



ORDINANCE NO. 2

AN ORDINANCE DEFINING RIOTS AND OTHER CRIMES AGAINST THE PUBLIC PEACE, AND AGAINST DISTURBING RELIGIOUS MEETINGS, AND AGAINST INDECENT EXPOSURES, AND AGAINST MALICIOUS INJURIES TO PROPERTY, AND PROVIDING A PENALTY FOR THE COMMISSION OF ANY OF THE OFFENCES HEREIN NAMED.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF REXBURG, IDAHO:

SECTION I: Any use of force or violence disturbing the public peace, or any threat to use such violence, if accompanied by immediate power of execution, by two (2) or more persons acting together and without authority of law within the corporate limits of the Village of Rexburg, is a riot.

SECTION II: Every person who participates in any riot within the corporate limits of the Village of Rexburg is guilty of a misdemeanor.

SECTION III: Whenever two or more persons, assembled and acting together, make any attempt or advance towards the commission of an act which would be a riot, if actually committed, such assembly is a riot.

SECTION IV: Whenever two or more persons assemble together to do an unlawful act, separate without doing or advancing toward it, or do a lawful act in a violent, boisterous, or tumultuous manner, such an assembly is an unlawful assembly.

SECTION V: Every person remaining present at the place of any riot, row, or unlawful assembly, after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same is guilty of misdemeanor.

SECTION VI: Every person who engages in, instigates, encourages, or promotes any ring or prize fight or any other premeditated prize fight or contention (without deadly weapons) either as principal, aid, second, umpire or surgeon, or otherwise, within the corporate limit of Rexburg is guilty of a misdemeanor.

SECTION VII: Every person who participates in dog or cock fighting or who aids or allots the same by his presence within the corporate limits of Rexburg, is guilty of misdemeanor.

SECTION VIII: Every person who maliciously or willfully disturbs the peace or quiet of any neighbor, family, or person by loud or unusual noise, or by tumultuous offensive conduct or by threatening, quarreling, traducing, challenging to fight, or fighting; or who on the public streets or highways of Rexburg runs any horse race either for wages or for amusement, excepting by the permission of the board of trustees, or fires any gun, or pistols within the corporate limits of Rexburg, or uses any vulgar language profane or indecent language within the presence or hearing of women or children in a loud or boisterous manner within the corporate limits of Rexburg is guilty of misdemeanor.

SECTION IX: Every person who willfully disturbs or disquiets any assemblage of people met for religious worship, by any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting is guilty of a misdemeanor.

SECTION X: If two or more persons assemble for the purpose of disturbing the peace or committing any unlawful act within the corporate limits of Rexburg, and do not disperse upon being desired or commanded so to do by the public officer, the persons so offending are severally guilty of a misdemeanor.

SECTION XI: Every person who, not in necessary self defense, in the presence of two or more persons, draws or exhibits any deadly weapon in a rude, angry and threatening manner, or who in any manner unlawfully uses the same in any fight or quarrel within the corporate limits of Rexburg is guilty of a misdemeanor.

SECTION XII: Every person who maliciously destroys, or attempts to destroy or in any manner damages any hitching post, shade, or ornamental trees, or who takes down, removes, injures, or obstructs any line of telegraph or telephone, or any part thereof, or appurtenance or apparatus connected therewith, or sever any wire thereof; or who damages or removes any sign or sign boards; or who damages or removes any awnings; or who damages or removes any fence posts or fence; or who destroys or damages building or buildings, without the consent of the owner or agent of such property, within the corporate limits of the village of Rexburg is guilty of a misdemeanor.

SECTION XIII: Every person who unlawfully and lewdly either exposes his person or the private parts thereof in any public place, or in any place when there are present other persons to be offended thereby, or sings any lewd songs, ballad or other words in any public place or in any place when there are persons present to be annoyed thereby within the corporate limits of Rexburg is guilty of a misdemeanor.

SECTION XIV: Any person or persons violating any of the provisions of this ordinance shall upon conviction thereof be imprisoned in the village jail, not to exceed ninety days, or shall be fined in any sum not to exceed ninety dollars and costs of conviction, or shall be both fined and imprisoned at the option of the court and in default of payment of said fine and costs shall be imprisoned until said fine and costs are paid at the rate of one day for every two dollars of said fine and costs.

SECTION XV: This Ordinance shall be in full force and effect thirty days after its passage and approval.

PASSED BY THE BOARD OF TRUSTEES AND APPROVED BY THE CHAIRMAN this 29th day of May, 1899.

John L. Jacobs, Chairman

(SEAL)

ATTEST:

A. L. Blackburn, Village Clerk