



**ORDINANCE NO. 80**

**AN ORDINANCE PROVIDING FOR THE CODIFYING, REVISING, ARRANGING AND PUBLICATION OF THE ORDINANCES OF THE CITY OF REXBURG, IDAHO, AND CONTINUING IN FORCE CERTAIN ORDINANCES, AND REPEALING CERTAIN ORDINANCES AND PARTS OF ORDINANCES.**

Be it ordained by the Mayor and City Council of the City of Rexburg, Idaho:

**SECTION 1:** That the Ordinances and parts of Ordinances hereinafter in this section designated or mentioned are hereby confirmed and continued in force, and shall be known and designated as hereinafter in this section specified or provided.

First, that said ordinances shall be divided into three parts, which shall be known as Part I, Part II, and Part III.

Part I. Relating to officers, their duties, salaries and fees, which consists of eleven chapters, numbered from one to eleven, inclusive, as sectionized therein.

Part II. Relating to the general city government, consisting of thirty-four chapters, numbered from one to thirty-four inclusive as sectionized and arranged.

Part III. Relating to offenses against the City Government, consisting of seven chapters, numbered from one to seven, inclusive, as sectionized therein.

**SECTION 2:** That the printing and publishing of these ordinances in pamphlet form shall be a sufficient publication thereof, and said ordinances shall take effect and be in force from and after such publication in pamphlet form.

**SECTION 3:** This Ordinance shall take effect and be in force from and after its passage by the Council and approval of the Mayor.

*Passed and approved this 7<sup>th</sup> day of March 1904.*

*Henry Flamm, Mayor*

*Attest: A.M. Carbine, Clerk*

*See attached codification of Ordinance 80 (83 pages)*

PART I.

OFFICERS, DUTIES AND FEES.

CHAPTER I.

OFFICERS.

**SECTION 1.** – What Officers. – On the first Tuesday of April of each year hereafter there shall be elected a Mayor, a Clerk, a Treasurer, a City Engineer, one Councilman from each Municipal Ward, and a Police Judge at each biennial election, provided the Council may provide by Ordinance that the City Clerk shall be ex officio Police Judge. The Mayor, with the consent of the Council may appoint a City Attorney, a Chief of Police, a Supervisor of Streets, a Watermaster, and a City Poundkeeper, who shall hold their offices for one year unless sooner removed by the Mayor with the advise and consent of the Council. The Mayor, by and with the Consent of the Council, shall appoint such a number of regular policemen as may be necessary, and may also appoint special policemen from time to time as exigencies arise. All police officers appointed by the Mayor and Council in accordance herewith shall be removable at any time by the Mayor. All officers shall be qualified electors and taxpayers and reside within the limits of the City.

CHAPTER II

DUTIES OF OFFICERS.

CITY CLERK.

**SECTION 1.** – The City Clerk before entering upon the duties of his office, shall execute a bond to the City with two or more sureties, to be approved by the Mayor, in such sum as the Council may require, and conditioned that he will well and truly perform the duties of Clerk of the City of Rexburg, and faithfully comply with the Ordinances and resolutions passed, or that may be passed, in relation to his office or duties which bond, together with the oath which he is required to take and subscribe, shall be placed in the custody of the City Treasurer.

**SECTION 2.** – He shall be the keeper of common seal of the city, and shall affix it to all public instruments, or official acts of the Council, which by law or Ordinance are required to be attested by the City seal; and in the meantime preserve said seal in a secure place and secure from interference. He shall have custody of and safely keep all public records documents, ordinances, resolutions and orders of the City Council, and such other paper documents pertaining to the City affairs as may be delivered into his custody. Upon demand and payment of legal fees therefor, he shall furnish to any one applying therefor a copy of any record, paper or document of any kind in his possession certified under his hand and seal of office.

**SECTION 3.** – He shall attend all sessions of the Council, keep a faithful record of its proceedings in a book or books provided for the purpose, and shall keep in a separate book a record of the titles and copies of the Ordinances passed by the Council, of the time and manner in which the same were published, and shall carefully index the same alphabetically; and he shall see that each

ordinance is published as by law provided; and he shall preserve a copy of the paper or papers in which such publication may be made.

**SECTION 4.** – He shall sign and affix the City seal to all licenses, authorized to be issued; keep a record of the appointment of officers of the City, and whenever a commission is issued by the Mayor, to any such officer, the Clerk shall affix the City seal thereto and countersign the same.

**SECTION 5.** – He shall, annually, on the Monday preceding the first Tuesday in May of each year, have his books and accounts closed, and an annual exhibit of receipts and expenditures ready for the inspection of the Finance Committee; said report and exhibit to be submitted to the Council for its approval, and thereupon published.

**SECTION 6.** – At the first regular session of the council in each month the clerk shall make a monthly report, stating specifically the amount received from each source of revenue, the total amount of warrants drawn and unpaid, and the fund out of which they are to be paid, the number and amount of licenses issued and on hand, and generally make a specific showing of the financial condition of the city.

**SECTION 7.** – The Clerk shall keep in a book to be known as the finance book, the number, date and amount of all City warrants, the name of the person in whose favor, and for what purpose, such warrants are drawn upon the Treasurer, together with the name of the fund upon which said warrants are drawn.

**SECTION 8.** – It shall be the duty of the City Clerk, immediately after each and every meeting of the City Council at which warrants are ordered to be drawn, to make and deliver to the City Treasurer a certified list of such warrants, containing the matter set forth in Section Seven of this Ordinance.

**SECTION 9.** – No warrants shall be paid unless they fully correspond with the certified list, and in case they do not correspond with the list that fact must be immediately reported to the Mayor, and must also be reported to the City Council in writing at its next regular session.

**SECTION 10.** – It shall be the duty of the Clerk to keep a record of all licenses by him issued, which record shall show the name of the person or persons to whom such licenses is issued, date of issuance and expiration, class and amount.

**SECTION 11.** – At the first meeting of the Council in June, September, December and March of each year, the Clerk shall submit to the Council a list of licenses issued, showing the particulars set forth in Section 7.

**SECTION 12.** – It shall be the duty of the clerk, upon any person or persons neglecting or refusing to take out a license required by any Ordinance, to at once notify the City Attorney, who shall bring suit in the name of the City of Rexburg, plaintiff, for the recovery of the license money, and who shall also prosecute such person or persons criminally for breach of ordinance. Upon the trial of any such action, authorized by this section, the defendant shall be deemed not to have procured the proper license, unless he either produce it, or prove that he did procure it.

**SECTION 13.** – The City Clerk shall be required to keep his office open for not less than three hours per day, such hours to be prescribed by the City Council; and shall perform all such other duties, not herein provided, as may be imposed upon him, by law, and the ordinances, orders or resolutions of the City Council.

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### CHAPTER III.

### CITY TREASURER.

**SECTION 14.** – The City Treasurer before entering upon the duties of his office shall execute a bond to the City of Rexburg, with good and sufficient sureties, to be approved by the City Council, and in such sum as the Council may require, conditioned that he will faithfully and truly account for all moneys coming into his hands as Treasurer, and that he will pay over to his successor all moneys which may be in his hands at the expiration or his term of office; and that he will well and truly perform all the duties of his office, prescribed in the Ordinances and resolutions of the Council, and such other conditions as the City Council may require.

**SECTION 15.** – It shall be the duty of the Treasurer to receive and safely keep all moneys, funds or securities of any kind, which may come into his hands, and to disburse the same only upon an appropriation and by resolution or ordinance of the City Council hereafter made, and upon warrant of the Mayor, countersigned by the Clerk of City.

**SECTION 16.** – He shall keep in a suitable book, or books, procured at the cost of the city, a full and accurate account of all moneys or funds received or disbursed by him for City specifying when, to whom, on what account, and in what kind of funds received or disbursed.

**SECTION 17.** – He shall keep the account of each source of revenue to the city, separate and distinct from any other, charging it with all payments, and crediting it with all funds received on account thereof.

**SECTION 18.** – All warrants or orders redeemed and paid by him, and all vouchers, shall be delivered to the Clerk each month or oftener, and filed. All warrants redeemed by the Treasurer shall have written or stamped on the face of each the word “cancelled” before he shall deliver them to the Clerk to file.

**SECTION 19.** – He shall execute and deliver to every city officer or other person paying money or funds into the treasury, a receipt therefore, specifying the date of payment, the amount upon what fund or account received, and the kind of fund or money received. The Treasurer shall issue such receipts from blank receipt books, furnished him by the City Clerk, upon which shall be printed "City of Rexburg, Idaho," across the top of said receipt. Said receipt shall contain duplicate receipt and stub, corresponding in number and form, showing the date of payment, the amount, upon what account received, and the kinds of funds or moneys received, one of which duplicate shall be delivered to the person from whom the money is received, corresponding duplicate shall be delivered to the Clerk; provided, that the Treasurer shall deliver all duplicate receipts in his hands at the end of each week or oftener, the stub to be retained by the Treasurer until the expiration of his term of office, unless settlement be made oftener, by the Council with him; then such stub to be deposited as the Council may direct.

**SECTION 20.** – It shall be the duty of the Treasurer to make out and file monthly an itemized statement with the City Clerk of all moneys received and paid out for the month ending on Monday preceding the first Tuesday of each month, and he shall at all times permit the Mayor or any member of the Council or committee thereof, to have free access to any and all of the books and papers of this office. He shall furnish the City Council at the first meeting in May, August, November and February, a detailed statement of the finances of the City for the period ending on the Saturday preceding the first Monday in May, August, November and February of each year, which statement after being approved by the City Council, shall be published.

**SECTION 21.** – On the first Thursday after the first regular meeting in March of each year, the finance committee of the Council shall examine the books, accounts, vouchers and papers of the Treasurer, ascertain the money and city warrants on hand, compare his accounts of receipts and payments with the duplicate receipts filed with the Clerk, and make a final settlement, and report their proceedings to the City Council at the next regular or special meeting thereafter. If said report is approved by the Council the committee shall cause the necessary entries to be made on the Treasurer's books, showing a settlement, which entries shall show they have examined his books,

and found them correct in said settlement. The cancelled warrants shall remain in the custody of the Clerk until ordered destroyed by the Council.

**SECTION 22.** – Every fund in the hands of the City Treasurer shall be paid out in the order in which the warrants are presented for payment, and in case there are no funds in the hands of said Treasurer applicable for the payment of said warrant the Treasurer shall endorse the same, "not paid, for want of funds," and enter the same in a book kept for said purpose, and thereafter said warrants shall bear interest at the rate of seven (7) per cent per annum, until there are funds in the hands of the Treasurer to pay the same.

**SECTION 23.** – He shall deliver to his successor in office all books, papers, moneys, and other property pertaining to his office, and perform any and all other duties required of him by any Ordinance of the City or resolution of the City Council.

**SECTION 24.** – If said Treasurer neglect or fail for the space of ten days from the end of each and every month to render his said account as provided in Section 20, his office shall be declared vacant, and the City Council shall fill the vacancy by appointment until the next City election.

**SECTION 25.** – A failure upon the part of the Treasurer to comply with the requirements of this chapter shall be deemed a misdemeanor.

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## CHAPTER IV.

### CITY ENGINEER

**SECTION 26.** – It shall be the duty of the City Engineer to give the lines and surveys of lots, and the proper grades of streets, sidewalks and alleys, with certificates of same, when applied to for that purpose by contractors or by private individuals desiring to know the boundaries or grades of their property, and shall receive therefor the following fees from the person employing him.

1st. – For giving line or grade for building, or for curb of sidewalk, for lot of fifty (50) feet, or less, frontage, \$3.

2nd. – For running lines and setting necessary stakes for grades of streets and curbing, including profiles, cross-sections, and estimates when required and certificates of same, at the rate of one and one-half (1 1/2) cents per lineal foot, for the first five hundred feet or less, and at the rate of one cent for each foot over five hundred feet.

3rd. – For replacing or verifying any street monument or stake that has been removed or disturbed, when required to do so, \$3.

4th. – For all other work, at the rate of four dollars per day, of eight hours.

**SECTION 27.** – The City Engineer shall keep a record of all surveys, measurements and applications for permits made, certificates of record and permits issued under the Ordinances or orders of the City Council, in a book or books kept for that purpose. A copy of all records and surveys and calculation books containing street or other City work, with all maps, plans and profiles in which the City of Rexburg can in any manner be interested, shall be and remain the property of said City and shall be kept at the office of the City Clerk, and open to public inspection. All books, maps, plans and profiles shall be carefully preserved by the City Engineer and delivered to his successor in office.

**SECTION 28.** – It is hereby made the duty of the City Engineer to examine all buildings and structures of every kind within the City limits which for any reason he believes to be insecure or unsafe or dangerous to life or property; and if he finds any building or other structure insecure or unsafe or dangerous to life or property he shall forthwith post a printed notice on such building or

structure, warning all persons of the insecure, unsafe and dangerous condition thereof, and he shall immediately serve a written notice upon the owner, or agent of the owner, or person in charge of such building or structure to at once remove such insecure, unsafe or dangerous building or structure, or place the same in a secure and safe condition, subject to the approval of the City Engineer.

Sec. 29. – In case such owner, agent or person in charge should fail, neglect or refuse for twenty-four hours after the service upon him of said notice to begin the removal or repair of such insecure, unsafe or dangerous building or structure, the City Engineer shall promptly report the fact to the Mayor and the City Engineer shall forthwith cause such building or structure to be repaired as to be secure and safe, if it may be repaired at reasonable cost.

Sec. 30. – The cost of removing or repairing any such insecure, unsafe or dangerous building shall be a charge against the owner thereof, and the City Attorney is hereby empowered and directed to collect the same by suit when necessary.

Sec. 31. – Whenever the City Engineer is unable to make personal service of notice upon the owner, agent or person in charge of any insecure, unsafe or dangerous building or structure as herein provided, he shall cause the notice to be published three times in a newspaper published within the city, which notice by publication shall be equivalent to personal service.

Sec. 32. – It shall be the duty of the Engineer to see at all times that the Ordinance providing fire limits for the City of Rexburg is not violated by any person, contractor or otherwise, erecting or altering buildings within said limits in violation of the provisions of said Ordinance.

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## CHAPTER V.

### POLICE JUDGE.

Sec. 33. – The Police Judge shall before entering upon the duties of his office, execute to the City of Rexburg, Idaho, a bond in the sum of One Thousand Dollars with at least two sureties, to be approved by the Mayor, conditioned for the faithful performance of his duties, and shall file said bond with his oath of office endorsed thereon, with the City Clerk.

Sec. 34. – The Police Judge shall have and exercise the jurisdiction defined in the Statutes, and shall have and receive the same fees and compensation allowed to Justices of the Peace under the laws of the State of Idaho, for similar purposes.

Sec. 35. – The Police Judge shall on Saturday, immediately preceding the meeting of the City Council on the first Monday of each month, pay over to the City Treasurer the amount received by him during the month ending at 12 o'clock noon of said Saturday, for and on behalf of the City, taking duplicate receipts therefor, and shall thereafter, on said Saturday, file with the City Clerk, under his official certificate, a true and correct account of his transactions and receipts during the said period.

Sec. 36. – No arrests shall be made for any violation of the City Ordinance or Ordinances without a warrant, except where the violation of said Ordinance or Ordinances is in view or presence of the Mayor, Police Judge or police of the City, and the Police Judge shall not issue a warrant for the arrest of any person, except upon a sworn complaint charging an offense against an Ordinance or Ordinances of the City.

Sec. 37. – The Police Judge shall have the same power as the District Court in the issuance of process, and to enforce due obedience to all orders, rules and judgments made by him, and all appeals from the action of the Police Judge shall be taken in the same manner, to the District Court, as are, or may be, provided by law for appeals from the Justice's Courts.

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CHAPTER VI.

CITY ATTORNEY.

Sec. 38. – The City Attorney shall, before entering upon the duties of this office, take and subscribe to the oath of office.

Sec. 39. – It shall be the duty of the City Attorney:

1st. – To prosecute all actions for the breach of any of the Ordinances of the City, when requested to do so by the Mayor, Police Judge or any of the City officers.

2nd. – To draw all Ordinances, By-Laws and Resolutions, Documents or other legal papers relating to said City, upon direction of the Mayor and Council, and to give legal advice to the Council or any of the City officers upon all matters relating to the Government of the City.

3rd. – To attend all regular and special sessions of the City Council, when requested, in order to advise the body upon any legal proposition which may arise during the proceedings of any said session.

4th. – To see that the docket of the Police Judge is properly kept.

5th. – To commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the corporation, or that may be ordered by the Council.

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CHAPTER VII.

SUPERVISOR OF STREETS.

Sec. 40. – Before entering upon the duties of his office, the Supervisor of Streets shall execute to the City of Rexburg, a bond in the sum of \$500, with two good sureties, to be approved by the Mayor and City Council, conditioned for the faithful performance of his duties as said supervisor, and shall file his oath of office with the City Clerk.

Sec. 41. – The Supervisor shall have the supervision of all the streets, alleys, public grounds and sidewalks, within the corporate limits of the City of Rexburg; he shall notify any and all persons to remove any obstructions by them placed in or to the streets, alleys, or sidewalks, and to abate or remove any nuisance by them committed in or upon any of the streets, alleys, sidewalks or public grounds, and if the same is not removed or abated at once, he shall immediately report the fact to the Mayor, who shall order the Supervisor to remove the obstruction or abate the nuisance without further delay, and the party so obstructing the streets, alleys, or sidewalks, or committing the Nuisance, shall be liable to the City for the expense of removing the obstruction or abating the nuisance.

Sec. 42. – The Supervisor shall collect, or cause to be collected, the road tax levied, from all persons who are liable to pay the tax and who pay money in lieu of performing labor; he shall give to all such a receipt for the amount paid, signed with his official signature, and countersigned by the City Clerk; and shall pay the amount so collected on the last Saturday in each month to the City Treasurer, taking his receipt in duplicate therefore, one of which he shall file with the City Clerk.

Sec. 43. – The City Clerk shall furnish the Supervisor from time to time with black receipt books, one for cash paid in and one for work performed, by him countersigned, furnished with stubs, which stubs will be filled out by the Supervisor to correspond with the receipt issued and by

him signed. When the book is exhausted the stubs will be returned to the City Clerk, together with all receipts not used, and shall be liable for the amount of each receipt not accounted for.

Sec. 44. – That every able bodied male resident within the corporate limits of the City of Rexburg, between the ages of twenty-one (21) and fifty (50) years, shall, between the first day of April and the first day of September of each year, either by themselves or satisfactory substitutes over 21 years of age, perform two days' labor upon the streets, alleys or highways, within the corporate limits of the City of Rexburg, at such times as the Supervisor may direct, upon three days' notice in writing, or in lieu thereof shall pay \$3.00 in cash. For each day's failure to attend and perform the labor as required, at the time and place specified, the delinquent shall forfeit and pay to the corporation any sum, not exceeding \$1.00 for each day's delinquency.

Sec. 45. – If after demand made by the Supervisor, for the payment of the road poll tax, a person liable to pay said tax, refuses or neglects for three days, either to pay the tax in money or perform the work required, then the said person shall be deemed delinquent, and the Supervisor shall proceed to levy upon and sell at public auction, to the highest bidder for cash, any and every species of personal property belonging to such delinquent in his possession, or in the possession of or due from any other person to such delinquent. Said Supervisor may sell such personal property at any time and place within the corporate limits of the City, upon giving a verbal notice of one hour previous to such sale; and any person indebted to another liable to pay a road tax, but who has refused or neglected to pay the same, shall be liable to pay said tax for such other person after service upon him by the Supervisor, of a notice in writing, stating the name or names of the person or persons so liable and owing road tax, and such debtor may deduct the amount thereof with fifty cents additional as costs for serving notice, from such indebtedness, and a further sum, not to exceed one dollar (\$1.00) per day for each day said person is delinquent.

