

CHAPTER 4

PENALTIES

ARTICLE A. GENERAL PENALTY

SECTION:

- 1-4A-1: General Penalty
- 1-4A-2: Application Of Provisions
- 1-4A-3: Liability Of Officers

1-4A-1: **GENERAL PENALTY¹:**

- A. Misdemeanor: Except in cases where a different punishment is hereafter prescribed by city ordinance, any person, firm or corporation violating provisions of any duly enacted ordinance of the city, whether presently existing or adopted after the effective date hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding one thousand dollars (\$1,000.00) or imprisoned in the county jail not exceeding six (6) months, or by both such fine and imprisonment, at the discretion of the court. These punishments shall comply with Idaho Code section 18-113, as amended. (1985 Code § 1.04.010; amd. 2010 Code)
- B. Infraction: When the offense is designated as an infraction by any section or provision of this code or by state law, it is punishable only by a penalty not exceeding one hundred dollars (\$100.00), and no incarceration may be imposed.
- C. Federally Mandated Programs: When the city is participating in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, the city may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1,000.00), or imprisonment for criminal offenses not to exceed six

1. IC § 50-302.

(6) months, or to include both a fine and imprisonment for criminal offenses. (2010 Code)

1-4A-2: **APPLICATION OF PROVISIONS:**

- A. Application Of Penalty: The penalty provided in this article shall be applicable to every section of this code the same as though it were a part of each and every separate section.

- B. Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

- C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this article shall apply. (2010 Code)

1-4A-3: **LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty unless the intention of the city council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2010 Code)

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ARTICLE B. PREMISES FOR PUBLIC ACCESS

SECTION:

- 1-4B-1: Rules And Regulations Posted
 1-4B-2: Misdemeanor Violation; Penalties
 1-4B-3: Waiver

1-4B-1: **RULES AND REGULATIONS POSTED:** It is the duty of the owner, manager or authorized agent of any building, facility, park or grounds to which the public has access, who desire to bring himself under the provisions of section 1-4B-2 of this article, to adopt reasonable regulations for the safe and orderly use of such places, and to keep copies of such rules and regulations, printed in plain English, posted in conspicuous locations upon or within the building, facility, park or grounds so governed. (1985 Code § 1.04.030)

1-4B-2: **MISDEMEANOR VIOLATION; PENALTIES:** Any person violating provisions of any rules or regulations adopted by the ownership or management for the safe and orderly utilization of any building, facility, park or grounds of any kind or description, located within the city, to which the public has access, whether owned or operated by any public or private entity, corporation, partnership or individual, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in subsection 1-4A-1A of this chapter, at the discretion of the court. (1985 Code § 1.04.020; amd. 2010 Code)

1-4B-3: **WAIVER:** Unless a person has had a reasonable opportunity to observe or has been verbally advised by an owner, manager, or authorized agent of such rules and regulations and given a reasonable opportunity to comply, no conviction shall be had under the provisions of sections 1-4B-1 and 1-4B-2 of this article. (1985 Code § 1.04.040)

