

CHAPTER 1

GENERAL OFFENSES

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5-1-1: **OFFENSES AGAINST PUBLIC OFFICERS:**

- A. Impersonating An Officer: Any person who shall falsely represent himself to be an officer of the city, or who shall attempt to impersonate any such officer, or who shall, without legal authority, perform any official act in the city on behalf of any officer of the city shall be guilty of a public offense. (1985 Code § 9.04.010)
- B. Obstructing An Officer: Any person who shall obstruct, interfere with, molest, hinder, resist, threaten to molest or assault or threaten to assault any officer of the city in the exercise or performance of any of his/her official duties shall be guilty of a public offense. (1985 Code § 9.04.020)

5-1-2: **ASSAULT OR BATTERY:** Any person who commits an assault or battery, as defined by Idaho Code, within the city, shall be guilty of a public offense. (1985 Code § 9.08.010)

5-1-3: DISTURBING THE PEACE:

- A. Every person who maliciously and wilfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence or hearing of children, in a loud and boisterous manner, is guilty of a misdemeanor.
- B. Every person who maliciously and wilfully disturbs the dignity or reverential nature of any funeral, memorial service, funeral procession, burial ceremony or viewing of a deceased person is guilty of a misdemeanor. (1985 Code § 9.16.020; amd. 2010 Code)

5-1-4: LOUD NOISE; OBSCENE LANGUAGE:

- A. No person shall engage in loud and raucous noise or obscene language. (1985 Code § 9.20.070)
- B. It is unlawful for any person within the city to utter or use erotic or obscene language or words or fighting words which tend to incite or incite fights or riots. (1985 Code § 9.20.130)

5-1-5: DISORDERLY HOUSES: Any person who shall permit, allow or suffer any loud or raucous noise in any apartment, store, dance hall or place of business in the city kept, conducted, operated, occupied or under his or her control is guilty of a public offense. (1985 Code § 9.12.010; amd. 2010 Code)

5-1-6: GAMBLING: No gambling game or game of chance and no game with cards, dice or slot machine or other gambling device shall be played or conducted in the city. Any person violating the provisions of this section, or playing at any game so prohibited, and any person permitting or suffering any game to be so played in any building or place owned, occupied or conducted in whole or in part by him, shall be subject to the penalty provided in section 5-1-11 of this chapter for each offense, and upon any such conviction, any pool or billiard license or other license by the city held by the person so convicted may be forfeited and be null and void. (1985 Code § 9.12.020; amd. 2010 Code)

5-1-7: **BEGGING:** It is unlawful for any person to beg, or to go from door to door of private homes or commercial and business establishments, or to place himself in or upon any public way or public place to beg or to receive money or other things of value. (1985 Code § 9.20.090)

5-1-8: **WEAPONS:**

A. Concealed Weapons: Any person, except an officer and officials mentioned in Idaho Code section 18-3302, who shall, within the city, carry concealed upon or about his person any dirk, dirk knife, dagger, slingshot, pistol, revolver, gun or any other deadly or dangerous weapon, without first having obtained a lawful permit to do so, shall be guilty of a public offense. (1985 Code § 9.32.010)

B. Discharge Of Firearms:

1. It is unlawful for any person to discharge any firearm within the corporate limits of the city. Exempted from this subsection are peace officers and animal control officers lawfully acting within the scope of their duties and citizens engaged in necessary and justified use of firearms consistent with state law.

2. Any person violating any provision of this subsection shall be punishable as provided in section 5-1-11 of this chapter. Further, any firearm used in the violation of this subsection may be seized as evidence of such violation and, upon conviction of the bearer, may be confiscated and disposed of as provided by law. (1985 Code § 9.32.020; amd. 2010 Code)

5-1-9: **OPEN CONTAINERS OF ALCOHOLIC BEVERAGES ON CITY PROPERTY:** It is unlawful for any person to transport or have in his physical possession or control any alcoholic liquor or beer or other alcoholic beverage in an open or unsealed container of any kind while being upon the streets, parking lots, sidewalks, parks or other public or city property. (1985 Code § 9.16.010; amd. 2010 Code)

5-1-10: **ANIMAL RELATED OFFENSES:**

A. Animal Fights: Any person who causes any bull, cock or other animal to fight for his amusement or for gain in the city or to worry or injure each other in the city; and anyone who permits the same to be done

on any premises under his charge or control in the city; and any person who aids, abets or is present where such fighting or worrying of such animal as a spectator in the city, is guilty of a misdemeanor. (1985 Code § 9.12.030; amd. 2010 Code)

B. Cruelty To Animals¹:

1. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

ANIMAL: Includes every vertebrate member of the animal kingdom, except man.

TORMENT, TORTURE AND CRUELTY: Include every act, omission or neglect whereby unnecessary or unjustifiable suffering is caused or permitted.