Sec. 46. – Whenever any person has parties in his employ who are liable to pay a road tax, to whom any money is due, it shall be lawful for the supervisor to demand of the employer the names of the persons so employed, and leave with the employer road tax receipts for the persons so employed, and the employer is hereby required to pay the same, and such road tax receipts shall be set off against the claims of such employees; but in such case, no charge shall be made as costs. In case of refusal or neglect by such person or employer to pay the same, enforcement of payment thereof shall be made, as in this chapter provided, against such person or employer. The Supervisor, after having deducted the road tax for which property was sold, and the necessary fees and costs of sale, which costs and fees shall be the same as are allowed to constables for similar services under the statutes, shall return the surplus of the proceeds to the owner of the property. A delivery of the possession of the property by the Supervisor to any purchaser at any such sale, shall be sufficient title in the purchaser, without execution of a certificate of purchase thereof by the Supervisor.

Sec. 47. – If the Supervisor cannot find sufficient personal property belonging to any delinquent road poll tax payer to pay said tax, the amount so due shall be treated and collected as taxes on real property, and the same shall be a lien on all the property of such persons that may be listed and assessed for taxation for that year, and it shall be the duty of the City Council to certify the amount due from each individual as aforesaid to the county tax collector, and the certificate of the City Clerk, under the seal of the City, that the person named therein has performed labor as herein required; shall be received by the county tax collector in discharge of the amount due from such person.

Sec. 48. – The Supervisor must make out lists of the inhabitants of the City of Rexburg, liable for road poll tax, and file a copy with the City Clerk, and shall, from time to time, add to such list the names of persons so liable who were omitted, or who have become inhabitants of the City since the original list was made, furnishing the City Clerk a copy of all such additional names.

Sec. 49. – The Supervisor before commencing work, shall attend upon the committee on streets, and from them receive orders where and in what manner the labor shall be performed.

Sec. 50. – The, Supervisor shall make a monthly report to the Council, containing a full account of all his doings as Supervisor, stating the amount of money paid out; also the amount of labor performed by those paying their tax in labor; and by whom performed, where said labor was rendered; and, also the amount of money collected and paid to the Treasurer, and from whom collected.

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## CHAPTER VIII.

### WATERMASTER.

Sec. 51. – The Watermaster must execute to the City of Rexburg, before entering upon the duties of his office, a bond in the sum of \$500, with two sufficient sureties, conditioned for the faithful and impartial discharge of his duties as Watermaster of the City of Rexburg. Any person injured by his wanton or illegal act may have an action on such bond for actual damage sustained.

Sec. 52. – The Watermaster shall have the supervision and control of all waters flowing into the City, and to the use of which the City is lawfully entitled. He must regulate the distribution of water among the several inhabitants according to their respective rights and necessities, and designate by printed notice served personally upon each said inhabitant the hour and day during which each person may use the same.

Sec. 53. – The Watermaster must see that there are provided the necessary and proper headgates and dams, and that the water is turned and runs into the laterals at the proper season of the year, and he shall require all persons receiving water to construct proper gates at the points at which they take water from any ditch or dam, and he shall have such control of the location of ditches and gates as may be necessary to secure the most equitable distribution of the water among the inhabitants of the City.

Sec. 54. – It shall be the duty of the Watermaster to make complaint before the Police Judge of the City of Rexburg, of any violation of the Ordinances of the City, of which he shall have information or personal knowledge, concerning the unlawful diverting of waters controlled by the City, or the obstructing of any such water or the flooding of streets, or the neglect of any person to properly construct the necessary and proper head-gates to their property, as hereinafter provided, and shall see that no water is turned into any ditch or lateral within the corporation which has not been properly cleaned out that year.

Sec. 55. – He shall keep a record of tile distribution of all waters made by him, giving the names of each person to whom water is distributed, the number of lot and block, the hour and the day on which said water is distributed, and such other information as shall be necessary.

Sec. 56. – He shall file with the City Clerk, for the information of the Council, on the Saturday following the close of each irrigating season, a report of his labors as Watermaster, together with his books and records.

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## CHAPTER IX.

### CITY POUNDKEEPER.

Sec. 57. – The City Poundkeeper shall, before entering upon the duties of his office, execute a good and sufficient bond to the City of Rexburg, with two sureties, in the sum of \$500, for the faithful performance of his duties; and shall at the same time file his oath of office with the City Clerk.

Sec. 58. – It is hereby made the duty of the City Poundkeeper to seize and impound in the city pound any and all horses, mules, cattle, sheep or swine found running at large or being herded within the limits of the City of Rexburg, contrary to the Ordinances.

Sec. 59. – When any head of live stock shall have been impounded by the City Poundkeeper as herein provided, he shall, within twenty-four hours after impounding any such animal or animals, notify the owner thereof, if known to him, and collect payment of all charges thereon; and if said animal or animals are not taken away and all said charges paid within three days from date of impounding, he shall forthwith give notice by posting in at least four public places, describing the kind of animal, its age as near as possible, all natural marks thereon, and all brands thereon, to the best of his knowledge, giving notice also that said animal or animals will be sold to defray all expenses thereon, at public auction, to the highest responsible cash bidder in twenty days after date of impounding said animal or animals, giving date when said animal or animals were impounded, and date and place where said animal or animals will be sold; unless said animal or animals are claimed and charges thereon paid before date set for said sale. A copy of said notice shall also be published in at least two issues before the day of sale in a newspaper printed and published in the said City of Rexburg.

Sec. 60. – There shall be collected by the City Poundkeeper upon each animal so seized and impounded, the following fees: Upon sheep or swine the sum of one dollar; upon each head of other stock, fifty cents; for each day's retention of any of the aforesaid animals, fifteen cents per head; for advertising each animal twice, seventy-five cents; for each auction sale, seventy-five cents per head; for branding each animal, fifty cents per head. All animals taken up and impounded shall be properly cared for and supplied with sufficient food and water, while so confined.

Sec. 61. – At any time before sale of any animal impounded as by this chapter provided, the owner of such animal shall be entitled to the possession thereof upon the payment to the Poundkeeper of the fees incident to the taking up and caring for such animal; and for all payments made as in this chapter provided, the City Poundkeeper shall issue to the party paying, a printed receipt signed by him stating the amount paid, and giving briefly a description of the stock for the redemption of which the payment was made, and the date when the animal redeemed was seized.

Sec. 62. – If any animal taken up and impounded as herein provided, shall remain unclaimed until the time fixed for sale, or if claimed and the fees and expenses have not been paid thereon, the City Poundkeeper shall at the time specified in the notice mentioned, sell such animal at public auction to the highest bidder, at the place specified in such notice. Upon the sale of such animal, the City Poundkeeper shall issue certificate to the purchaser showing the date of sale, briefly describing the animal sold and the amount for which sold and the date when the animal sold was seized. Before delivery the animal sold, as herein provided, the City Poundkeeper shall plainly brand the animal sold with the letters "R. E. P." placed upon the neck of such animal.

Sec. 63. – All moneys received by the City Poundkeeper from the sale or redemption of stock, must be paid to the City Treasurer on or before 6 o'clock p. m. on the Saturday next following the receipt of such money by said Poundkeeper; and at the same time that the moneys paid to the City Treasurer pursuant to the provisions herewith, the City Poundkeeper shall file with the City Clerk, a detailed statement showing the number of stock impounded, the number redeemed, and the number sold, and the amounts received for redemptions and sales separately. In the statement showing the returns of sales, each animal sold shall be separately described in such a manner as to exhibit the name of the owner; if known, and the amount received for such animal;

and the gross amount, charges and expenses, chargeable against the animal; and should it appear that the amount received upon the sale is greater than such gross sum of expense and charges, the City Treasurer shall hold the excess as a special deposit to be paid to the owner of such animal, upon demand and proof of ownership, or right of possession of such animal, at any time prior to the expiration of three months from the date of sale. If claim be not made for any special deposit within three months, the City Treasurer shall place the money in the City Treasury for the use of the City.

Sec. 64. – The City Poundkeeper is hereby authorized and empowered to purchase, for and on behalf of the City, all food for the necessary sustenance of impounded animals.

Sec. 65. – On the last Saturday of each month the City Poundkeeper shall file with the City Clerk, a detailed report of all transactions for the month preceding, to and including all business done on such last Saturday. Such report must be made in the duplicate estray pound record kept by the City Clerk, and any Poundkeeper failing to report or make statements or to turn over the moneys as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars.

Sec. 66. – The City Poundkeeper shall keep in the estray pound record provided by the City a careful record of all business connected with, or relating to the city pound, which record shall be subject to inspection by the City Council or any member thereof, at any time.

Sec. 67. – It shall be the duty of the Poundkeeper to take up and impound any dog not licensed and collared as provided by Ordinance.

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## CHAPTER X.

### POLICE DEPARTMENT.

Sec. 68. – There shall be, and is hereby established, a Police Department for the City of Rexburg, which shall consist of a Chief of Police and such policemen as may be appointed from time to time by the Mayor.

Sec. 69. – The Chief of Police and assistant police officers shall hold such positions from the time of entering upon their duties until the successors are duly appointed and qualified, unless sooner removed by the Mayor with the advice and consent of the Council.

Sec. 70. – The Chief of Police and assistant police officers as conservators of the peace, shall have power to arrest or cause to be arrested, with or without process, and to take before the Police Judge, all persons who shall break or threaten to break the peace, and may commit such person to the jail or other safe place in default of proper bail being furnished. They or either of them shall have power to arrest or cause to be arrested, as aforesaid, all persons who shall be found in the act of violating any Ordinance in the city, and shall have power to detain or cause to be detained, any person in custody, in the City Jail, or other safe place in the city, over night and during and Sunday or legal holiday, and until such person can be duly examined and tried by the proper officer, whenever it may be impracticable to bring such person before such officer.

Sec. 71. – The Chief of Police shall be chief of the acting police, and all assistant police officers shall be in subordination to him, and subject to his orders, except in cases otherwise provided for by Ordinance. It shall be his duty to cause the public peace to be preserved, and see that all laws and Ordinances are enforced within the City limits, and when any violation thereof shall come to his knowledge, or be reported to him, he shall cause the requisite complaint to be made, and see that all possible evidence is procured for the successful prosecution of offenders.

Sec. 72. – It shall be the duty of the assistant Police Officers to aid and assist the Chief in the execution of his duties herein enjoined, and they and the Chief, or either of them, shall have power and authority in the City to execute warrants and other process, for the apprehension or commitment of persons charged with, or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor, or violation of any law or Ordinance of the City of Rexburg and while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with and have all the powers and authority conferred at common law and by the laws of the State of Idaho.

Sec. 73. – Any Police Officer who shall neglect or refuse to perform any duty required of him by Ordinance, or who shall in the discharge of his official duties, be guilty of any fraud, extortion, partiality, oppression, favoritism or willful wrong of any kind, shall forfeit and pay a penalty not less than Fifty nor more than One Hundred Dollars for each and every offense.

Sec. 74. – Any person who shall in any manner assist any person in the custody of a Police Officer of the City of Rexburg to escape or attempt to escape from such custody, or shall rescue or attempt to rescue such person, shall be fined in a sum not less than Fifty nor more than One Hundred Dollars for each such offense.

Sec. 75 – Any person in the City of Rexburg, who shall be requested by a Police Officer to assist in making arrest, capture or retaining in custody any person, and shall refuse and fail to render to the best of his ability, such aid so required, shall on conviction be fined not less than Twenty-five Dollars nor more than One Hundred Dollars.

Sec. 76. – Any person arrested, with or without warrant, for any offense under any Ordinance, may be admitted to bail by executing a bond to the State of Idaho with sufficient sureties, to be approved by the Police Judge in double the amount of the highest penalty for the offense charged, conditioned that he will appear on the day named therein before the Police Judge and answer the charge for which he has been arrested and not depart from the Court without leave, which bond shall be attested by the Police Judge and filed in his office. Said bond may be in the following form, to-wit:

KNOW ALL MEN BY THESE PRESENTS: – That we, A. B. and C. D., are jointly and severally bound unto the People of the State of Idaho, in the sum of . . . . . Dollars, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed and sealed this . . . . day of . . . . . A.D. 19 . . . . .

A. B. [Seal.]

C. D. [Seal.]

The conditions of the above obligations are such that, whereas the above bounded A. B. has been arrested by the X.Y. (Police Officer, as the case may be), for the City of Rexburg, charged with the violation of an Ordinance of the City of Rexburg entitled (here insert title thereof) in this to-wit: (Here describe the particular breach in the language of the Ordinance), on the . . . . day of . . . . 19 . . . . Now if the said A. B. shall personally appear before this Court in the City of Rexburg, at his office on the . . . . day of . . . . . 19 . . . . , at . . . . . o'clock . . M., and shall remain and abide the order of this Court, and not depart without leave, then this bond to be void, otherwise to remain in full force and virtue.

A. B. [Seal.]

C. D. [Seal.]

Acknowledged before me . . . . . of the City of Rexburg.

To which bond thus executed and acknowledged, the person making the arrest, shall make a statement and endorse thereon in effect, as follows:

A. B. to the City of Rexburg, Dr.

To . . . . . Dollars for breach of Ordinance as specified in the above and foregoing bond.

Rexburg, Idaho, this . . . . . day of . . . . , 19 . . . . .

. . . . . Police.

The amount in said bond shall in no case exceed Two Hundred Dollars. If the Principal in said bond shall fail to appear according to the conditions thereof, or appealing shall depart from the court room without leave, the Court shall note such fact upon the bond and issue a summons in behalf of the State of Idaho, against the parties liable thereon. Upon the trial of said cause, the same defense shall be allowed for the non-appearance of the Principal that is allowed under the general laws of this State in like cause before a Justice of the Peace.

Sec. 77. – The Chief of Police shall provide and cause to be kept at his office a register of arrests. Upon such register there shall be entered a statement showing the date and hour or such arrest, the name of the person arrested, the name of the officer making the arrest, the offense charged, and a description of any property found upon the person arrested. He shall also provide a slate or book, accessible to citizens, wherein notice may be given of the violation of any Ordinance. He shall also provide and keep a book in his office wherein shall be entered daily all information he may receive respecting offenses committed, of suspected persons, of property stolen and recovered, and facts that may lead to the arrest of criminals or to the recovery of stolen property; said book to be accessible only to the Mayor and City Attorney.

Sec. 78. – The Chief of Police is hereby required, at least once a month, to examine into the state of stovepipes and flues within the fire limits, and at any other time that he shall deem requisite to the safety of the City, and shall make a report thereof in writing to the City Council. If he deem any flue or stovepipe unsafe and endangering any property within the fire limits, he shall at once notify the City Engineer, and report the facts forthwith to the City Council. He shall also once each week or oftener inspect the rear of all business houses and see that no debris or inflammable material is allowed to accumulate there.

Sec. 79. – The Chief of Police shall also be ex-officio Poundkeeper, in the absence of any appointment to that position being made by the Mayor, and shall vigilantly and impartially discharge all the duties pertaining to that office.

Sec. 80. – The Chief of Police shall attend all sessions of the City Council, and shall see that the Council Chamber is lighted and warmed, for all such sessions; he shall ring the curfew bell at such times as is provided by Ordinance, and shall have charge of the City Jail, and look after and have charge of all persons confined therein.

CHAPTER XI.

SALARY AND FEES.

Sec.81. – The salaries and fees of all the officers of the City of Rexburg, be the same elected or appointed, shall be fixed and regulated as follows, to-wit:

The Mayor shall have and receive as full compensation for his services as such officer, the sum of \$100 per annum.

The City Clerk shall have and receive as full compensation for his services as such officer, the sum of \$200 per annum.

The City Treasurer shall have and receive as full compensation for his services as such officer, a sum equal to two per cent of any and all moneys coming to his hands as Treasurer and belonging to the City of Rexburg.

The City Engineer shall have and receive for his services as such officer the sum of \$4.00 per day, for each day's actual services rendered the City.

The City Attorney shall have and receive as compensation for his services defined in the first four sub-divisions of Section 39, the sum of \$150 per annum.

The Supervisor of Streets and Watermaster combined shall have and receive the sum of \$200 per annum for and during the time of actual service for the city.

The Poundkeeper shall have and receive as full compensation for his services the sum of \$100 per annum.

The Chief of Police shall have and receive as full compensation for his services as such officer the sum of \$60 per month.

The salary of Councilmen shall be and is hereby fixed to be the sum of \$50 per annum, in full as their compensation for such services.

Sec. 82. – The salary of all officers, except the Chief of Police, shall be paid quarterly by a warrant upon the Treasurer of said city; but the officer above referred to and excepted from the provisions of said section shall be paid monthly by a warrant from said City Treasurer.

AMENDED AND REPEALED BY ORD. 85, 88, 93, 94, 112, 115, 116, 117, 134, 142, 151, 200, 223, 225, 227, 247, 248, 288, 299, 311

PART II.

RELATING TO GENERAL CITY GOVERNMENT

AMENDED AND REPEALED BY ORD. 85, 88, 93, 94, 112, 115, 116, 117, 134, 142, 157, 209, 223, 225, 227, 247, 272, 288, 299, 727

PART II.

GENERAL CITY GOVERNMENT.

CHAPTER I.

RULES AND ORDER OF BUSINESS.

Section 1. – That the following rules and bylaws be adopted for the guidance and control of the Council and officers of the City of Rexburg;

RULE I. – The rules and procedure and order of business, as prescribed in the succeeding rules shall be adhered to by the Council, unless they shall be temporarily suspended by a two-thirds vote, and on such vote the yeas and nays shall be recorded.

RULE II. – The Mayor or any three of the Council may call a special meeting of the Council by and in any manner giving sufficient notice.

RULE III. – The City Clerk shall be Clerk of the Council and shall attend upon all meetings of the Council and keep a true record of the proceedings thereof; and in his absence, the Mayor shall appoint from the Council then present a Clerk *pro tempore*, who shall have the same rights, privileges, powers and duties as the clerk would have if present.

RULE IV. – At the hour herein provided for the meetings, the Council shall be called to order by the Mayor, and the Clerk shall proceed to call the roll and note the absentees; whereupon the Mayor shall announce whether or not a quorum is present.

RULE V. – If it shall appear that a quorum is present, the Council shall proceed to business which shall be conducted in the following manner:

1. – Roll call.
2. – Reading, correcting and approving the minutes of the preceding meeting.
3. – Reading petitions, memorials, remonstrance's and other communications.
4. – Reports of officers.
5. – Reports of standing committees.
6. – Reports of special committees.
7. – Reading of bills.
8. – Reading and passage of Ordinances.
9. – Presentation of Ordinances.
10. – Unfinished business.
11. – Motions, resolutions and miscellaneous business.
12. – In case of no quorum, the Clerk may adjourn the meeting from day to day until a quorum is present.

RULE VI. – All questions relating to priority of business shall be settled by the Mayor without debate by the members of the Council.

RULE VII. – All resolutions shall be reduced to writing and when read a motion for adoption of the same may be made, whereupon, if such motion be seconded, such resolution shall be open for consideration, and may be adopted in whole or in part. No resolution can be withdrawn after a motion for its adoption has been made and seconded, except by consent of the party seconding the same.

RULE VIII. – Motions on the subject under consideration shall have precedence in the following order:

1. – The previous question.
2. – To lay on the table.
3. – To postpone.
4. – To commit.
5. – To amend.

RULE IX. – Every member shall be required to vote on all questions unless excused by the Mayor, and any member may call for the yeas and nays.

RULE X. – All elections to office authorized by law to be mad by the Council, shall be by ballot, and a majority of all the members elect shall be necessary to a choice.

RULE XI. – All committees shall be appointed by the Mayor.

