHO

By: 
Jeffrey T. Williams, Mayor

ATTEST: 
Mary Cordova, City Clerk