



ORDINANCE NO. 867

AN ORDINANCE CREATING RULES AND REGULATIONS FOR THE SAFE AND EFFICIENT USE OF THE PUBLIC ROADWAYS WITHIN THE CITY; STATING THE PURPOSE OF THE ORDINANCE; DEFINING THE TERMS; CREATING OFFENSES OF PEDESTRIAN USERS OF PUBLIC ROADWAYS; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR PENALTIES ASSOCIATED WITH VIOLATIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City Council for the City of Rexburg has previously determined that there is a significant community-wide problem regarding pedestrian traffic upon the public roadways; and

WHEREAS, pedestrian use of public roadways at locations other than those specifically designated for pedestrian use creates a health and safety concern; and

WHEREAS, it appears to the Mayor and City Council of the City of Rexburg, Idaho, that rules governing the use of public roadways by pedestrians will be in the best interests of the public health, safety and welfare and will help to attain the foregoing objectives and will diminish the undesirable impact of uncontrolled pedestrian conduct upon the public roadways of the City of Rexburg;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, AS FOLLOWS:

SECTION I: Purpose: The purposes of this Ordinance are;

- (A) To regulate and prohibit random or uncontrolled access to public roadways by pedestrians;
- (B) To protect public roadways from being impeded by pedestrians;
- (C) To reduce accidents associated with pedestrian and vehicle conflicts; and
- (D) To protect and promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg.

SECTION II: Definitions: Certain words and phrases in this chapter are defined as follows:

PEDESTRAIN: Any person afoot, any person operating a wheelchair or a motorized wheelchair, or any person upon a bicycle engaged in the use of a designated bike or pedestrian path.

PEDESTRIAN PATH: Any path, sidewalk, or way set-aside for the use of pedestrians.

PUBLIC ROADWAY: All portions of any highway which are controlled by any governmental authority, including highways within the jurisdictional limits of the City of Rexburg.

SECTION III: Unlawful Crossing of Public Roadways: Any pedestrian who crosses, or attempts to cross a public roadway at any point other than a designated crossing, within the City of Rexburg, shall be guilty of an Infraction.

SECTION IV: Designating Crossings: There shall be established, crosswalks within the City of Rexburg, as determined appropriate by the City Engineer, Public Works Coordinator, and Traffic Committee, or any other designated representative of the City of Rexburg. Such designated crossings shall be identified and marked in such a way as to make them clearly identifiable to the reasonable public, and where practicable in accordance with the Manual on Uniform Traffic Control Devices.

SECTION V. Defenses: It shall be a defense to the offense of Unlawful Crossing of a Public Roadway, if there are no Designated Crossings within Five Hundred feet (500') of the point at which the crossing occurred.

SECTION VI: Enforcement: The peace officer shall not issue a citation under this chapter unless the officer reasonably believes that a violation has occurred and that, based on any response and all other circumstances, no defense is present.

SECTION VII: Penalties: Any person who violates a provision of this chapter shall be guilty of an infraction and upon conviction shall be punished by a fine of Twenty-five Dollars (\$25.00).

SECTION VIII: Effective Date: This ordinance shall be in full force and effect from and after its passage, approval and due publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 3rd day of April, 2002.

Bruce Sutherland, Mayor

(SEAL)

ATTEST:

Marilyn Wasden, City Clerk

STATE OF IDAHO)
)ss
County of Madison)

I, MARILYN WASDEN, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance entitled:

AN ORDINANCE CREATING RULES AND REGULATIONS FOR THE SAFE AND EFFICIENT USE OF THE PUBLIC ROADWAYS WITHIN THE CITY; STATING THE PURPOSE OF THE ORDINANCE; DEFINING THE TERMS; CREATING OFFENSES OF PEDESTRIAN USERS OF PUBLIC ROADWAYS; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR PENALTIES ASSOCIATED WITH VIOLATIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 3rd day of April, 2002.

Marilyn Wasden, City Clerk

(SEAL)