RULE XII. – Standing committees shall be appointed annually at the first regular meeting in May of each year, for the following purposes, to-wit:

1. – Judiciary.
2. – Finance.
3. – Sanitary regulations.
4. – Streets.
5. – Public grounds and improvements.
6. – Police and Fire Department.
7. – Law and order.
8. – Irrigation.
9. – Cemetery.
10. – Health.

Which last committee may consist of the entire Council, and the Mayor shall be ex-officio chairman of said committee.

With the exception of the committee last above names, the first person mentioned as a member of a standing committee shall be the chairman.

RULE XIII. – The Chief of Police shall serve all notices of special meetings of the Council by oral notices or by delivering written notices to each member in person, or by leaving the same at such member's usual place of abode, whenever the parties calling such meetings request him to do so.

RULE XIV. – The Council shall keep a journal of its proceedings, which at all times shall be open to inspection by the public. The Council shall have power upon the majority vote to fine any member for failure to conform to any rule now existing or that may hereafter be adopted by the Council. And may for any disorderly behavior of a Councilman, or any other person, committed in the presence of the Council during any meeting of the Council, fine such person. No such fine, however, shall exceed Five Dollars (\$5.00) for any one offense, which fine shall be paid to the City Clerk for the use of the General Fund.

RULE XV. – All claims against the City for labor or material shall be itemized. The day and date that such labor was performed or material furnished must be given. And such bill shall be approved by the officer or committee authorizing the same; also by the Finance Committee before passed upon by the Council.

RULE XVI. – In all cases not provided for in the rules and by-laws, the business of the Council shall be conducted according to "Roberts' Rules of Order."

RULE XVIII. – All bills and accounts presented to the Council, excepting accounts for fixed salaries, shall be referred by the Mayor to the appropriate committee without discussion.

## CHAPTER II.

### PASSAGE OF ORDINANCES.

Section 2. – All Ordinances of a general and permanent nature shall be written and presented to the Council by the City Attorney, at a regular or special meeting.

Sec. 3. – Every such Ordinances shall be read in meetings of the Council on three different days. At each reading of an Ordinances it shall be open for discussion and amendment, and may be referred to a committee, and shall be passed to the next reading, unless by a vote of the meeting some other disposition is made. After a second reading, the Ordinance shall be engrossed by the Clerk as amended. On final passage the yeas and nays shall be called and recorded, and a concurrence of a majority of the whole number elected to the Council shall be required; Provided, that three-fourths of the whole number of the members of the Council may, by yea and nay vote, recorded in the minutes, dispense with the three readings of the Ordinances and pass the same at any meeting.

Sec.4. – When any such Ordinance is passed, it shall be signed by the Clerk, and the date of its passage by the Council shall be added thereto, and it shall be within three days thereafter be presented to the Mayor, or, in case of his absence from the City, to the President of the Council for his approval. If he approves the same he shall attach his signature thereto.

Sec.5. – Should the Mayor not approve the Ordinance he shall, before the next regular meeting after such Ordinances is presented to him for approval, return the same to the Council with his objections to the same in writing. When any Ordinance is so returned by the Mayor it shall be reconsidered by the Council at the first regular meeting thereafter. If, on such reconsideration, two-thirds of the members elected to the Council shall vote in the affirmative, the Ordinance shall become a law notwithstanding the Mayor's veto. The Clerk, in such case, shall annex a certificate to the Ordinance stating that the same was vetoed by the Mauor and that, on its reconsideration, it received the required majority of votes.

Sec. 6. – Should the Mayor refuse or neglect to sign such Ordinance and return the same with his objections in writing at the next regular meeting after the same has been presented to him; it shall become a law without his signature. The Clerk shall annex to such Ordinance a certificate to the effect that the Mayor has failed to sign or veto the same, and it has therefore become a law without his signature.

Sec. 7. – An Ordinance shall be considered passed on the date of its approval by the Mayor and in case of his vetoing an Ordinance, on the date of the passage of such Ordinance over such veto, and in case of the failure of the Mayor to sign or veto an Ordinance, on the date of the next regular meeting after such Ordinance shall be presented to him.

Sec. 8. – All Ordinances shall take effect and be in force from and after their passage, approval and publication. Publication shall be made by being inserted in one issue of some newspaper published in the City of Rexburg, or if no paper be published in said city, then in some paper having general circulation therein.

Sec. 9. – It shall be the duty of the Clerk to safely keep the original Ordinances as engrossed and to copy the same in a book provided for that purpose, to attach to each a certificate over the seal of the city, that the same is a true and correct copy of the original Ordinance as passed.

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## CHAPTER III.

## PASSAGE OF SPECIAL ORDERS AND RESOLUTIONS.

Sec. 10. – That all Ordinances of a special nature and resolutions in the nature of Ordinances, and orders to enter into contracts, shall be presented in writing or printed to the Council by one of its number.

Sec.11. – Such orders, resolutions and Ordinances, may be disposed of in one reading, or otherwise as the Council may determine.

Sec. 12. – On the final passage of any such Ordinance, resolutions or orders, the yeas and nays shall be called and recorded and the concurrence of a majority of the whole number elected to the Council shall be necessary to pass the same.

Sec. 13. – Such Ordinances, resolutions or orders shall be engrossed by the Clerk and signed by him, and presented to the Mayor or President of the Council for his signature, in the same manner and within the same time as in case of Ordinance of a general nature.

Sec. 14. – Thereafter such Ordinances, resolutions or orders shall take the same course as Ordinances, except that the Clerk shall not be required to publish them, unless their publication shall be required by law.

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### CHAPTER IV.

#### PROVIDING FOR REGULAR AND SPECIAL MEETINGS

Sec. 15. – The regular meeting of the Council shall be held at the Council Chambers, not located in the offices of the Fremont Realty and Investment Co., on the first and third Mondays of each and every month.

Sec. 16. – Special meetings may be called by the Mayor, or by three members of the Council.

Sec. 17. – When the Mayor or any three members of the Council desire to call special meetings, he or they shall give written notice to the Clerk, stating the time and object of the special meeting. It shall be the duty of the Clerk to notify all members of the Council and the Mayor; provided that the said notice shall be filed with the Clerk and the notice given by him at least twenty-four (24) hours before the time of said meeting. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Clerk. Notices shall be deemed given by the Clerk. Notices shall be deemed given by the Clerk as required by this section when the same are deposited in the postoffice in the city.

Sec. 18. – Only one meeting can be held on any one day.

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### CHAPTER V.

#### PROVIDING FOR CERTAIN STANDING COMMITTEES AND PRESCRIBING THEIR DUTIES.

Sec. 18a. – That there shall be at least eight standing committees of the Council, vis:

A committee on Judiciary.

A committee on Finance.

A committee on Sanitary Regulations.

A committee on Streets.

A committee on Public Grounds and Improvements.

A committee on Law and Order.

A committee on Irrigation.

A committee on Cemetery.

Sec. 18b. – That there shall in addition to these standing committees, be such special committees as the Mayor shall from time to time deem necessary for the public welfare, to be appointed at such times, and in such a manner as he may direct.

Sec. 18c. – That it shall be the duty of the committee on Judiciary to examine and report upon any and every rule, regulation, by-law and Ordinance presented or proposed for the consideration of the Council, and shall examine and report upon all resolutions, protests, and memorials presented for the consideration of the Council, and to perform any such other and further duties as devolve upon them by order of the Council.

Sec. 18d. – It shall be the duty of the Committee on Finance to examine and report upon all propositions for taxation and license, and to make an apportionment of taxes; to examine the accounts of the Clerk and Treasurer, and to adjust the same; to examine and audit all bills, accounts and claims that may be presented to the Council for payment, and to report upon all such bills, accounts and claims at the first meeting of the Council following their presentation.

Sec. 18e. – It shall be the duty of the Committee on Streets to have general supervision of all streets, sidewalks, gutters, alley, and bridges within the limits of the corporation; to examine and report upon all applications for the opening or closing of any street, and for the building of sidewalks and bridges; to make additions to the city limits, as now laid out and defined, and to direct the labors of the Supervisor of Streets, and to audit and pass upon his accounts, and to report on same whenever so requested by the Council.

Sec. 18f. – It shall be the duty of the Committee on Sanitary Regulations to have general supervision of all sanitary matters, and to co-operate with the City Quarantine Physician in all matters regulating the control of the contagious or infectious diseases; to inspect any building, structure or premises in order to make a thorough examination on their sanitary condition; to enter upon all lots and grounds, and cause all stagnant water to be drained off; and to cause all noisome or decayed substances and rubbish to be removed from any part of the city.

Sec. 18g. – It shall be the duty of the Committee on Public Grounds and Improvements to have general supervision of all public improvements made by order of the Council; to examine and report upon all propositions and requests for public improvements requiring the expenditure of money; to recommend to the Council from time to time such changes and improvements as in their judgment shall be for the best public welfare; to see that all public grounds are kept in good condition and in a state of cultivation, and that all public buildings are kept clean and in proper order, and to do and perform such other and further duties as may be imposed upon them by action of the Council.

Sec. 18h. – It shall be the duty of the Committee on Law and Order to have general supervision of the Police Force, and make such reports thereon as they deem necessary and expedient; to have general supervision of all matters pertaining to fire protection and of nuisances; to investigate the conditions of people reported to be in destitute circumstances or suffering from want, with power and authority to furnish them with temporary relief at the expense of the City, and to compel the observance of all Ordinances for the peace and good government of the City.

Sec. 18i. – It shall be the duty of the Committee on Irrigation to have general supervision of all matters connected with irrigation ditches and the control and distribution of the waters therein, and to direct the labors of the City Watermaster, and to examine and audit his accounts and the accounts kept by the City Clerk, connected with the irrigation and water rights of the city and its

inhabitants; and shall make a full report of their labors to the City Council at any meeting when so requested.

Sec. 18j. – It shall be the duty of the Committee on Cemetery to survey, plat, map, grade, fence, ornament, and otherwise improve all burial and cemetery grounds and avenues leading thereto owned by the city; to construct walks therein, and to plat and protect ornamental trees and shrubs, to prescribe rules for enclosing, adorning and erecting monuments and tombstones on cemetery lots, for the beautifying and proper care of such lots, when requested so to do.

Sec. 18k. – It shall be the duty of each and everyone of the foregoing standing committees to committees to make a report of their labors at every regular meeting of the Council, and at any other time when required so to do by the Mayor or any three Councilmen; and to file at the end of their term of office, a report in writing, of what has been done by them during said term, which said report shall thereupon become and be a part of the records of the City.

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## CHAPTER VI

### DIVIDING THE CITY INTO WARDS

Sec. 19. – That the City of Rexburg be and hereby is divided into three wards with metes and bounds that follows:

First Ward. – All that portion of said City of Rexburg, commencing at the northeast corner of the Rexburg Townsite, thence south to Main street, thence west to First West street, thence north to the city limits, thence east to place of beginning, to be known and designated as the First Ward.

Second Ward. – All that portion of said City of Rexburg, commencing at the intersection of Main and First West streets, thence west to Second West street, thence south to city limits, thence west to the southwest corner of city limits, thence north to the northwest corner of city limits, thence east to First West street, thence south to place of beginning, to be known and designated as the Second Ward.

Third Ward. – All that portion of said City of Rexburg, commencing at the intersection of Main and Second West streets, thence south to city limits, thence east to southeast corner of city limits, thence north to Main street, thence west to place of beginning, to be known and designated as the Third Ward.

Sec. 20. – And the same is hereby established and constitute the wards in number, extent and boundaries of said City of Rexburg, State of Idaho.

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## CHAPTER VII.

### SEAL OF THE CITY.

Sec. 21. – That the Corporate Seal of the City of Rexburg be circular in form with inner and outer circle. The outer circle shall be one and five-eighths (1 5/8) inches in diameter and the inner circle one and two-sixteenths (1 2/16) inches in diameter. It shall bear upon the space between the circles “City of Rexburg, State of Idaho, and upon the space within the inner circle the words, “Corporate Seal.”

Sec. 22. – That the seal described in Section 21 of this Ordinance be and is hereby adopted as the seal of the City of Rexburg.

## CHAPTER VIII.

### PRESENTATION AND ALLOWANCE OF CLAIMS.

Sec. 23. – Any person or person who have claims or accounts against the City of Rexburg shall file the same with the Clerk at least one day prior to a regular meeting of the Council. Said claims or accounts shall be in the form of a bill of particulars, stating each item in detail, and for what and when the same accrued, and shall be accompanied by the affidavit of the claimant, or his agent, that the services were performed, or the articles furnished as therein stated, and that the same is correct, reasonable and just, and that the same or any part thereof has not been paid. When an account or claim, or any item thereof has once been disallowed, in whole or in part, by the Council, the same shall not be again presented to the Council for allowance except by an unanimous vote of all the members elected to the Council; and in no case shall such item or account be presented to any Council other than the one that has passed upon the same; and every claim or account when presented shall contain all items of account and demands which the party claims against the City up to the time of filing the same.

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## CHAPTER IX.

### PROVIDING FOR GENERAL AND SPECIAL ELECTIONS.

Sec. 24. – At least 30 days before each general and at least 25 days before each special election the Mayor shall issue an election proclamation containing a statement of the time of election, the purpose of the said election, the offices to be filled, if any, the names of the registrars appointed to receive the names and descriptions of the several wards, registration of the electors of each ward, and the time during which said registration may be made, and cause the same to be published in the manner provided for the publication of Ordinances of the City.

Sec. 25. – The Council shall at its first regular meeting in March prior to each general election, and at least 30 days prior to each special election, appoint a registrar of the election for each ward, who must be a qualified elector and a resident of such ward, and otherwise legally qualified, and shall furnish such registrar with all necessary books, blank notices, certificates, oaths and other paper and material needed by him to perform the duties of his office. The Council shall also at said meeting appoint four qualified electors of each ward, three of whom shall act as judges of the election and one as distributing clerk of such election in said ward. The selection of said officers must as near as practicable represent all the different political parties of the city. Notice of their appointment shall be given said appointees by the City Clerk. The Council shall designate suitable polling place and the City Clerk shall cause the same to be provided with voting compartments, supplies, official stamps, ballot boxes, and such other supplies as County Commissioners are required to furnish for State or County elections. Judges and Clerks of Election shall each receive two dollars for their services.

Sec. 26. – The time within which registration may be made shall be during every Saturday between the hours of 9 o'clock a. m. and 5 o'clock p.m., and from 7 o'clock p. m. to 9 o'clock p. m., between the first day of the proclamation the Mayor to and including the second Saturday next preceding such election, and upon any other days within said time when the said registrars may be found at their places of registration; and registrars may at any time or place during said time of registration register any elector of his ward. All registrars must strictly conform to the laws providing

for the registration for State elections in all matters not herein provided for. Registrars shall receive as compensation for their services the sum of ten cents for each name registered.

Sec. 27. – Certificates of nomination of candidates for municipal offices shall be filed with the Clerk not more than 30 days nor less than 10 days previous to the day of election.

Sec. 28. – The Clerk shall provide and deliver to the Judges of Election of each ward, before the opening of the polls, suitable ballots, instruction cards, tickets, stamps and sample tickets as provided by law in State elections, and shall in all other matters relating to the city elections perform the same duties as are by law imposed upon the County Auditor in State elections.

Sec. 29. – The duty imposed upon the Board of County Commissioners in State elections shall in so far as they relate to the city elections, be performed by the City Council, and the matter of conducting city elections and canvassing the returns thereof, not herein provided for, shall be and conform to the election laws of the State of Idaho.

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## CHAPTER X

### ESTABLISHING FIRE LIMITS

Sec. 30. – It shall be unlawful for any person to erect within the fire limits hereinafter described any building in the construction of the exterior walls or roof of which is used or contained any material other than brick, stone, iron or other fireproof material; provided that this section shall not apply to small outbuildings (other than smokehouses or ash houses), not more than twelve feet square and ten feet high, and detached from any building by at least fifteen feet, nor to the erection of sheds having one or more sides entirely open. But no person shall within said fire limits rebuild or repair, beyond what is necessary to make good any ordinary deterioration, enlarge or add to any wooden building now standing within said fire limit, or remove any wooden building from one place to another within the fire limit.

Sec. 31. – The fire limits hereinbefore mentioned shall be as follows, to-wit: The north side of Main street, between Second East and First West, and running to First North street; and the south side of Main street, between Second East and First West, and running to First South street. Provided, however, that commencing at a point two hundred feet deep from the inside of each sidewalk on Main street, and between First and Second West and First North and First South streets, all residence buildings may be constructed of lumber, provided they comply with provisions of this ordinance as to flues.

Sec. 32. – All buildings now erected, or which may hereafter be erected or altered within the above described limits, shall have chimneys of either brick, adobes or stone attached to them, and the owner or owners or the person or persons having control of any building or buildings now erected within said limits, which have stovepipes projecting through the roofs or out of the sides, and wherein fire is used, are hereby required to build flues or chimneys of brick, adobes or stone in said building or buildings; and all stovepipes now in use projecting through the roof, or out of the side of any building, shall be removed by the owner or owners, or the person or persons having control thereof. Provided, that whenever chimneys of brick, adobes or stone are used or attached to buildings, the same shall be carried up at least four feet above the extreme height of the building to which they are attached; and should such chimneys be deemed by the City Engineer of the City of Rexburg to be unsafe to the building or buildings adjoining, they shall be carried up at least four feet above the extreme height of said building or buildings adjoining, either with brick, or sheet iron smoke stacks securely fastened. All chimneys in

frame buildings shall be built so as not to increase in size from the foundation. When flues are built in brick, adobes or rock walls the same shall be carried up at least two feet above the top of the fire wall, and be subject to the same rule as the chimneys; and no flue or chimney shall have any joist or timber resting on or entering into the same further than will leave at least six inches between the end thereof and the inside the chimney or flue. Every chimney or flue shall be plastered on the inside with good plastering mortar. No chimney or flue shall in any case, be less than 8x8 inches; and if intended for full two stories, not less than eight by twelve inches; and if for three stories or more not less than eight by sixteen inches.

Sec. 33. – No person shall, within said fire limits, keep any hay, straw, shavings or other like combustible material in stack or pile without having the same enclosed, so as to protect it from flying sparks of fire; and no owner or occupant of a livery or other stable, or any other person, shall use therein, or in any other place, containing hay, straw, or other combustible material, any lighted candle or other light, except the same be enclosed in a lantern or other suitable covering to protect the same.

Sec. 34. – That hereafter any person, company or corporation desiring to erect any building within the area of the above described fire limits, shall first file application to the Clerk of said City for a building permit and pay the sum of three dollars (\$3.00) upon the issuance of said permit, upon doing which the Clerk shall issue the permit. Said application shall give the name or names of the person, company or corporation intending to erect said building, together with the kind of material which said building is to be constructed of, approximate cost of construction, name of contractors, and time in which said building is to be completed.

Sec. 35. – Any person guilty of violating any of the provisions of this Ordinance shall be fined in any sum not exceeding \$300, or imprisonment not to exceed three months in the city jail, or by both such fine and imprisonment.

## CHAPTER XI.

### CREATING AND REGULATING THE CEMETERY OF THE CITY OF REXBURG.

Sec. 36. – The west half of the northwest quarter of section 18, township 6, n. r. 40 E, as purchased by the Trustees of the Village of Rexburg from Walter G. and Catherine S. Paul by deed as appears on record in Book F, of Deeds, at page 404, in the Recorder's office of Fremont county, Idaho, is hereby established and set apart for the burial of the dead and shall be known as the Rexburg cemetery.

Sec. 37. – The said cemetery, as subdivided and laid out into divisions, lots or blocks, with the avenues, walks and alleys designated and numbered as appears by the certified map or plat made out and acknowledged by the Chairman of the Board of Village Trustees and filed and preserved in the office of the City Clerk, and all sales, conveyances or transfers of lots in said cemetery by reference to said map or plat shall be good and valid.