2. Cruelty Prohibited: Any person, firm or corporation who shall, in the city, torture, torment or treat with cruelty by beating, neglecting, abusing or mistreating any horse, cow or other animal in his possession, care or charge, whether belonging to himself or to another person; or who shall maliciously kill, maim, wound or injure any animal, the property of another, or who shall cause such killing, maiming, wounding or injuring to be done; or who shall violate any of the provisions of Idaho Code section 25-3501 et seq., which sections are made a part of this subsection, shall be guilty of a public offense. (1985 Code § 9.12.040; amd. 2010 Code)

C. Reckless Riding Or Driving Of Horses: Any person who shall ride or drive any horse in a reckless or negligent manner upon any of the streets or alleys of the city, or who shall ride or drive any horse upon the sidewalks of any street of the city, or who shall drive any horse attached to a bobsled or any sled upon any of the streets of the city in a reckless and negligent manner shall be guilty of a public offense. (1985 Code § 9.16.030)

5-1-11: **PENALTIES:** Every person convicted of a violation of any of the provisions of this chapter, except where a penalty is otherwise prescribed, shall be punishable as provided in subsection 1-4A-1A of this code, together with costs. (1985 Code § 9.36.010; amd. 2010 Code)

1. See also section 5-3-11 of this title.

CHAPTER 1

GENERAL OFFENSES

ARTICLE A. OFFENSES AGAINST PROPERTY

SECTION:

- 5-1A-1: Definition
- 5-1A-2: Damage To Property Generally
- 5-1A-3: Public Property
- 5-1A-4: Injury To Or Removal Of Trees, Shrubs And Plants
- 5-1A-5: Sanitation In Food Service Establishments
- 5-1A-6: Refuse And Trash
- 5-1A-7: Advertisements
- 5-1A-8: Trespass
- 5-1A-9: Violation; Penalties

5-1A-1: **DEFINITION:** For the purposes of this article, "public property" means any publicly owned property within the city, except the traveled portion of public streets, and includes any park, sidewalk, curb, or any part of any public right of way devoted to any planting or parklike use. (1985 Code § 9.20.020)

5-1A-2: **DAMAGE TO PROPERTY GENERALLY:** Every person who wilfully or maliciously impairs, marks or defaces any public building or any building the property of another in the city or who wilfully or maliciously defaces, marks, injures, impairs, damages or destroys any sidewalk, window glass, trees, plants, shrubbery or any property belonging to another in the city is guilty of a public offense. (1985 Code § 9.20.010)

5-1A-3: **PUBLIC PROPERTY:** On any public property, it is unlawful for any person to commit any of the following acts relative to buildings and other property:

A. Damage Or Removal:

1. No person shall wilfully mark, deface, disfigure, injure, tamper with, displace or remove any building, railing, bench, paving, paving material, water line or any facilities or property and equipment of any public utilities, to include water hoses, sprinklers or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtenances whatever, either real or personal.

2. Fireplaces, tables or structures for picnicking purposes are not to be molested, torn down, damaged or changed in any physical sense. (1985 Code § 9.20.030)

B. Erection Of Structures: No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord or wire into, upon or across any public property, except on special permit issued by the city council. (1985 Code § 9.20.040)

C. Removal Of Natural Resources: No person shall dig and remove any sand, soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

D. Use Of Restrooms And Washrooms:

1. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex. (1985 Code § 9.20.030)

2. No person shall urinate or defecate on public property, except in a public restroom.

E. Climbing Trees; Sitting On Property; Obstructing Public Ways: No person shall climb any tree, or walk, stand or sit upon monuments, fountains, railings, fences, planted areas or upon any property not designated or customarily used for such purposes, or intentionally stand, sit or lie in or upon any street, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk. (1985 Code § 9.20.040)

5-1A-4: **INJURY TO OR REMOVAL OF TREES, SHRUBS AND PLANTS:**

- A. No person shall, without a city permit, damage, cut, carve, burn, 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.
- B. No person shall dig or otherwise disturb or in any other way injure or impair the natural beauty or usefulness of any park area. (1985 Code § 9.20.040)

5-1A-5: **SANITATION IN FOOD SERVICE ESTABLISHMENTS:**

- A. It is unlawful for any person to enter, without shoes, sandals or other footwear, any public building, particularly a building where food is served or a privately owned building which caters to the service of food to the public.
- B. It is unlawful for any animal, except service animals, to be taken into any public building or privately owned property where food is being served to the public. (1985 Code § 9.20.050; amd. 2010 Code)

5-1A-6: **REFUSE AND TRASH:** No person shall drop, throw, place, discard, dump, leave or otherwise deposit any bottles, broken glass, garbage, ashes, paper, boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefor. No such refuse or trash shall be placed in any waters in or contiguous to any park or planted area, or left anywhere on the grounds thereof. (1985 Code § 9.20.060)

5-1A-7: **ADVERTISEMENTS:**

- A. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads, without first obtaining permission from the city council. (1985 Code § 9.20.110)

- B. No person shall, in a park, announce, advertise or call the public attention in any way to any article or service for sale or hire. (1985 Code § 9.20.100)

5-1A-8: **TRESPASS:** It is unlawful for any person to trespass on private property or on public property which has been posted. (1985 Code § 9.20.120)

5-1A-9: **VIOLATION; PENALTIES:** It is a misdemeanor for any person to violate any of the provisions of this article. Every person convicted of a misdemeanor for a violation of any of the provisions of this article shall be punishable as provided in subsection 1-4A-1A of this code. (1985 Code § 9.20.150; amd. 2010 Code)