Sec. 38. – The conveyance of lots in said cemetery shall be by deed, which shall vest the title to the lots so conveyed or transferred in the purchaser, his heirs and assigns, in fee simple, for burial purposes only, subject to such reasonable conditions as the City Council may prescribe. The conveyance of lots in said cemetery from one person to another may be by surrender of the original deed to the City Clerk and upon such surrender being made a new deed shall be made out and executed, signed by the Mayor and attested by the Clerk of the City and seal, to the assigned, and such deed shall vest the title of the lot so conveyed or transferred in the grantee; in the same manner as the same was vested in the original purchaser.

Sec. 39. – The City Clerk shall keep a cemetery record in numerical order of the sections, blocks and subdivisions with separate columns ruled for the name of the purchaser, the amount sold for, and the date of sale. When any block, lot or part thereof shall be sold, the Clerk shall make an entry of the name of the purchaser, the amount sold for, and the date of the sale opposite the number of the block or lot on the record, and shall also designate the position sold by coloring or otherwise indicating the same on the plat.

Sec. 40. – All applications for purchasing cemetery lots shall be made to the City Clerk, who shall give to the person applying, upon payment by the latter of the proper amount, a deed for the lot sold, signed by the Mayor and attested by the Clerk of the City of Rexburg.

Sec. 41. – All receipts on account of cemetery, whether arising from the sale of lots therein or otherwise, shall be credited to the cemetery fund and shall be exclusively expended and applied under the direction and control of the City Council or an employee designated by them in preserving, protecting, ornamenting, improving and laying out the grounds of said cemetery, the avenues, walks and public squares therein, and other necessary expense incidental to the care of the same.

Sec. 42. – The City Clerk shall keep a cemetery account in which all money received or disbursed on behalf of the cemetery grounds shall be entered and shall report a statement in brief of the receipts and payments, to the City Council at any time when requested to do so by the Council.

Sec. 43. – The deeds shall be acknowledged by the Mayor and shall be substantially in the following form:

The City of Rexburg, a municipal corporation, duly organized by and under the laws of the State of Idaho, and acting by and through the Mayor of said City, in consideration of . . . Dollars paid by . . . . . in conformity with the provisions of an Ordinance established the Rexburg cemetery, hereby sells and conveys unto the said . . . . . the lot number . . . . ., block . . . . ., in the Rexburg cemetery as platted and recorded in the office of the City Clerk of said City, to have and to hold the same, with its appurtenances unto the said . . . . . heirs and assigns forever, for a place of burial and for no other use or purpose whatever, subject to such general rules and regulations, as the City Council of said City may from time to time establish, and said City of Rexburg hereby covenants with the said . . . . . heirs and assigns that the Rexburg cemetery as platted and recorded as aforesaid shall be forever kept and preserved as a place of burial for the dead. In witness whereof, I, . . . . . Mayor of the said City of Rexburg, have hereunto set my hand and caused the seal of said City of Rexburg to be affixed this . . . . . day of . . . . ., . . . . . Mayor.

(Attest.) . . . . . Clerk.

Sec. 44. – Any person being a property owner in said cemetery desiring to make any interment therein shall apply to the City Clerk, and upon payment of 15 cents fees the Clerk shall deliver to the applicant a certificate to the sexton or person in charge, stating the name of the deceased, the number of the lot in which he or she is to be interred, and shall make an entry in a suitable book known as the burial record, the name of the deceased, name of the parents of the deceased, including the mothers' maiden name, date of the deceased's birth and where born, date of death, cause or manner of death, and the lot and block in which deceased is interred.

Sec. 45. – Any person not being a property owner in said cemetery desiring to have an interment made must accompany the application for the same with the sum of \$2.25 which, exclusive of the sexton's fees, is hereby established as the price of ground sufficient for a single grave. No deed shall be given for a single grave, but the entries made by the Clerk in the records shall be sufficient evidence of such purchase. No interment shall be made except upon the certificate of the Clerk as above mentioned and as directed therein.

Sec. 46. – The Mayor and City Council shall appoint some suitable person as sexton of said cemetery on such terms as may seem just and proper, and said sexton shall furnish bonds to the City of Rexburg with good and sufficient sureties for the well and faithful performance of his duties. The bonds shall not be less than \$100.00 nor more than \$250.00.

Sec. 47. – It shall be the duty of said sexton to dig, or cause to be dug, all graves, attend to the interment of all dead bodies therein, and fill up, trim, keep and preserve the graves in good order, exercise proper care over the ground, drives and walks, monuments and tombstones. He shall be in readiness at all times by himself or some competent assistant to perform all the duties required of him. Each grave for a full grown body shall be not less than 5 ½ feet in depth, and for any other body not less than five feet in depth.

Sec. 48. – The sexton may charge and collect from persons making application for graves dug, as fees for his services, as follows, to-wit: For digging a grave for all under eight years old, \$2.00; over eight and under fifteen, \$2.50; and all over fifteen, &3.00, which shall be his compensation in full for services rendered as sexton.

Sec. 49. – The minimum price of lots shall be five dollars and fifty cents each, and upon payment to the City Clerk of the usual fee for making deed, he shall make and convey to the original purchaser, his heirs or assigns, a deed for said lot or lots. When two or more persons apply at the same time for the same piece of ground, it shall be sold to the highest bidder.

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## CHAPTER XII

### REGULATING THE CONSTRUCTION AND OPERATION OF RAILROADS THROUGH THE CITY OF REXBURG

Sec. 50. – All companies constructing railroads within the corporate limits of the City of Rexburg shall be subject to the following regulations: They shall at their own expense, construct and keep in good repair crossings for all water ditches, sewers, drains and all fixtures connected therewith, and with the distribution of water in said City, which may be affected by the construction of their railroads; such construction and repairs to be done subject to the approval of the City Council.

Sec. 51. – It shall be incumbent on all railroad companies at their own expense to construct safe and sufficient crossings at grade of such railroads, for all streets now or hereafter to be made which shall be intersected by such railroads, including such embankments or excavations as may be required to make the passage over such railroads safe and convenient for all purposes for which streets are usually used. Such companies shall also make their railroad tracks conform to what is or may hereafter be the established grade of the streets at the places through which the same may pass, and no company shall take up, remove, carry away or cause or permit to be taken up, removed or carried away, any rock, gravel, earth or other material from any street, alley or public place, for making embankments, grades or for any other purpose, except by the permission of the City Council and under the direction of the Street Supervisor. All railroad companies shall plank between the rails and for two feet on either side of the outer rail on all streets that may be crossed by said tracks, said planking to be for the full width of such streets and sidewalks, unless otherwise provided by the City Council.

Sec. 52. – The tracks of all railroads shall be laid in the center of the streets, unless otherwise directed by the City Council; and all locomotives, cars and trains are hereby prohibited from running at a greater speed than eight miles per hour within the corporate limits of the City of Rexburg, and

the bells on locomotives in motion shall in all cases be rung continuously in the inhabited portions of the city, and no train, engine or cars shall be allowed to stand upon any street or sidewalk crossing so as to obstruct the ordinary travel thereon for a longer period at any one time than five minutes. Any engineer, train or yard master, switchman or other person in charge or control of such locomotive, cars or trains violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding seventy-five dollars, or be imprisoned not exceeding thirty days, or both fine and imprisonment, together with costs of prosecution.

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### CHAPTER XIII.

#### REGULATING AND PROVIDING FOR THE ISSUANCE OF LICENSES.

Sec. 53. – It shall be unlawful for any person to engage in or carry on any business, trade, profession or calling for the transaction or carrying on of which a license is required, without first taking out or procuring the license required for such business, trade, profession or calling.

Sec. 54. – No license shall be issued to any person, firm or corporation except the amount required for said license shall have been paid to the City Clerk.

Sec. 55. – The City Clerk shall issue a license to any person, firm or corporation upon application therefore when said application is accompanied by the amount necessary for said license. All licenses so issued must be signed by the Mayor of the City and attested by the City Clerk under the corporate seal of the City, and the City Clerk shall keep a list of licenses issued stating the number, name, time, place and kind of business, and the amount paid, with such remarks as may be considered necessary.

Sec. 56. – Every license issued shall specify by name the person, firm or corporation to whom it shall be issued, and shall designate the particular place at which the business shall be carried on. No license issued under any of the provisions of this Ordinance shall be in any manner assignable or transferable, or authorize any person other than is therein mentioned or named, to do any business or authorize any other business than is therein mentioned or named to be done or transacted, or the business therein mentioned or named to be done or transacted at any place other than is therein mentioned or named unless by permission of the City Council.

Sec. 57. – No rebate shall be allowed upon any license unless in case wherein the party or parties to whom the license has been issued has been damaged by fire or other unforeseen accident, or unless in case of affliction or poverty; and in such cases the City Council shall have discretionary power as to what, if any amount, shall be rebated.

Sec. 58. – In any action brought under or arising out of the provisions of this Ordinance, the fact that the party thereto represented himself or herself as engaged in any business or calling for the transaction of which a license is by Ordinance required, or that any such party exhibits a sign indicating such business or calling, shall be conclusive evidence of the liability of such party to pay for a license.

Sec. 59. – Every person, company or corporation doing or carrying on any business within the corporate limits of the City of Rexburg, Idaho, for which a license is, by Ordinance, required, for the doing or carrying on of such business, shall have such license posted up in some conspicuous place in, on or about the premises where such business is carried on, and the Chief of Police shall have the right to inspect such license at any time during business hours.

## CHAPTER XIV.

### PROVIDING A LICENSE TAX.

Sec. 60. – There is hereby levied and shall be paid to the City Clerk by the owner, proprietor, lessee, keeper, manager or operator of any business, occupation or profession hereinbefore enumerated, a license tax as follows:

Sec. 61. – From any person, corporation or firm carrying on or engaged in any business, occupation or profession enumerated in this title and maintaining a place of business, or office, and not having been assessed upon personal property used in connection with such business, occupation or profession, by the assessor collector of Fremont County, Idaho, a license tax at the rate of fifty cents (\$0.50) per month.

Sec. 62. – From every person, corporation or firm carrying on or engaged in any business, occupation or profession enumerated under this title and maintaining a place of business where the assessed valuation of the personal property used in connection with such business or occupation, as shown by the books of the Assessor and Tax Collector of Fremont County, Idaho, is less than two hundred fifty dollars (\$250.00), a license tax at the rate of fifty cents (\$0.50) per month.

Sec. 63. – From every person, corporation or firm carrying on or engaged in any business or occupation enumerated under this title and maintaining a place of business where the assessed valuation of the personal property used in connection with such business or occupation, as shown by the books of the Assessor and Tax Collector of Fremont County, Idaho, is not less than two hundred fifty (\$250.00) dollars, and less than five hundred (\$500.00) dollars, a license tax at the rate of one dollar (\$1.00) per month.

Sec. 64. – From every person, corporation or firm carrying on or engaged in any business or occupation enumerated under this title and maintaining a place of business where the assessed valuation of the personal property used in connection with such business or occupation as shown by the books of the Assessor and Tax Collector of Fremont County, Idaho, is not less than five hundred (\$500.00) dollars and less than one thousand dollars (\$1,000.00) a license tax at the rate of one and fifty one-hundredths (\$1.50) dollars per month.

Sec. 65. – From every person, corporation or firm carrying on or engaged in any business or occupation enumerated under this title and maintaining a place of business where the assessed valuation of the personal property used in connection with such business or occupation, as shown by the books or the Assessor and Tax Collector of Fremont County, Idaho, is not less than one thousand dollars (\$1,000.00) and less than two thousand dollars (\$2,000.00) dollars, a license tax at the rate of two (\$2.00) per month.

Sec. 66. – From every person, corporation or firm carrying on or engaged in any business or occupation enumerated under this title and maintaining a place of business where the assessed valuation of the personal property used in connection with such business or occupation, as shown by the books of the Assessor and Tax Collector of Fremont County, Idaho, is not less than two thousand (\$2,000.00) dollars, and less than five thousand (\$5,000.00) dollars, a license tax at the rate of two and fifty one-hundredths (\$2.50) dollars per month.

Sec. 67. – From every person, corporation or firm carrying on or engaged in any business or occupation enumerated under this title and maintaining a place of business where the assessed valuation of the personal property used in connection with such business or occupation, as shown by the books of the Assessor and Tax Collector of Fremont County, Idaho, is not less than five thousand (\$5,000.00) dollars, a license tax at the rate of three (\$3.00) dollars per month.

Sec. 68. – No license provided for in this Ordinance shall be transferable or assignable.

Sec. 69. – No license under this Ordinance shall be issued for a shorter period than six months and shall be payable in advance.

Sec. 70. – The assessment as shown by the books of the Assessor and Tax Collector of Fremont County, Idaho, for the fiscal year preceding the date of the issuance of the license shall determine the amount to be paid or the class to which the party belongs who makes application for license.

Sec. 71. – Every person who is engaged in, or commences any business, trade, profession or calling for the transaction or carrying on of which a license is required by this Ordinance, without taking out or procuring such license, shall be deemed guilty of a violation of this Ordinance and on conviction thereof shall be fined in any sum not less than five dollars (\$5.00) and not exceeding fifty dollars (\$50.00.)

Sec. 72. – That there is hereby levied and shall be paid to the City Clerk by the owner, proprietor, lessee, keeper, manager or operator, of any bowling alley carried on and operated within the corporate city limits of the City of Rexburg, Idaho, a license tax as follows: For a single alley, twenty-five (\$25.00) dollars per quarter and for a double alley forty (\$40.00) dollars per quarter.

Sec. 73. – Every person, company or corporation, before engaging in or pursuing any business, vocation or calling hereinafter mentioned shall obtain a license so to do, and make payment in advance for the same, as follows:

For a license for a circus or equestrian or circus and menagerie, for each performance, \$75.

For a license for each shooting gallery, \$7 per month or fractional part per month.

For license for each merry-go-round of what-ever description, \$5 per day.

For license for each knife board or similar game of chance, \$2.50 per day.

License for each traveling menagerie, for each exhibition, \$25.00 per day.

License for each sideshow accompanying the circus, caravan or menagerie, \$10 per day.

License for each itinerant theatrical, minstrel or concert company for each exhibition for pay, \$5.00.

License for each panorama, stereopticon, moving pictures, juggler, necromancers, magicians, wire or rope dancing, or sleight of hand performance, for each exhibition \$3.00; provided that no license shall be required for scientific and literary lectures and entertainments; and provided further that no license shall be issued to any person, company or corporation to engage in or pursue any business, vocation or calling hereinbefore mentioned on the first day of the week, commonly called Sunday, between the hours of 12 o'clock Saturday night and 12 o'clock Sunday night.

License for each dray, job work or hack, five dollars per quarter.

Sec. 74. – That there is hereby levied and there shall be collected as other city licenses are collected a license tax of fifteen (\$15.00) dollars per quarter from each dealer in second hand goods, conducting said business in the said City of Rexburg.

Sec. 75. – That there is hereby levied and there shall be collected as other city licenses are collected, a license tax of fifteen (\$15.00) dollars per quarter from each pawnbroker or the proprietor or proprietors of each pawn-broker's shop doing business in the City of Rexburg.

Sec. 76. – That there is hereby levied and there shall be collected as other licenses are collected, a license tax of nine (\$9.00) dollars per quarter from the proprietor or proprietors of each laundry or washhouse conducted, run or kept within the City of Rexburg; Provided, That windows and women doing washing and laundry work to support their families shall be exempt from the provisions of this Ordinance.

Sec. 77. – Any person or persons who shall violate one of the provisions of this Ordinance shall be fined in any sum not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars and costs for each and every offense, and in default of the payment thereof, shall be imprisoned in the city or county jail for a period equal to one day for each two dollars of the fine imposed.

Sec. 78. – That there is hereby levied and there shall be collected as other city licenses are collected a license tax of three (\$3.00) dollars per day from every itinerant, unsettled merchant or trader.

Sec. 79. – It shall be unlawful for any itinerant or unsettled merchant or trader to sell or offer to sell within the corporate limits of the City of Rexburg any goods, wares or merchandise, then in the State of Idaho, without first obtaining and paying for a license therefore as hereinbefore provided; and all sales made without such license shall be null and void.

Sec. 80. – An itinerant or unsettled merchant or trader within the meaning of this Chapter, shall include every person, firm or corporation, or the agent of such person, firm or corporation who either in person or by agent sells, or offers to sell any goods, wares or merchandise then in the State of Idaho, without any manifest intention of permanently settling, locating or residing at some one place in said State and who is not permanently located and regularly taxed therein. Provided, nothing herein contained shall be construed to include the sale, or offering to sell, by the producer thereof, of the products of any farm, ranch or range, or the peddling of fish, game or milk.

Sec. 81. – Every bill poster or other person or persons before tacking any cards tin or other signs, banners, dodgers, folders or devices of every description for the purpose of advertising or distributing, posting or painting any advertisement of any kind or nature whatever, within the limits of the City of Rexburg a license of \$25.00 per year; Provided, that nothing herein contained shall prevent merchants and others, and their employees, from advertising their business by distributing bills or painting or posting signs or other advertisements upon or within the buildings or other place occupied by him or them or other persons posting or painting advertisements for or under the instructions of a licensed bill-poster, or posting bills for free lectures, church and charitable entertainments, campaign and election documents and legal notices of every description.

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#### CHAPTER XV.

#### FIXING THE RATE OF TAX LEVY.

Sec. 82. – That a levy of ten (10) mills on the dollar be and is hereby made on all taxable property within the corporate limits of the City of Rexburg, Idaho; taxable according to the laws of the State of Idaho, for the fiscal year beginning the first Tuesday of May, A.D. 1903, and ending the first Tuesday in May, A.D. 1904; said tax to be assessed and collected for the uses and purposes of said city.

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#### CHAPTER XVI.

#### ANNUAL APPORTIONMENT BILL.

Sec. 83. – That all moneys coming into the City Treasury from taxation, licenses, fines, forfeitures, penalties and all sources whatsoever shall be and the same are hereby distributed into six funds, designated as follows:

1. – The Contingent Fund.
2. – The General Improvement Fund.
3. – The Road and Bridge Fund.
4. – The Ditch Fund.

5. – The Cemetery Fund.

6. – The Electric Light Fund.

Sec. 84. – Said funds are created and established for the reception of said revenues and income for this period, having been estimated to amount to the sum of five thousand dollars (\$5,000.00).

Sec. 85. – The said city revenues and incomes derived from taxes, licenses, fines, forfeitures, penalties and from any and all sources whatsoever, shall be and are hereby apportioned and divided as follows, to-wit:

Into the Contingent Fund, the sum of sixteen hundred and fifty dollars (\$1,650) for the purpose of paying the salaries of the various officers and employees and for outstanding indebtedness.

Into the General Improvement Fund the sum of one thousand dollars (\$1,000.00) for the purpose of improving the public square and making improvements of any kind of a public nature which may be ordained by the Mayor and Council of said city, and for the purpose of purchasing real estate for the city.

Into the Road and Bridge Fund, the sum of one thousand dollars (\$1,000.00) for payment for labor and improvement upon the streets, alleys, highways, etc., of said city.

Into the Ditch Fund, the sum of five hundred dollars (\$500.00) for the purpose of cleaning out ditches, laying off walks, planting trees, repairing fence and otherwise improving the cemetery.

Into the Electric Light Fund the sum of six hundred dollars (\$600.00) for the purpose of maintaining are lights upon the streets of the city and for lighting other city buildings and offices.

Sec. 86. – That all revenues received from other sources, the expenditure of which is not otherwise provided for by law or Ordinance, shall be apportioned to the General Improvement Fund.

## CHAPTER XVII.

### ANNUAL APPROPRIATION BILL.

Sec. 87. – That there be and is hereby appropriated from the Contingent Fund, the sum of one thousand and six hundred and fifty dollars (\$1650) for the purpose of paying the salaries of the officers and other employees and the outstanding indebtedness of said city for the said year.

Sec. 88. – That there be and is hereby appropriated from the General Improvement Fund, the sum of one thousand dollars (\$1,000.00) for the purpose of improving the roads, bridges and highways and alleys of the said city.

Sec. 89. – That there be and is hereby appropriated from the Road and Bridge Fund the sum of one thousand dollars (\$1,000.00) for the purpose of improving the public square of said city, and making such other public improvements, as may be ordered by the Mayor and City Council of said city, and for the purpose of purchasing real estate for the city.

Sec. 90. – That there be and is hereby appropriated from the Ditch Fund the sum of five hundred dollars (\$500.00) for the purpose of cleaning and keeping in repair the canals and laterals of the city and for headgates, weirs, etc.

Sec. 91. – That there be and is hereby appropriated from the Cemetery Fund the sum of two hundred and fifty dollars (\$250.00) for the purpose of cleaning out ditches, laying off sidewalks, planting trees, repairing fences and otherwise improving the cemetery.

Sec. 92. – That there be and is hereby appropriated from the Electric Light Fund, the sum of six hundred dollars (\$600.00) for the purpose of maintaining arc lights upon the streets of the city and for the lighting of other city buildings and offices.

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CHAPTER XVIII.

PROVIDING FOR CREATING, OPENING, EXTENDING, WIDENING, IMPROVING, VACATING, ANNULLING AND DISCONTINUING STREETS, AVENUES, ALLEYS AND LANES WITHIN THE LIMITS OF THE CITY OF REXBURG; PROVIDING FOR TAKING PRIVATE PROPERTY THEREFOR AND PROVIDING THE MANNER OF ASCERTAINMENT AND PAYMENT OF DAMAGES CAUSED THEREBY AND THE MANNER OF ELECTING AND COMPENSATING ASSESSORS OF SAID DAMAGES.

Sec. 93. – The City of Rexburg shall have power to enact Ordinances to open, widen or otherwise improve or vacate any street, avenue, alley or lane within the limits of said city; also to create, open and improve any new street, avenue, alley or lane therein;

Provided, That all damages sustained by the citizens of said City of Rexburg or other persons, or by the owners of the property therein shall be ascertained in such manner as is hereinafter required.

Provided, Further, That whenever any street, avenue, alley or lane shall be vacated, the same shall revert to the owners of the adjacent real estate, one-half on each side thereof.

Sec. 94. – The City of Rexburg shall have power to enact Ordinances to create, open widen or extend any street, avenue, lane or alley, or annul, vacate or discontinue the same whenever deemed expedient for the public good, and to take private property therefore;

Provided, However, That in such cases, said City of Rexburg shall make the person or persons whose property shall be taken or injured thereby adequate compensation therefore, to be determined in the manner and by the means hereinafter provided.

Sec. 95. – Whenever the City of Rexburg shall create, open, extend, widen, improve, vacate, annul or discontinue any street, avenue, alley or lane within the limits of said city, the damage caused thereby to any citizen, property owner or other person shall be ascertained and determined by the assessment of five disinterested free-holders. Said free-holders shall be elected as follows: Two by the Council of the City of Rexburg, two by the Judge of the Probate Court of Fremont County, Idaho, and one by said four free-holders so elected as aforesaid. In the discharge of their duties they shall act under oath faithfully and impartially to make the assessment to be submitted. Within twenty-five days after the passage of the Ordinance for creating, opening, extending, widening, improving, vacating, annulling or discontinuing such street, avenue, alley or lane, said five free-holders shall submit to the Mayor of said City of Rexburg a report of their assessment of the damages caused thereby.

Sec. 96. – At the first regular meeting of the Council of the City of Rexburg after the submission of such report to him as required in the preceding section, the Mayor shall submit the same to said Council. On approval of said report at said meeting, said Council shall order the amount of damages assessed therein to be paid by the City Clerk to the person or persons entitled thereto before the expiration of ten days thereafter.

Sec. 97. – Said five free-holders shall be compensated for all their services in assessing such damages and in submitting reports of the same at the rate of three dollars (\$3.00) each for each day actually so employed, to be paid by the City of Rexburg after verified claims therefore have been presented, audited and allowed, as required for other claims against said City.

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CHAPTER XIX.

PROVIDING FOR AND DEFINING SIDEWALK SPACE, AND PROVIDING FOR THE CONSTRUCTION AND GRADING OF SIDEWALKS.

Sec. 98. – That the sixteen feet next to the lot or building line of all streets excepting Main street shall be known as the sidewalk space.

Sec. 99. – That the inside line of all lateral or irrigating or other ditches hereafter constructed shall be sixteen feet from such lot or building line.

Sec. 100. – That all shade or ornamental or other trees, and telephone or telegraph poles hereafter planted or set in the streets of the City of Rexburg, excepting Main street, shall be set out or planted fourteen feet from the lot or building line.

Sec. 101. – That all sidewalks hereafter constructed, unless otherwise ordered by the Mayor and the Council of the City of Rexburg, shall be six (6) feet wide, and the inside edge of the sidewalk shall be four (4) feet from the lot or building line, and the space on each side of said walk shall be used for grass plot.

Sec. 102. – That the Council of the City of Rexburg may, by an order, enter upon its minutes, at any regular or special meeting called for that purpose, order the repairs, construction and grading of sidewalks within corporate limits of the City of Rexburg, and direct the City Clerk to notify the owners, their agents or attorneys, of all lots or part of lots affected by such improvements, to make, repair or construct at their own expense, such improvements to the extent that their respective pieces of property are chargeable with the costs of such improvement. Such notice shall be given in writing, and if the repairing, constructing or grading, as the case may be, of such sidewalks is not begun within twenty (20) days from the date of such notice, and completed within such time as the Mayor and the Street Supervisor shall fix, or if not begun at the time fixed, then it shall be the duty of the Mayor to let the improvements, grading or construction, as the case may be, to the lowest responsible bidder, who shall give a bond, to be approved by the Mayor in the amount of twenty-five (25) per cent of the bid, to run in the name of the City of Rexburg, for the completion of the work within the time and manner provided for in the contract for such work or improvement.

Sec. 103. – All contracts involving the sum of two hundred (\$200.00) dollars or more, shall be let to the lowest and most responsible bidder, said bidder to give a good and sufficient bond in the amount of twenty-five (25) per cent of the amount of the bid, to the City of Rexburg for the faithful performance of said contract, all contracts to be advertised in some weekly newspaper published in the City of Rexburg for at least two weeks in succession by the Mayor, and all bids shall be opened at the time specified in such advertisement by the City Clerk, in the presence of the Mayor, and filed in the office of said Clerk.

Sec. 104. – All improvements, construction and grading of streets and sidewalks as specified in this chapter shall be made and performed under the guidance and supervision of the Mayor and Street Supervisor, by whom all such contract work shall be approved before being accepted and paid for as hereinafter provided.

Sec. 105. – Immediately after the completion of all contracts provided for in this chapter, it shall be the duty of the City Clerk to make out a bill or account, in the name of the City of Rexburg against the owner of said property, with the improvement, construction or grading so made and performed, and present it to said owner, his agent or attorney, for payment. The said account shall

include the cost of advertising, as well as the improvement made, done or constructed, and be sworn to by the City Clerk. If not paid on demand, or within two (2) days thereafter, it shall be filled with the County Assessor, who shall enter it as a tax charge against the name of the owner of the property the improvement, construction or grading, as the case may be, have been made and shall be a lien against the said property, into whoever's hands it may pass. The penalty for non-payment shall be ten (10) percent on the account so filed, and legal interest shall be paid thereon when collected and said sum shall be collected as other taxes are collected.

Sec. 106 – All bills of accounts as specified in this chapter if not paid on presentation, or as it therein otherwise provided, shall be presented, audited and paid as other accounts against the City of Rexburg are paid.

Sec. 107. – When said taxes are paid they shall, together with penalty, cost of advertising and accrued interest, be paid to the City Treasurer, who shall keep account of all money secured and paid out, as provided in this Ordinance, from the general fund.

Sec. 108. – All sidewalks hereafter to be repaired, constructed or graded in the City of Rexburg shall be so constructed as to conform to the provisions of this Chapter and shall be as sound and free from knots and defects as possible.

Sec. 109. – Nothing in this chapter shall be construed so as to prevent the owners of real property from making the improvements mentioned herein, when requested to do so, under the May and the Street Committee.

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## CHAPTER XX.

### CONSTRUCTION OF GUTTERS

Sec. 110. – That there shall be constructed and laid according to the grade established by the City Engineer, on the South side of Main Street, in the City of Rexburg, Idaho, abutting the sidewalk, a good and substantial gutter, of the size and dimensions and in the manner herein designated and specified, the cost of said construction to be maintained by the abutting property owners.

Sec. 111. – That all gutters hereafter constructed and laid shall be built as follows: The bottom cross-pieces shall project four inches on one end and shall be set back four inches on the other end of the same box, where the joints are made, pieces of 2x4 inch lumber to be spiked on the outside of the bow where the joints are made. The inside measure shall be 12x18 inches, with sides made of 2x12 inch lumber. The bottom shall be made of two-inch plank nailed crosswise, cross pieces of 2x6 inch material set crosswise on top every three feet with 2x2 inch material nailed lengthwise between each crosspiece, spiked to the side pieces; none but good red pine lumber and 20 penny spikes to be used in said construction.

Sec. 112. – The said gutters herein provided to be constructed on the south side of Main street, between Second East and Second West Streets, shall be built by contract, upon proper notice for bids published as by law provided, and the cost of said construction shall be assessed as all other taxes against the property abutting, and collected by the assessor and collector of Fremont County, upon said assessment being properly certified to said assessor and collector by the City Clerk.

Sec. 113. – The construction of all gutters herein provided shall be done under the direction and supervision of the City Engineer.

## CHAPTER XXI.

### PROVIDING FOR THE GRADING AND CONSTRUCTION OF SIDEWALKS, STREET AND ALLEY CROSSINGS.

Sec. 114. – That the sidewalk commencing at a point 46 rods East of the N. E. corner of Block 37 of the South side of Main Street, thence West 7 blocks to the N. E. corner of Block 42, also the sidewalk on the North side of Main Street, commencing at the South-east corner of Block 35, thence West seven blocks to the South-west corner of Block 29, also the sidewalk on the West side of First North Street, commencing at the South-east corner of Block 33, thence North two blocks to the North-east corner of Block 22, also the sidewalk along the East side of Second East Street, commencing at the South-west corner of Block 35, thence North to what is known as the lower canal, shall be graded twenty feet wide, on Main Street, and sixteen feet wide on all other streets, with a slope of six inches to the twenty feet, and five inches to the sixteen feet, as per survey and report of J. T. Smellie.

Sec. 115. – Upon the grade to be built on the South side of Main Street, commencing at the North-east corner of Block 37, thence West three and one-half blocks to a point twenty rods West of the North-east corner of Block 40, there shall be constructed a walk eight feet wide of either rock or plank at the option of the holders, according to the following specifications:

Rock to be at least four inches thick, dressed square and set together so that the joints shall not be more than one-half inch and perfectly smooth on the surface.

If of plank to be constructed of six 2x4 stringers bridged every eight feet with 2x4 and covered with 2x3, blind-nailed and to be set in the center of the grade so that it will lie even with the surface of the grade on either side of the walks, the street crossing on line of said sidewalk shall be five feet wide, with sleepers not less than eight inches in diameter, rounded so as to be three inches higher in the center than on the outside, and set three feet apart across said crossing and covered with 2x4 plank set on edge and securely nailed.

Sec. 116. – The owner or owners, lessee or lessees, occupant or occupants of any house, building or lot fronting on the street along which this line of sidewalk shall be constructed as described in this Chapter shall be at his, her or their charge and expense, well and sufficiently built accordingly to this Chapter, and shall keep and maintain in good repair the sidewalk in front of any such house, or lots, and in addition thereto those on the corner of each block shall build, keep in good repair the walk for sixteen feet beyond such corner and towards the adjacent cross-street.

Sec. 117. – That all sidewalk crossings on plank sidewalks leading to private lanes and alleys or buildings in the City of Rexburg shall be built of plank, not less than two by three inches, placed on edge, and spiked together with twenty penny common nails, every eighteen inches. Said crossings shall be not less than ten feet long, and laid on 2x4 inch stringers, two feet from centers, and toe nailed to said stringers. All crossings to extend the width of the plank sidewalk, and be properly graded on each side with good gravel. On any sidewalk in the City of Rexburg, not built of plank, crossings leading to private lanes, alleys or buildings shall be graded with good gravel to a depth of at least six inches, and for a width of six feet, and extend from outside of culvert to lot line.

Sec. 118. – It is hereby made the duty of any person or persons that now, or that shall hereafter run any water across any sidewalks, to construct and keep in good repair a good and substantial culvert made of sufficient capacity for carrying all water so run across, full width of grade and to be covered and set below the survey line of said walks.

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## CHAPTER XXII.

## PROVIDING FOR PLANK SIDEWALKS.

Sec. 114. – That there shall be constructed on the West side of First East Street, between Main and Second South Streets, and on the East side of Center Street, between Main and Second South Streets, and on the South side of Second South Street, between First East and Center Streets, and on the West side of Second East Street, between Second and Third North Streets, a plank sidewalk conforming to the following specifications, viz: Said sidewalks shall be six feet in width, built of plank, two inches thick and three inches wide, blind nailed to four stringers of not less than two inches by four inches in dimension, said four stringers to rest on, or be laid on sleepers not more than eight feet apart, said sleepers to be not less than two inches by four inches in dimension, and said plank sidewalk shall be brace nailed at each end of each 2x3 with nails not less than four and one-half inches long, with a slope of two inches to the six feet, from inside of sidewalk to gutter line.

Sec. 120. – Said plank sidewalk shall be constructed in the center of the present graded sidewalks, and the surface of said plank sidewalk shall be constructed so that it will conform to the present established grade of said sidewalks, and for five feet on both sides of said plank sidewalk the grade shall be even with the surface of said plank sidewalk the grade shall be even with the surface of said plan sidewalk.

Sec. 121. – Any person or persons desiring a drive or alley crossing across any of the aforesaid sidewalks shall immediately inform the Mayor at what point said crossing is desired.

Sec. 122. – It is hereby made the duty of any person or persons that now, or shall, hereafter, run any water across said sidewalks to construct and keep in good repair a good, substantial culvert for the full width of sidewalks, and of sufficient capacity to carry all the water run across said sidewalks, said culverts to be set below the grade of said plank sidewalks and well covered with the same thickness plank of which said sidewalks are constructed.

Sec. 123. – The owner or owners of all lots or parts of lots fronting and adjacent to the sidewalks to be constructed as hereinbefore provided fro, shall at all times keep said plank sidewalks in good repair at their own expense.

Sec. 124. – The street crossings on the line of said sidewalks provided herein, shall be five feet wide with sleepers not less than eight inches in diameter, rounded so as to be three inches higher in the center than on the outside, and set three feet apart across said crossings, and covered with 2x4 plank set on edge, blind nailed to the sleepers, and brace nailed every three feet, with nails not less than four and a half inches long.

Sec. 125. – the City Clerk shall advertise for bids, as by law provided, to construct the said sidewalk, and the City Council shall let the contract for building said sidewalks to the lowest responsible bidder, and the cost of construction under the contract shall be charged against the city, to be audited and paid as in other charges against the city, and the City Council shall, upon due notice to all property owners interested herein, at a special meeting, by resolution, levy a special tax upon his or her lot or lots, or parts of lots, to pay the expense of constructing said sidewalks as a special assessment for improvements, to be collected as by law provided.

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## CHAPTER XXIII.

## PROVIDING FOR PLANK SIDEWALKS.

Sec. 126. – That each and every owner of Lots No. 3 and 4, in Block No. 31, on the South side of said Block; and each and every owner of Lots No. 3 and 4, in Block No. 32, on the South side of said Block; and each and every owner of Lots No. 3 and 4, in Block No. 33, on the South side of said Block; and each and every owner of Lots No.3 and 4, in Block No. 34, on the South side of said Block; and the owner, and owners of any said lot, lots and parts of lots is and are hereby required to construct in front of his or her said lot, lots or parts of lots, a plank sidewalk conforming to the following specifications, viz: Said sidewalk shall be eight feet in width, built of plank two inches thick and three inches wide, blind nailed to five stringers of not less than 2 inches by 4 inches in dimension, said five stringers to rest on, or be laid on sleepers not more than eight feet apart, said sleepers to be not less than 2 inches by 4 inches in dimension, and said plank sidewalk shall be braced nailed between each stringer with nails not less than four and one-half inches long.

Sec. 127. – Said plank sidewalks shall be constructed in the center of the present graded sidewalks, and the surface of said plank sidewalks shall be so constructed so that it will conform to the present established grade of said sidewalks, and for five feet on both sides of said plank sidewalk the grade shall be even with the surface of said plank sidewalk. All plank sidewalks shall extend over and across the sidewalks East and West of all aforesaid Blocks.

Sec. 128. – It shall be the duty of any person or persons desiring a drive, or alley crossing across any of the aforesaid sidewalks to construct and keep in good repair a crossing not less than twenty feet wide of plank not less than three inches thick nor more than two inches wide, and said crossing shall be for the full width of the sidewalk.

Sec. 129. – It is hereby made the duty of any person or persons that now, or shall, hereafter run any water across said sidewalk to construct, and keep in good repair, a good substantial culvert for the full width of the sidewalk, and of sufficient capacity to carry all the water run across said sidewalk; said culverts to be set below the grade of said plank sidewalk and well covered with the same thickness planks of which said sidewalks are constructed.

Sec. 130. – The owner, or owners, of all lots or parts of lots fronting and adjacent to the sidewalk to be constructed as hereinbefore provided shall at all times keep said plank sidewalks in good repair at their own expense.

Sec. 131. – The street crossings on the line of said sidewalks over and across Main street and over and across First and Second West Streets, and First and Second East Streets, and Central Avenue, all on the line of said sidewalks provided herein, shall be five feet wide, with sleepers not less than eight inches in diameter, rounded so as to be three inches higher in the center than on the outside, and set three feet apart across said crossings, and covered with 2x4 plank set on edge, blind nailed to the sleepers and braced nailed every three feet, with nails not less than four and a half inches long.

Sec. 132. – Should any owner or owners of said lots, or parts of lots refuse or neglect, for a period of sixty days from and after the passage of this Ordinance, to construct such sidewalk in front of his or her said lot, lots or parts of lots as hereinbefore provided for them, the City Road Supervisor shall advertise for bids to construct the same and shall let the contract to the lowest and responsible bidder, and the cost of construction under the contract shall be charged against the City; to be audited and paid as in other charges against the City, and the City Council shall upon due notice to the owner or owners so failing to construct said walk as aforesaid, at a special meeting by resolution levy a special tax upon his or her lot, or lots or parts of lots to pay the expense of constructing said sidewalk as a special assessment for improvements to be collected as other City taxes.

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#### CHAPTER XXIV.

## PROVIDING FOR PLANK SIDEWALK.

Sec. 133. – That each and every owner of Lot No.2, in Block No. 40, and each and every owner of Lots No.2 and No.3, in Block No. 31, and each and every owner of Lots No.2 and No.3, in Block No. 39, of the City of Rexburg, Idaho, and the owner or owners of said lots is hereby required to construct in front of his or her said lot or lots or parts of lots a plank sidewalk conforming to the following specifications, to-wit: Said sidewalk on the South side of Main Street, in front of and adjacent to Lot No.2, in Block No. 40, and for 16 feet West of said Lot No.2, in Block No. 40, shall be eight feet in width, constructed of plank 2 inches thick, and three inches wide, said plank to be laid on and blind nailed to six 2x4-inch stringers and stringer to rest on, or laid on sleepers not more than eight feet apart and of dimensions not less than 2x4 inches, said plank sidewalk shall be braced nailed between each stringer with nails not less than four and one-half inches long; said plank sidewalk shall be built in the center of the present graded sidewalk, and be sufficiently deep so that it will be even with the surface of the grade, on either side of said plank sidewalk.

The plank sidewalk to be constructed on the East side of Second West Street North, and on the East side of First West Street South, and for twenty feet over and across the sidewalk on the North Street, shall conform to the following speci-across the sidewalk on the South side of First North side of Main Street, and for sixteen feet over and across the sidewalk on the South side of First North Street, shall conform to the following specifications, to-wit: Said plank sidewalk shall be six feet in width, built of plank two inches thick and three inches wide, blind nailed to five stringers, said five stringers to rest, or be laid on sleepers not more than eight feet apart and of dimensions not less than 2x4 inches. Said plank sidewalk shall be braced nailed between each stringer with nails not less than four and a half inches long.

Said plank sidewalk shall be constructed in the center of the present graded sidewalk and shall be sufficiently deep so that it will be even with the surface of the grade on either side of said sidewalk. The line of said sidewalks over and across Main Street and First North Street, shall be five feet wide, with sleepers not less than eight inches in diameter, rounded so as to be three inches higher in the center than on the outside, and set not less than three feet apart across said crossing, and covered by 2x4 inch plank set on edge blind nailed to sleepers and brace nailed every three feet with nails not less than four and one-half inches long. All sidewalks as herein provided for shall be constructed to, and conform to the grade of said streets and sidewalks as established by the City Council, the profile of which is now on file in the office of the City Clerk.

Sec. 134. – It shall be the duty of any person or persons desiring alley crossings across any of the plank sidewalks to construct and keep in good repair a crossing not less than twenty feet wide and the full width of the sidewalk in the same manner as provided for in Section One of this Ordinance for street crossings.

Sec. 135. – It is hereby made the duty of any person or persons that now, or shall, hereafter run any water across said sidewalk to construct and keep in good repair, a good, substantial culvert for the full width of the sidewalk, and of sufficient capacity to carry all the water run across said sidewalk, said culverts to be set below the grade of said plank sidewalk and well covered with the same thickness planks of which said sidewalks are constructed.

Sec. 136. – The owner or owners of all lots or parts of lots fronting and adjacent to the sidewalk to be constructed as hereinbefore provided for, shall at all times keep said plank sidewalks in good repair at their own expense.

Sec. 137. – Should any owner or owners of said lots, or parts of lots refuse or neglect, for a period of sixty days from and after the passage of this Ordinance, to construct such sidewalk in

front of his or her said lot, lots or parts of lots as hereinbefore provided for, then the Road Supervisor shall advertise for bids to construct the same and shall let the contract to the lowest responsible bidder, and the cost of construction under contract shall be charged against the City, to be audited and paid as in other charges against the City; and the City Council upon due notice to the owner or owners so failing to construct said sidewalk as aforesaid, shall at a special meeting by resolution levy a special tax upon his or her lot, lots or parts of lots to pay the expense of constructing said sidewalks as a special assessment for improvements to be collected as other City taxes.

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## CHAPTER XXV.

### PROVIDING FOR PLANK SIDEWALK.

Sec.138. – That each and every owner of Lots No.2 and No.3, in Block No. 34, on the West side of said block; and each and every owner of Lots No.2 and 3, in Block No. 35, on the West side of said block, and each and every owner of Lots No.2 and 3, in Block No. 20, on the West side of said block, and each and every owner of Lots No.3 and No.4, in Block No. 20, on the South side of said block, and each and every owner of Lots No.1 and No.4, in Block No. 20, on, the East side of said block and the owner or owners of said lot, lots or parts of lots, is hereby required to construct in front of his or her said lot, lots, or parts of lots, a plank sidewalk conforming to the following specifications, viz: Said sidewalk shall be six feet in width, built of plank two inches thick and three inches wide, blind nailed to five stringers of not less than two inches by four inches in dimension, said five stringers to rest on, or be laid on sleepers not more than eight feet apart, said sleepers to be not less than two inches by four inches in dimension, and said plank sidewalk shall be braced nailed between each stringer with nails not less than four and one-half inches long.

Sec. 139. – Said plank sidewalk shall be constructed in the center of the present graded sidewalks, and the surface of said plank sidewalks shall be so constructed so that it will conform to the present established grade of said sidewalks, and for five feet on both sides of said plank sidewalk the grade shall be even with the surface of said plank sidewalk. All plank sidewalks shall extend over and across the sidewalks North and South of all the aforesaid blocks.

Sec. 140. – It shall be the duty of any person or persons desiring a drive or alley crossing across any of the aforesaid sidewalks to construct and keep in good repair a crossing not less than twenty feet wide of plank not less than three inches thick nor more than two inches wide, and said crossing shall be for the full width of the sidewalk.

Sec. 141. – It is hereby made the duty of any person or persons that now, or shall, hereafter run any water across said sidewalk to construct and keep in good repair, a good substantial culvert for the full width of the sidewalk of sufficient capacity to carry all the water run across sidewalk, said culverts to be set below the grade of said plank sidewalk and well covered with the same thickness planks of which said sidewalks are constructed.

Sec. 142. – The owner or owners of all lots or parts of lots fronting and adjacent to the sidewalk to be constructed, as hereinbefore provided for, shall at all times keep said plank sidewalk in good repair at their own expense.

Sec. 143. – The street crossings on the line of said sidewalks over and across Main Street on the East side of First East Street and Second East Street and over and across Second East Street on the South side of Main, and over and across First North Street on the East side of Second East Street, shall be five feet wide, with sleepers not less than eight inches in diameter rounded so as to be three inches higher in the center than on the outside, and set three feet apart across said

crossings, and covered with 2x4 plank, set on edge, blind nailed to the sleepers, and braced nailed every three feet, with nails not less than four and one-half inches long.

Sec. 144. – Should any owner or owners of said lots, or parts of lots refuse or neglect, for a period of sixty days from and after the passage of this Ordinance, to construct such said sidewalk in front of his or her lot, lots or parts of lots as hereinbefore provided for then the City Road Supervisor shall advertise for bids to construct the same and shall let the contract to the lowest and responsible bidder, and the costs of construction under the contract shall be charged against the City, to be audited and paid as in other charges against the City, and the City Council shall upon due notice to the owner or owners so failing to construct said walk as aforesaid, at a special meeting by resolution levy a special tax upon his or her lot, lots or parts of lots to pay the expense of constructing said sidewalk as a special assessment for improvements to be collected as other City taxes.

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## CHAPTER XXVI.

### GRANTING A FRANCHISE TO THE ST. ANTHONY RAILROAD COMPANY.

Sec. 145. – That the right is hereby granted unto the St. Anthony Railroad Company, a corporation, its successors and assigns, to the perpetual use as a right of way for its railroad, those certain streets and alleys hereinafter described within the City of Rexburg, Fremont County, State of Idaho, and said Railroad Company, its successors and assigns are hereby granted permission and authority to lay out, construct and perpetually maintain its railroad, including switches, side-tracks, and other appurtenance and adjuncts reasonably necessary for the proper construction and operation of its railroad and within the scope of its general powers and purpose, upon and across the following named streets and alleys and to the extent hereinafter specified, to-wit: A strip and tract of land one hundred and fifty feet in width of which the center line of the main tract of said Railroad Company, as now surveyed, staked and located, in the center line, across and through each and every of the following named streets, viz:

Third North Street, First West Street, Second North Street, First North Street, Second West Street, also a strip of land fifty feet in width of which the center line of said main tract is the center across and through each and every of the following named streets, viz: Main Street, Third West Street, First South Street, Second South Street, Fourth West Street, Third South Street, Fourth South Street, and Fifth West Street, as shown by the tracing map of said located line through the said City of Rexburg, which map is hereto attached and made a part of this Chapter.

Sec. 146. – The grant hereinbefore made is subject to the following conditions:

Such railroad tracks shall be laid on such grades as are now or may hereafter be established by the City of Rexburg. The water courses of said streets shall be left and kept free and unobstructed, and good crossings at the grade of said tracks shall be made and maintained on all the streets and sidewalks crossed thereby.

The said company shall plank between the rails of such tracks for two feet on either side of the outer rail on all of the street crossings. Said planking to be for the full width of the streets and sidewalks.

Sec. 147. – That the City of Rexburg shall in no way be liable or responsible for any accident or damage that may occur in the construction of operation of said railroad by reason of the fault, misconduct or negligence of the said grantee, its successors and assigns or their employees, and the acceptance of this grant shall be deemed an agreement on the part of said grantee for itself, its

successors and assigns to save the said City free from all liability, loss, costs, expense and damage of any nature arising out of any such fault, misconduct or negligence.

Sec. 148. – Nothing in this Chapter shall be so construed as to give to the St. Anthony Railroad Company, its successors and assigns the right to close any of the streets within the corporate limits of the City of Rexburg, from public traffic or to prohibit the City Council from granting any other corporation or association the right to build a railroad that shall intersect or cross the tracks of said St. Anthony Railroad Company.

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## CHAPTER XXVII.

### GRANTING A FRANCHISE TO LORENZO R. THOMAS.

Sec. 149. – It is hereby declared to be lawful for, and permission is hereby granted and given to Lorenzo R. Thomas, his heirs, assigns, successors and representatives to construct, and perpetually maintain as necessary parts of, and appurtenances to the stone block or building to be erected on a part of Lot one (1), Block thirty-eight (38), of the City of Rexburg Survey, two (2) stairways on the front side or end of said building, not exceeding four (4) feet in width, and leading to the basement of said building in, upon, through the sidewalk portion of said Main Street, next to the front wall of said block or building.

Sec. 150. – The right to maintain said stairways, and to so occupy said space of said Main Street, is hereby to be, and shall be indefeasible and nonforfeitable, provided, nevertheless, that said privilege shall be fully exercised within one year, from the passage and approval of this Ordinance; and provided further that the said Lorenzo R. Thomas, his heirs, assigns, successors, and representatives aforesaid, shall effectually safeguard said stairways, with a good and substantial railing or railings and gates, to open outward with a good substantial stop, sufficient to prevent the said gates from being pushed or opened inward, and to perpetually maintain the same in good repair, subject to the approval of the City Council.

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## CHAPTER XXVIII.

### GRANTING A FRANCHISE TO REXBURG DRUG COMPANY.

Sec. 151. – It is hereby declared to be lawful for, and permission is hereby granted and given to the Rexburg Drug Company Limited, its heirs, assigns, successors and representative, to construct and perpetually maintain, as necessary parts of, and appurtenances to the building to be erected on the Northeast corner of Lot One (1), Brock Thirty-eight (38), of the City of Rexburg, Idaho, according to the recorded plat thereof, area-ways and stairways on the North and East sides of said proposed building aforesaid, not to exceed four (4) feet in width and leading to the basement of said building in, upon and through the sidewalk portions of streets next to the North and East walls of said proposed building aforesaid.

Sec. 152. – The right to maintain said areaways and stairways, and to so occupy said space of said sidewalks, is hereby declared to be, and shall be, indefeasible and nonforfeitable, provide, that said privilege shall be fully exercised within one (1) year from the passage and approval of this Ordinance; and provided further, that the said grantee, the Rexburg Drug Company Limited, its heirs, assigns, successors and representatives aforesaid, shall effectively safeguard said areaways and stairways, with good substantial railing or railing and gates; said gates to open outward, with a good

substantial stop sufficient to prevent the said gates from being pushed or opened inward; and to perpetually maintain the same in good repair, subject to the approval of the committee on streets and to forever be liable for any damage to life or property growing out of any negligence in maintaining the safety of said area ways and stairways.

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CHAPTER XXIX.

GRANTING A FRANCHISE TO JAMES W. WEBSTER AND TIMOTHY J. WINTER.

Sec. 153. – It is hereby declared to be lawful for, and permission is hereby granted and given to James W. Webster and Timothy J. Winter, their heirs, assigns, successors and representatives, to construct and perpetually maintain, as necessary parts of, and appurtenances to the building to be erected on Lot one (1), Bock thirty-eight (38), of the City of Rexburg, Idaho, according to the recorded plat thereof, area-way and stairways on the north side of said proposed building aforesaid, not to exceed four (4) feet in width and leading to the basement of said building in, upon and through the sidewalk portions of streets next to the north and east walls of said proposed building aforesaid.

Sec. 154. – The right to maintain said area-ways and stairways, and to so occupy said space of said sidewalks, is hereby declared to be, and shall be, indefeasible and non-forfeitable, provided, that said privilege shall be fully exercised within one (1) year from the passage and approval of this Ordinance; and provided, further, that the said grantees, James W. Webster and Timothy J. Winter, their heirs, assigns, successors and representatives aforesaid, shall effectively safeguard said area-ways and stairways, with good substantial railing or railings and gates; said gates to open outward, with a good substantial stop sufficient to prevent the said gates from being pushed or opened inward; and to perpetually maintain the same in good repair, subject to the approval of the committee of streets and to forever be liable for any damage to life or property growing out of any negligence in maintaining the safety of said areaways and stairways.

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CHAPTER XXX.

GRANTING A FRANCHISE TO JAMES H. BRADY.

Sec. 155. – That there is hereby granted to James H. Brady, his heirs, administrators or assigns the right and authority through, in and upon the streets and alleys of the City of Rexburg to erect and maintain poles and wires with the arms and braces necessary thereunto over and upon the said streets and alleys for the purpose of conducting a general electric and power system and service and telephone system and service in the said City, both systems and services to be maintained upon the same poles.

Sec. 156. – The poles hereby authorized to be erected shall be placed on the outside of the curb or sidewalk of the street whereon the same may be erected, and the said poles shall be set so as not to interfere with the flow of water in any gutter or drain in said City and the points or location of said poles shall be determined by the Board of Trustees of said City, and all wires placed thereon shall be maintained at a height of at least twenty feet above any sidewalk, crossing or street surface of said City, provided that nothing in this Chapter contained shall be construed as conferring upon the said James H. Brady, his heirs, administrators or assigns the right to erect any or separate poles upon the streets or alleys of the City of Rexburg other than those that may be hereafter allowed to

be erected or placed thereon under the provisions of the Ordinances of the City to be hereafter passed.

Sec. 157. – The City of Rexburg expressly reserves the right to order and enforce the removal or change of location of any and all poles erected by virtue of the provisions of this Chapter whenever the same shall become necessary or proper, and when any change is made by removal of any poles the City Council shall designate the point to which the pole shall be moved, and such point designated shall not be of distance or position as to materially interfere with the proper conveyance of the electric current, and such removal or change shall be made at the expense of the said James H. Brady, his heirs, administrators or assigns.

Sec. 158. – The City of Rexburg further expressly reserves the right to cut away and remove any poles or wires erected by virtue of the provisions of this Chapter whenever in case of conflagration such cutting away or removal shall become necessary, and the City shall not be liable or answerable to the said James H. Brady, his heirs, administrators or assigns for any damage occasioned by the cutting away or removal of any poles or wires so cut away or removed.

Sec. 159. – The right and privileges herein granted are in consideration that the said James H. Brady, his heirs, administrators or assigns shall at all times when so requested by the authorities of said City permit his poles and fixtures erected under the terms of this Chapter to be used by said City for the purpose of placing and maintaining thereon any wires and appliances that may be necessary for the police and fire departments of said City, provided the same shall be placed and maintained so as to not interfere with their use, and under the direction of the manager in said City, of James H. Brady, his heirs, administrators or assigns.

Sec. 160. – Any person who shall interfere with, cut, remove, break, deface or destroy any of the poles, wires, fixtures, instruments or other property of the said James H. Brady, his heirs, administrators or assigns within the corporate limits of said City, except as hereinbefore or hereinafter described, and any person who shall use said poles for the purpose of posting bills or advertisements of any kind whatever shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding Fifty (\$50.00) Dollars.

Sec. 161. – That said Jas. H. Brady, his heirs, administrators or assigns shall protect and save harmless the said City from all accidents that may occur from the use of his electrical apparatus, currents and appliances, or the operation of any plant of the said James H. Brady, his heirs, administrators or assigns in said City, and all wires placed upon his poles shall be properly insulated and all proper devices shall be used to protect human life and prevent injury to public or private property.

Sec. 162. – A failure to comply with the provisions of this Chapter shall work a forfeiture of the privileges and rights hereby granted.

Sec. 163. – That the said James H. Brady, his heirs, administrators or assigns, shall begin the construction of his said electric light and power plant within a period of thirty days from the date of the passage and approval of this Ordinance, and shall be prepared to furnish electric lights and power to the said City and its inhabitants within seven months from the passage and approval of this Ordinance.

Sec. 164. – This grant and the rights and privileges hereby conferred shall expire at the end of forty (40) years from and after its passage, and the City Council hereby reserves the right to pass all Ordinances and Resolutions necessary or proper for the protection of the interests of the said City and to carry out the spirit and provisions of the foregoing Ordinances and franchise.

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## CHAPTER XXXI.

## GRANTING A FRANCHISE TO THE TETON TELEPHONE COMPANY.

Sec. 165. – There is hereby granted to the Teton Telephone Company (a corporation), its successors and assigns, for a term of twenty years from and after the passage of this Ordinance, the right to erect and maintain poles and wires, with the arms and braces necessary thereunto, over and upon the streets, avenues, alleys and public grounds of the City of Rexburg, all the rights hereby granted, to be subject to such terms and conditions as the City Council of said city may from time to time prescribe. Provided, That said Company shall at all times when requested by the city authorities permit their poles and fixtures to be used for the purpose of placing and maintaining thereon any wires which may be necessary for the police and fire departments of said city.

Sec. 166. – Any person who shall interfere with, cut, break, remove or destroy any of the poles, wires, fixtures, instruments or other property of said company within the corporate limits of said city shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding fifty dollars.

Sec. 167. – In consideration whereof, the said company agrees to furnish for City business, free of charge, and with exchange service, one telephone at such place as the City Council shall direct.

Sec. 168. – The provisions of this Ordinance shall be null and void unless the said company establish a permanent telephone exchange in Rexburg, and have said telephone line and exchange in active operation within this said City on or before November 1, 1903.

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## CHAPTER XXXII.

### PROVIDING FOR AND REGULATING THE TESTING OF WEIGHTS AND MEASURES.

Sec. 169. – The City Clerk shall be ex officio Sealer of Weights and Measures for the City of Rexburg, Idaho, and shall have the care and custody of the city standards. He shall procure, at the expense of the city, a full set of weights and measure, scales and beams, which he shall cause to be tried, proved and sealed by the county standards, under the direction of the County Auditor.

Sec. 170. – Upon the sealing of the weights and measure by the County Auditor, as herein provided, the City Clerk shall immediately post in his office due notice of his authority and readiness to act as inspector and sealer of weights and measures, and shall advertise the same by publication for thirty days.

Sec. 171. – The City Sealer of Weights and Measures shall try and prove all weights and measures, scales and beams within the limits of said City of Rexburg, twice in each year, and when the same are found or made to conform to the legal standards, he shall seal and mark such weights and measures with the city standards.

Sec. 172. – The City Sealer of Weights and Measures shall collect for each examination, testing, sealing and certifying as hereinbefore required, the following fees, which shall be collected from the owner or owners of the weights, measures, scales or other articles inspected:

Any steelyards, or beam, ground floor, platform, counter or other scales, by which may be weighed not exceeding 260 pounds, 25 cents.

Any such instrument by which may be weighed over 260 pounds and less than 600 pounds, 50 cents.

Over 600 pounds and less than 1,200 pounds, 75 cents.

Over 1,200 pounds \$1.00.

For any yard stick, dry or liquid measure, 10 cents.

Any nest or set of measures, 25 cents.

And the weights attached to any scale shall, as to the compensation of the Sealer of Weights and Measures, be considered a part of the scales; provided, that where any such weight, measure or instrument, previously inspected, shall upon subsequent examination, be found correct, they shall not be required to be stamped a second time.

Sec. 173. – Any person who shall, after thirty days subsequent to published notice from the City Sealer of Weights and Measures, be found using any false or fraudulent beam, scale, weight or measure, and who shall fail or neglect, on written notice of the same from any person aggrieved, or in any way cognizant thereof to have said imperfect beam, scale, weight or measure duly inspected, and adjusted and sealed by the City Sealer of Weights and Measures, or who shall use the same scale, weight or measure subsequent to said notice without correction of adjustment, shall be guilty of a misdemeanor.

Sec. 174. – The City Sealer of Weights and Measures shall issue certificates to every person whose weights and measures are proved under this Chapter, and shall account for all fees received twice a year.

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### CHAPTER XXXIII.

#### RELATING TO THE DISPOSAL OF DEAD ANIMALS.

Sec. 175. – It shall be the duty, and it is hereby required of every person who may be the owner of any animal of whatsoever kind, which may be found dead within the corporate limits of the City of Rexburg, to remove such dead animal without the limits of the said city, or to bury same into the ground of a sufficient depth so that the other side will be three feet below the surface thereof.

Sec. 176. – It shall be the duty of the Chief of Police, and is hereby required of him, to bury all dead animals found within the corporate limits of the City of Rexburg, under the direction of the City Council of said City; provided, however, that the owner of such dead animal cannot be found after diligent search; and provided, further, that the owner after three hours' notice refuses to bury such dead animal, or remove same from the corporate limits of said City, as required in Section One of this Chapter.

Sec. 177. – The Chief of Police shall collect as fees for the burying of dead animals as required by the provisions of this Chapter, where the owner is known, three dollars for any dead horse, ass, cow, or calf, and one dollar for any other dead animal.

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### CHAPTER XXXIV.

#### LICENSING AND REGULATING THE SALE OF INTOXICATING LIQUORS, AND PROVIDING PUNISHMENT FOR THE VIOLATION THEREOF.

Sec. 178. – It shall be unlawful for any person by himself or his agent, agents or otherwise, to sell spirituous, malt, fermented or vinuous liquors within the corporate limits of the City of Rexburg (except by druggists or apothecaries, and then only on a written prescription from a reputable physician), without first having secured a license therefore from the Council of the said City.

Sec. 179. – All applications for license shall, and must be accompanied by the receipt of the City Clerk for the amount of such license as hereinafter set forth.

Sec. 180. – The City Council shall grant licenses, as contemplated in Section 1 of this Ordinance, to any person over the age of twenty-one years, upon application being made for such license by petition signed by the applicant, and filed with the Clerk, and compliance by the applicant with the further provisions of this Ordinance. Said petition must state definitely the particular place at which any of the liquors named in Section 1 of this Ordinance are intended to be sold, bartered and dealt out, and whether he intends to carry on a retail or wholesale business.

Sec. 181. – All persons selling spirituous, malt, fermented or vinuous liquors to be drunk in, on or about the premises where sold, within the corporate limits of the City of Rexburg, shall pay a license at the rate of Five Hundred Dollars per year, One Hundred Twenty-five Dollars quarterly, the several quarterly payments to be paid on the first days of the months of May, August, November and February of each year, and no license is to be issued for a period less than three months, except that persons commencing business during a quarter as above mentioned, may pay pro rata for the unexpired portion of the quarter.

Sec. 182. – All persons selling spirituous, malt, fermented or vinuous liquors in any quantity whatever not to be drunk in, on, or about the premises where sold, within the corporate limits of the said City of Rexburg, shall pay a license at the rate of Two Hundred Dollars per year. Fifty Dollars quarterly, the said quarterly payments to be made at the times and in the manner prescribed in Section 181.

Sec. 183. – No person engaged in the sale of intoxicating liquors by the drink, under the provisions of this Ordinance, shall allow minors to frequent such premises, or keep a disorderly house, or allow boisterous or disorderly conduct therein, or allow the quietude of the neighborhood to be disturbed by loud or unusual noise.

Sec. 184. – No musical instrument shall be played upon, nor any vocal or instrumental music sang or played in any saloons where liquors are retailed under license granted by the City, so as to be heard upon any public street or sidewalk of the City.

Sec. 185. – No keeper of any saloon shall have or keep in connection, or as a part of such saloon, any wine room or any other place, either with or without doors or curtains, or screen of any kind, into which any person shall be allowed to enter for the purpose of being supplied with any kind of liquor whatsoever, or for any other purpose.

Sec. 186. – Any and all persons applying for and obtaining a license under the provisions of this Ordinance, shall at all times keep their windows and doors unobstructed by any covering, such as screens, blinds, artificial frostings, or any other obstruction that will preclude the public from securing a clear view of the interior of any building in which intoxicating liquor is retailed. They shall also keep all doors of the of the building in which said liquors are licensed to be sold unlocked and easy of access by the Chief of Police or other peace officer, during business hours; provided that this section shall not prohibit the placing of a screen, not to exceed thirty inches in width, at the end of the bar, or immediately inside of the main entrance and the screening of the outer doors and windows for a height of not to exceed five and one half feet from the sidewalk.

Sec. 187. – The giving away of any intoxicating liquor of any kind by any shift or device to evade the provisions of this Chapter, shall be deemed and held to be an unlawful selling within the provisions of the same.

Sec. 188. – It shall be deemed a violation of this Chapter for any person to sell or give away spirituous, malt, fermented or vinuous liquors to a minor.

Sec. 189. – It shall be unlawful for any person or persons, whether for hire or not, to keep open or cause to be kept open within the corporate limits of the City of Rexburg, Idaho, on the first day of the week, commonly called Sunday, between the hours of 12 o'clock Saturday night and 12

o'clock Sunday night, any saloon, brewery or the other place of business in which intoxicating malt, wines, mixed or fermented liquors are kept for sale, to be drank as a beverage.

Sec. 190. – It shall be unlawful for any person or persons to sell or give away or cause to be sold or given away within the corporate limits of the City of Rexburg, on the first day of the week, commonly called Sunday, between the hours of 12 o'clock Saturday night and 12 o'clock Sunday night of each and every week, any intoxicating malt. Or vinuous or fermented liquors; provided, that drug stores may sell liquors at such times for medical purposes on a prescription of a regular licensed physician.

Sec. 191. – It shall be unlawful for any proprietor, renter or user of any saloon, brewery or other place of business in which intoxicating malt or vinuous, mixed or unfermented liquors, are kept for sale, to be drank as a beverage within the corporate limits of the City of Rexburg, to keep or cause to be kept any blinds, screens, curtains, frosting or any obstruction of any kind or nature whatsoever that will hinder or obstruct a complete observation of the interior from the sidewalk through the windows or glass doors of such building between the hours of 12 o'clock Sunday night. The owner, renter or user aforesaid shall cause also a light to be kept burning in the building between the hours of 12 o'clock Saturday night and 6 o'clock and 12 o'clock Sunday night.

Sec. 192. – Any person violating any part of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Ten Dollars, nor more than One Hundred Dollars, together with all costs of conviction and judgment, and in default thereof shall be imprisoned in the City jail until said fine and costs are paid, and each violation shall be deemed and held to be a separate defense.

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## CHAPTER XXXV.

### RELATING TO THE TAXING OF DOGS.

Sec. 193. – It shall be unlawful for any person or persons to own, keep or harbor, any dog, male or female, within the City of Rexburg, without obtaining a license therefore as hereinafter provided.

Sec. 194. – The amount to be paid by each applicant obtaining such license for keeping each male dog shall be three dollars per year, and for the keeping of each female dog five dollars per year. All licenses shall expire on the first day of April each year. No license shall be issued for less than one year unless the dog was brought into the city after the first day of April, in which case the cost of obtaining such license shall be proportionate to the cost of the yearly license; provided, that no license shall be issued for less than three months.

Sec. 195. – The owner, person or persons having in charge any dog, male or female, within the City of Rexburg, shall pay to the City Treasurer the cost of obtaining such license as is provide for in this Chapter and receive a receipt for the amount so paid. Upon the presentation of the receipt, it shall be the duty of the Clerk to issue a license, to said person, which shall be signed by the Clerk, bearing the same number as the number to be worn on the collar of the dog, as hereinafter provided. The said license shall give the date of issue, the term for which issued, the date of its expiration, the amount paid, the name of the person to whom issued, the name and sex of the dog and the number of the license. The Clerk shall furnish with each license a metal tag which shall be stamped with the number corresponding to the number of the license and the year of its expiration.

Sec. 196. – The Clerk shall keep a suitable record of the license issued under the provisions of this Chapter, which shall state all the facts required to be stated in the license, and such remarks as he may deem necessary.

Sec. 197. – The metal tag, as described in sections three of this Chapter, shall be attached to a collar which the owner or person in charge of the dog shall provide, and which he shall place and keep upon the neck of such dog.

Sec. 198. – All dogs for whose keeping a license has not been obtained and collared, as provided for in Section 195, are hereby declared to be public nuisances; and such dog or dogs shall be taken up and impounded by the City Poundkeeper. Every dog so seized shall be retained for the period of forty-eight hours, during which time the owner or keeper of such dog may redeem the same by procuring a license as in this Ordinance provided and by paying in addition a fee of one dollar and the expense of keeping such dog, to the officer so impounding, which shall be paid by him to the City Treasurer. At the expiration of forty-eight hours after the impounding of any dog, the officer so impounding is authorized to sell such dog to the highest bidder for not less than one dollar and the expense of keeping thereof. In case any such dog be unredeemed or sold, as herein provided, the officer impounding shall kill the same and dispose of the carcass by burial or cremation.

Sec.199. – If the owner or possessor of a fierce, dangerous or mischievous dog, permits the same to go at large, he shall be liable to a fine in any sum not to exceed fifty dollars, and it is the duty of the Chief of Police or Poundkeeper to kill any such dog found running at large, and it shall be lawful for any person to kill any such dog found running at large within this city.

Sec. 200. – The owner or possessor of any female dog who permits the same to run at large while in heat, shall be liable to a fine in any sum not exceeding twenty-five dollars.

Sec. 201. – Any person who shall suffer or cause a number and collar to be put or kept on any dog with intent to avoid payment of license shall, upon conviction thereof, be fined in any sum not exceeding one hundred nor less than ten dollars.

Sec. 202. – Any person who shall own, possess, harbor or be in charge of any dog within the City of Rexburg, who shall fail, refuse or neglect to obtain license as in this Chapter provided, shall, upon conviction thereof, be fined in any sum not less than ten nor more than forty dollars.

Sec. 203. – Any person who shall hinder, molest or interfere with any person or persons who are engaged in seizing any dog, killing the same, or removing the carcass, shall, upon conviction thereof, be fined in any sum not less than twenty nor more than one hundred dollars.

Sec.204. – Any person who shall make any false representations as to the time when any dog under his control, has been brought into this city during the license year for the purpose of avoiding payment of the amount of license required of him by this Chapter, shall be fined in any sum not less than twenty nor more than one hundred dollars.

Sec. 205. – The City Poundkeeper shall collect from the owner, keeper or harborer the sum of one dollar for seizing any dog under the provisions of this Chapter, twenty-five cents per day or fraction thereof for the keeping of the same in the pound and a further sum not to exceed two dollars for each dog killed and buried, or cremated, in accordance with this Ordinance.

PART III.

OFFENSES AGAINST CITY GOVERNMENT

AMENDED AND REPEALED BY ORD. 85, 88, 93, 94, 112, 115, 116, 117, 134, 142, 157, 209, 223, 225, 227, 247, 272, 288, 299, 727

PART III.

OFFENSES AGAINST CITY GOVERNMENT.

CHAPTER I.

PROTECTION OF PERSONS AND PROPERTY.

Section 1. – Any person who shall carry, or use for amusement or otherwise, or have in his or her possession, the device or weapon known as the flipper (it being an India rubber strap fastened to a forked stick, used to throw small rocks or other hard substances), shall upon conviction thereof, be fined in any sum not exceeding ten dollars, or imprisonment in the city jail not more than five days or by both such fine and imprisonment.

BUILDING OF FIRES.

Sec. 2. – No person shall build or cause to be built any fire within the corporate limits of the City of Rexburg, Idaho, with the intent to falsely alarm the people residing therein or to falsely alarm or call out the firemen or fire department of the city.

RINGING FALSE ALARM.

Sec. 3. – No person shall willfully and unnecessarily ring or cause to be rung, the fire bell of said city with intent to falsely alarm the people residing therein, or to falsely alarm or call out the firemen or fire department of the said city.

PENALTY.

Sec. 4 – Any person guilty of violating any of the provisions of Sections Two and Three of this Chapter shall on conviction thereof be punished by a fine not exceeding one hundred dollars, or by imprisonment in the city jail for a period not exceeding twenty days.

RIDING OR DRIVING UPON SIDEWALKS.

Sec. 5 – Any person who shall lead, drive, or ride, any horse, mule or other beast of burden, whether hitched to a vehicle or not, upon any sidewalk within the corporate limits of the City of Rexburg, shall upon conviction for each offense be punished by a fine not exceeding twenty dollars, or imprisonment in the city jail not more than ten days, or by both such fine and imprisonment.

PICKETING OF ANIMALS PROHIBITED.

Sec. 6. – It shall be unlawful for any person or persons to picket or tether any horse, mule, cattle or other animals in or upon the streets, alleys or public grounds of the City of Rexburg, or to picket or tether such animals upon private grounds in such a manner as to enable said animals to go in or upon the streets, alleys or public grounds or Rexburg.

#### DRIVING OR ALLOWING ANIMALS UPON SIDEWALKS.

Sec. 7. – It shall be unlawful for any person or persons to drive or carelessly and negligently allow horses, cattle or other animals to go upon the sidewalks of the City of Rexburg.

#### PENALTY.

Sec. 8. – Any person or persons violating the provisions of Sec. 6 and 7 of this Chapter, shall upon conviction before the Police Judge be fined in any sum not less than five nor more than fifty dollars.

#### USE OF STREETS AND PUBLIC PLACES.

Sec. 9. – All persons are forbidden to use any of the streets, alleys, sidewalks, parks or public places in the City of Rexburg, as a camping place for themselves, teams or wagons at any time, or to cause or permit any team, wagon, or vehicle to remain in any said place to the detriment of public travel or convenience; or to cause or permit any live stock of any description to be herded in any of said places during any hours of the day or night. Any person or persons violating any of the provisions of this Section shall, on conviction thereof before the Police Judge, be fined in any sum not exceeding twenty-five dollars and costs, and each day of continuing or maintaining such violation shall be deemed a new offence, and punished accordingly.

#### HITCHING TO SHADE TREES AND PROTECTING THE SAME.

Sec. 10 – It shall be unlawful for any person or persons to hitch or fasten any animal to, or otherwise destroy or injure any growing or living shade tree, or any box or case around such tree.

#### PENALTY.

Sec. 11. – Any person or persons violating any of the provisions of Section 10, shall, on conviction thereof before the Police Judge, be punished by fine not exceeding twenty-five dollars.

#### USE OF AIR OR SPRING GUNS.

Sec. 12. – Any person who shall carry, use for amusement or otherwise, or have in his or her possession, within the corporate limits of the City of Rexburg, the device or weapon commonly known as an air gun or spring gun, shall upon conviction thereof, be fined in any sum not exceeding ten dollars, or be imprisoned in the city jail not more than five days, or be punished by both such fine and imprisonment.

#### BUILDING OF BON-FIRES AND DISCHARGING EXPLOSIVES.

Sec. 13. – It shall not be lawful within the fire limits of this city, for any person to build bonfires, or fires of any description on any public street, alley, or vacant lot, nor to build bon-fires of any description on any street or alley or vacant lot without the fire limits, underneath telephone, electric light, telegraph or other wires used for conveying electricity, nor shall any person build bon-fires in any part of the city without special permission from the Chief of Police; nor shall any person discharge cannon, anvils, bombs, giant powder, torpedoes, or any other explosive within the fire

limits; nor shall any person set off rockets or other fireworks, within the fire limits, without special permit from the Mayor. Any person convicted of violating any of the provisions of this Section shall be fined in a sum not less than five nor more than one hundred dollars, or imprisoned in the city jail not less than three nor more than twenty days, or by both such fine and imprisonment.

#### STORAGE OF HAY.

Sec. 14. – It shall be unlawful for any person or persons, firm or corporation, to keep for sale any quantity of hay, of any kind, exceeding five tons in weight of loose hay, and ten tons of baled hay, within the fire limits of the City of Rexburg

#### ACCUMULATION OF LITTER OR COMBUSTIBLES.

Sec. 15. – Each person making, or using, or having the charge or control of shavings, hay, straw, sacks, bags, litter, or any other combustible waste or fragments, shall, at the close of each day, cause the same to be securely stored or disposed of so as to be safe from fire.

#### DEPOSITING ASHES.

Sec. 16. – It shall be unlawful for any person or persons to deposit any ashes, or cause same to be deposited or placed, or to permit or suffer the same to remain in any wooden vessel or upon the floor of any building, or in any place or premises belonging to or occupied by him or her or others, in any metallic vessel within two inches of any wooden work or structure.

#### DUTY OF CHIEF OF POLICE.

Sec. 17. – The Chief of Police is hereby required to enforce the provisions of Sections fourteen, fifteen and sixteen of this Chapter, and he is hereby invested with authority to enter any premises or building, in this city, for the purpose of carrying into effect the provisions of Sections fourteen, fifteen and sixteen.

#### PENALTY.

Sec. 18. – Any person or persons, firm or corporation, violating any of the provisions of Sections fourteen, fifteen and sixteen of this Chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Police Judge shall be punished by a fine of not less than five nor more than fifty dollars, and each day of maintaining or continuing such violation shall be deemed a new offence, and punished accordingly.

#### KEEPING STABLES CLEAN.

Sec. 19. – Every owner, lessee, tenant or occupant of any stable or place in which any horse, cattle or swine, or any other animal shall be kept, or of any place in which manure or any liquid discharge of such animal shall accumulate, shall cause such manure and liquid to be removed to some proper place, and shall at all times keep, or cause to be kept, such stable or place and the drainage yards and appurtenances thereof in a cleanly and wholesome condition, and it shall be the duty of the Chief of Police to see that such places are kept in such condition.

PENALTY.

Sec. 20. – Any person who shall fail to comply with the provisions of Section 19 of this Chapter, and who shall neglect or refuse to remove such manure, liquid discharge or offal for a period of one day after being notified to do so by the Chief of Police shall be deemed guilty of a misdemeanor, and on conviction thereof before the Police Judge, be punished by a fine not exceeding twenty-five dollars, or by imprisonment not exceeding ten days, or by both such fine and imprisonment.

CHILDREN ABOUT STREETS AT NIGHT.

Sec. 21. – That no person under the age of 17 years shall be or remain on the streets or public grounds or on any of the unoccupied lots in said City of Rexburg, after the hour of 8 o'clock p.m., during the months of October, November, December, January, February and March, or the hour of 9 o'clock, during the months of April, May, June, July, August, and September; provided, that the above prohibition shall not extend to any child or children who are in the company of a parent, or other adult having the care or custody of him or her or them, nor to a child or children who may be sent for medicine, medical or other assistance in case of accident or sickness while on such service.

PERSONS HAVING CUSTODY OF CHILDREN.

Sec. 22. – That any child violating Section 21 of this Chapter and any person who has that care or custody of such child who shall permit such child under his care, custody or control to violate said section, shall be fined in any sum not exceeding five dollars.

DUTY OF CHIEF OF POLICE.

Sec. 23. – It is hereby made the duty of the Chief of Police and police to apprehend all children found violating Section 21 of this Chapter, and if the parents or other custodian of any such child or children can be found in said city to take said child or children to said parent or guardian and deliver up said child to such parent, or guardian, or custodian, and if the sum of one dollar is then and there paid to the officer he shall retain the same as his fee and make no complaint against such child or parent or custodian of such child, and each officer shall keep an account of each child so arrested, stating the name thereof, and the name of his or her parent, guardian or custodian and what disposition was made of each child arrested, and send such account and fees and report to the meeting of the Council next succeeding the date of each arrest.

CHILDREN FREQUENTING SALOONS.

Sec. 24. – It shall be unlawful for any person under the age of 21 years to go into or frequent at any time any saloon or place where liquor is sold, or for any person to entice or persuade any such minor to enter or frequent such place or places, and any person found guilty of violating the provisions of this section shall, on conviction thereof before the Police Judge, be punished in a fine in any sum not exceeding one hundred dollars or by imprisonment in the city jail not exceeding ten days, or by both such fine and imprisonment.

WAGONS STANDING ON MAIN STREET.

Sec. 25. – It shall not be lawful for any cart or wagon, dray or other vehicles used for carrying baggage, merchandise, carting earth, lumber, wood or goods of any description to stand upon or occupy Main Street while awaiting custom, but all such shall stand on the ground owned by the city on which the city jail stands. Any person violating any of the provisions of this section shall upon conviction be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding twenty days.

#### HITCHING HORSES.

Sec. 26. – It shall be unlawful for any person to allow or permit any horse, mule or other such animal used for domestic purposes to stand or remain in the streets, alleys or other public places, within the limits of the City of Rexburg, unhitched, unless the owner thereof or some other person, is holding or guarding the same, or for any person to permit or allow any horse, mule, or other such animal to stand or remain hitched on any of the streets, alleys or public places of the City of Rexburg, for a longer period at any one time than five hours, without food and water, and proper protection in inclement weather.

#### PENALTY.

Sec. 27. – Any person guilty of violating any of the provisions of Section 26 of this Chapter shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by fine in any sum not exceeding twenty-five dollars or imprisonment in the city jail not exceeding twenty days.

#### RIDING BICYCLES ON SIDEWALKS AND OTHER OBSTRUCTIONS.

Sec. 28. – No person shall drive, ride, wheel or draw upon any sidewalk any bicycle, tricycle, velocipede, vegetable wagon or other vehicle, except hand carriages for children, and no person having the charge or control of any beast of burden or vehicle shall intentionally cause or permit the same or either of them to stand upon any sidewalk or street crossing or so near thereto as to obstruct travel on the same, and no person or persons shall carry on the sidewalk any vegetables, clothes, garbage or other matter in baskets, buckets, or otherwise suspended from a pole on the shoulder, or in any manner so as to obstruct, hinder or delay pedestrians.

#### PENALTY.

Sec. 29. – A violation of any of the provisions of Section 28, of this Chapter, shall be deemed a misdemeanor, and upon conviction thereof before the Police Judge, the offender or offenders shall be punished by a fine not less than five nor more than twenty dollars, or by imprisonment in the city jail not less than two nor more than twenty days for each, and every offense, or by both such fine and imprisonment.

#### BICYCLES TO HAVE ALARM BELLS.

Sec. 30. – It shall be unlawful to ride any bicycle, tricycle, propeller or other similar vehicle, within the limits of the City of Rexburg, without an alarm bell or gong being properly fitted to the front or head end of said vehicle, which bell or gong shall be rung by the rider of such vehicle when

approaching any person or persons on any public highway or crossing in this city, in reasonable time to give any such person or persons an opportunity to avoid being struck by such vehicle.

#### PROVIDING FOR BICYCLE LAMPS.

Sec.31. – It shall be unlawful to ride any bicycle, tricycle, propeller or similar vehicle, within the limits of this city, in the night time, unless a bicycle lamp, headlight, or lantern be properly fitted to the front of head end of such vehicle conspicuously, and lighted.

#### PENALTY.

Sec. 32. – Any person or persons violating the provisions of Sections 30 and 31 shall be fined in a sum not exceeding ten dollars.

#### BICYCLE RACES PROHIBITED.

Sec. 33. – That it shall be unlawful for any person or persons to run or engage in, or cause to be run or engaged in, any bicycle race within the corporate limits of the City of Rexburg; provided, that road races may be run and engaged in under the supervision and direction of the Mayor and Chief of Police, who are hereby given authority to designate the streets that may be traversed in such road races.

#### PENALTY.

Sec. 34. – Any person violating any of the provisions of Section 33 of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed twenty dollars.

#### DISCHARGING FIREARMS WITHIN THE CITY.

Sec.35. – It shall be unlawful for any person to discharge any firearms within the corporate limits of the City of Rexburg, except in necessary defense of life, person or property, or when rendered necessary when causing arrest. Any person convicted of discharging any firearms within the corporate limits of said city shall be fined in a sum not less than five nor more than twenty-five dollars or imprisonment, together with costs of prosecution.

#### IMPROPER USE OF STREETS AND OTHER PUBLIC PLACES.

Sec. 36. – No person shall throw, deposit or place in or upon any public street, sidewalk or alley in the City of Rexburg, any rubbish, garbage, filth, shavings, straw, paper, hay, packing boxes, broken glass, chinaware, metal, waste, fragments or other offensive substances or material to remain upon such lot or premises, or upon or in any street. Sidewalk or alleys adjacent to the premises owned or occupied by him, for twenty-four hours after notice from the Chief of Police to remove the same, shall be deemed guilty of a public nuisance and upon conviction thereof, shall be fined in any sum not exceeding fifty dollars or imprisoned not exceeding five days, or punished by both such fine and imprisonment, and the expense of removing any such nuisance may be recovered from him in a civil action.

## STORING OF POWDER.

Sec. 37. – It shall be unlawful for any person or persons, firm or corporation or association to keep or store in any building store or warehouse, within the corporate limits of the City of Rexburg any gunpowder or blasting powder in greater quantities than fifty pounds; or for any person firm, association or corporation to keep within the corporate limits of the City of Rexburg any giant powder, dynamite or other material or substance of equal explosive force by whatever name known.

## PENALTY.

Sec. 38. – Any person or persons violating the provisions of Section 37 of this Chapter shall on conviction thereof, be fined in a sum not less than twenty-five nor more than one hundred dollars, or be imprisoned in the city jail not less than ten nor more than twenty days, or by both such fine and imprisonment, together with costs of prosecution.

## DESTROYING FENCES, ETC.

Sec. 39. – Every person who shall willfully, unlawfully, maliciously break, destroy or injure any gate, fence, railing, post or inclosure or any material of which it is made or in any manner connected therewith, or shall in any manner deface the same, or shall cut down, lop, girdle, or otherwise injure or destroy any tree, the same being the property of another, or being upon the streets, alleys, public grounds, parks or squares within the corporate limits of the City of Rexburg, shall on conviction be punished by a fine not less than ten nor more than one hundred dollars, or by imprisonment in the city jail not less than ten nor more than twenty days, or by both such fine and imprisonment, together with the costs of prosecution.

## STREET SUPERVISOR TO ARREST.

Sec. 40. – It is hereby made the duty of the Road Supervisor of Streets and Chief of Police to arrest and complain of any person or persons guilty of infraction of Section 39 of this Chapter, committed upon any of the streets, alleys or public grounds within the corporate limits of the city.

## BREAKING CITY POUND.

Sec. 41. – Any person or persons guilty of breaking the city pound or taking therefrom any cattle, horses, sheep or swine, that have been impounded, or shall attempt to take the same from the Chief of Police while on the way to the pound shall, upon conviction thereof before the Police Judge, be fined in any sum not less than ten nor more than one hundred dollars and the costs of the prosecution, and be confined in the city jail until such fine and costs are paid.

## CARRYING CONCEALED WEAPONS.

Sec. 42. – Every person not being a Sheriff, Deputy Sheriff, Constable or other police officer, who shall carry or wear within the corporate limits of the City of Rexburg, Idaho, any bowie knife, pistol, or sword in cane, slung-shot, metallic knuckles, or other dangerous or deadly weapons, concealed, unless such persons be traveling or setting out on a journey, shall, upon conviction thereof before the Police Judge be fined in any sum not exceeding twenty-five dollars for each

offense, or imprisoned in the city jail for not more than twenty days, or by both such fine and imprisonment.

#### DEFINITION OF TRAVELERS.

Sec. 43. – Such persons and no other shall be deemed travelers, within the meaning of Section 42 of this Chapter, as may be actually engaged in making a journey at the time.

#### OBSTRUCTING STREETS.

Sec. 44. – Any person who shall obstruct, injure or impair, or cause to be obstructed, injured or impaired any of the sidewalks, streets or alleys in the City of Rexburg, and shall continue such obstruction for a period of twenty-four hours after notice from the Chief of Police to remove the same, shall on conviction thereof be fined in a sum not exceeding twenty-five dollars for every such offense.

#### RECKLESS DRIVING.

Sec. 45. – Any person who shall be guilty of any furious, reckless or careless driving or riding any horse, mule or other animal within the limits of the City of Rexburg, shall upon conviction thereof, be punished by fine in any sum not exceeding one hundred dollars for every such offense, or by imprisonment in the city jail for a period of not more than twenty days, or by both such fine and imprisonment.

#### DISORDERLY CONDUCT.

Sec. 46. – Any person or persons who shall be guilty of any violent, noisy, or riotous or disorderly conduct, or who shall use any profane, abusive or obscene language in a loud tone in any street, alley, house or public place within the City of Rexburg, or in any way commit a breach of the peace, or do anything that shall be offensive to the senses or dangerous to the peace of the inhabitants of the said City of Rexburg, shall upon conviction thereof, be punished by fine in any sum not exceeding one hundred dollars for each offense, or by imprisonment in the city jail, not more than twenty days, or by such fine and imprisonment.

#### DRUNKENNESS.

Sec. 47. – Any person who shall be on the streets, alleys or other public place within the City of Rexburg, in a state of drunkenness, or shall expose his or her person indecently or obscenely, or who shall in any such public place within said City or Rexburg, in a loud, angry or threatening manner use any vulgar, obscene or profane language, of an insulting character, tending in any way to injure or harm any person or persons, or whereby the peace or quiet of the inhabitants of the said city may be disturbed, shall on conviction thereof for each offense be punished by fine in any sum not exceeding one hundred dollars, or by imprisonment in the city jail at hard labor for a period not exceeding sixty days, or by both such fine and imprisonment.

#### DISTURBING PUBLIC PEACE.

Sec. 48. – If two or more persons assemble for the purpose of disturbing the public peace of the City of Rexburg, or for the purpose of committing any unlawful act within said city, and do not disperse on being commanded so to do by the Chief of Police or by the Mayor of said city, the persons so offending shall on conviction thereof be severely punished by fine in any sum not exceeding one hundred dollars, or by imprisonment in the city jail not exceeding twenty days, or by both such fine and imprisonment.

#### CONGREGATING ON STREETS.

Sec. 49. – Whoever wilfully remains standing, lying or sitting down on any of the sidewalks, streets, alleys or public places of the City of Rexburg, in such a manner as to obstruct or impede the free passage of pedestrians or public travel, or any portion of the same, or who wilfully remains standing, lying or sitting thereon in said manner after being requested to immediately move on by the Chief of Police, or any police officer of said city, or who wilfully remains on the sidewalk in front of any dwelling house or place of business which abuts on any of the sidewalks in this city, in such manner as to obstruct the free passage of any other person into or out of such dwelling house or place of business, without the consent or against the will of the proprietor, shall be deemed guilty of a misdemeanor

#### PENALTY.

Sec. 50. – Any person or persons violating any of the provisions of section 49 of this Chapter shall on conviction thereof be fined in any sum not less than five dollars nor more than fifty dollars or by imprisonment in the city jail for a period of not exceeding twenty days, or by both such fine and imprisonment.

#### ASSEMBLING IN THE STREET.

Sec. 51. – If two or more persons shall assemble together in the streets, alleys or other public places in the City of Rexburg for the purpose of doing an unlawful act, and separate without doing or advancing toward it, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be severely punished by fine in any sum not exceeding one hundred dollars, or by imprisonment in the city jail not exceeding twenty days, or by both such fine and imprisonment.

#### QUARRELING IN THE STREET.

Sec. 52. – If two or more persons shall meet in any street, alley, lot, building or any public place in the City of Rexburg to do any unlawful act upon common cause of quarrel, and shall make advances toward it; or shall actually do an unlawful act of violence or engage in any fight either with or without a common cause of quarrel or even do an unlawful act in a violent, tumultuous and illegal manner, they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine in any sum not exceeding one hundred dollars, or by imprisonment in the city jail not more than twenty days, or by both such fine and imprisonment.

#### KEEPING DISORDERLY HOUSE.

Sec. 53. – Any person or persons who shall keep a disorderly house, or saloon, or other house of any kind or for any purpose, or who shall allow, permit or suffer, in any house or saloon,

or building kept, used or occupied by him or her within the limits of the City of Rexburg any disorderly, noisy or riotous conduct, or any quarreling or fighting, shall, on conviction thereof, be fined in a sum not exceeding one hundred dollars, or by imprisonment in the city jail not more than twenty days, or by both such fine and imprisonment.

#### ASSAULT.

Sec. 54. – An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

#### PENALTY.

Sec. 55. – Any person who shall commit an assault within the limits of the City of Rexburg, shall, on conviction before the police Judge be punished by a fine not exceeding one hundred dollars or by imprisonment in the city jail not exceeding twenty days, or by both such fine and imprisonment.

#### BATTERY.

Sec. 56. – A battery is any willful and unlawful use of force or violence on the person of another.

#### PENALTY.

Sec. 57. – Any person who shall commit a battery within the limits of the City of Rexburg, shall, upon conviction before the Police Judge be punished by a fine not exceeding one hundred dollars or by imprisonment in the city jail not exceeding twenty days or by both such fine and imprisonment.

#### PROHIBITING GAMBLING.

Sec. 58. – No gambling game or game of chance and no game with cards, dice, or slot machine or other gambling device for money or merchandise, shall be played or conducted in the City of Rexburg. 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 saloon, building or place owned, occupied or conducted in whole or part, by him, shall be subject to a fine of not less than twenty dollars and not more than one hundred dollars for each offense, and upon any such conviction any saloon or liquor or other license granted by the city held in whole or in part by the person so convicted, may be forfeited and be null and void.

#### PROHIBITING GAMBLING AND GAMES OF CHANCE AND CHEATING OR DEFRAUDING IN OR ABOUT CIRCUSES.

Sec. 59. – No gambling game or game of chance, and no game with cards or dice, or other gambling device shall be played or conducted in any circus, show or performance, or in or upon any grounds or place where any circus, show or performance is being held.

Any person or persons employed by or connected with any circus, show or performance who shall cheat, defraud or short-change any patron of said circus, show or performance shall be deemed guilty of a misdemeanor.

#### PENALTY.

Sec. 60. – Any person or persons violating any of the provisions of Section 59 shall, on conviction thereof, be fined not less than ten nor more than one hundred dollars, or imprisoned in the city jail not to exceed twenty days, or by both such fine and imprisonment.

#### PLAYING MUSICAL INSTRUMENTS IN SALOONS.

Sec. 61. – No musical instrument shall be played upon, nor any vocal or instrumental music sang or played in any saloon where liquors are sold under license granted by the city, or in any room or apartment connected with any such saloon so as to be heard upon any public street or sidewalk of the city. Any person violating the provisions of this section, or permitting or suffering any violation thereof, in any saloon, building, or place owned or occupied or controlled in whole or in part by him, shall be subject to a fine of not less than five and not more than twenty-five dollars for each offense, and upon any such conviction, any city, saloon or liquor license held in whole or part by the person so convicted shall be forfeited and be null and void.

#### FEMALES SINGING IN SALOONS.

Sec. 62. – No females shall be employed in or shall be permitted or suffered to sing, or to play upon any instrument or at any game in any saloon or other place where the sale of liquors is licensed by the city. Any person violating the provisions of this section or permitting or suffering any violation thereof, in any saloon, building or place owned, occupied or conducted, in whole or in part by him shall be subject to a fine of not less than five and not more than twenty-five dollars for each offense, and upon such conviction any city saloon or liquor license held in whole or in part, by the person so convicted shall be forfeited and be null and void.

#### STALLIONS TO BE SCREENED FROM SIGHT.

Sec. 63. – No person owning or keeping stallion shall allow such stallion to serve any mare within the corporate limits of the City of Rexburg, except it be within a building erected and roofed over and so constructed as to perfectly screen such service from the sight of any person situated on the outside of such building.

#### PENALTY.

Sec. 64. – If any owner of any stallion, or any keeper, agent or employee of said owner, shall permit such stallion to serve any mare within the corporate limits of the City of Rexburg, without being screened from sight as provided in the foregoing Section 63 of this Chapter, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty-five dollars or ten days imprisonment in the city jail, or by both such fine and imprisonment, together with the costs of suit.

#### VAGRANCY.

Sec. 65. – Every person without any visible means of living, who has the physical ability to work, and who does not for the space of ten days seek employment, nor labor when employment is offered him; every healthy beggar who solicits alms as a business; every person who roams about from place to place without any lawful business; every idle or dissolute person, or associate of known thieves, who wanders about the streets or other public places at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; every lewd and dissolute person, who lives in and about houses of ill-fame and every person who habitually consorts with common prostitutes, is a vagrant, and is punishable by a fine in any sum not less than ten nor more than one hundred dollars, or by imprisonment in the city jail not to exceed twenty days or by both fine and imprisonment.

#### DRUNKARDS TO BE DEEMED VAGRANTS.

Sec. 66. – All common drunkards shall be deemed vagrants, and on conviction shall be liable for each offense to a fine in any sum less than one hundred dollars, or to imprisonment.

#### VAGRANTS TO BE ARRESTED.

Sec. 67. – It shall be the duty of the Police Justice of said city, having personal knowledge, or on complaint being made under oath, that any person within the limits of the city is a vagrant of any one of the classes designated in Sections 65 and 66, to cause such person to be brought before him and if, upon examination, such person be found guilty of vagrancy, he or she, for each offense, shall be liable to a fine in any sum less than one hundred dollars, or to imprisonment in the city jail for any period less than one hundred days, or to both such fine and imprisonment, and may be required to give bonds with good and sufficient sureties in a penal sum of not more than five hundred dollars, conditioned that the said defendant will, for the space of six months next ensuring the execution of said bond, be of good behavior and in default thereof he may be committed to the city prison until such security is given, not exceeding ninety days.

#### KEEPING HOUSES OF ILL-FAME.

Sec. 68. – If any person shall, within the corporate limits of the City of Rexburg, or within three miles from the outer boundary thereof, keeping a house of ill-fame, bawdy house, or other disorderly house or place resorted to for illicit sexual commerce or lewdness, or shall reside in or resort to, for the purpose of lewdness, illicit sexual gratification, prostitution or disorderly conduct, or who shall loiter in or around any house of ill-fame, bawdy or other disorderly house, or place resorted to for illicit gratification, prostitution or lewdness, or used by one or more females for the purpose of illicit sexual commerce or lewdness, or shall let or lease any place or house for any such purpose, he shall be liable to a fine in any sum not to exceed one hundred dollars, or to imprisonment not exceeding one hundred days, or to both such fine and imprisonment, at the discretion of the Court. Every person having charge, care or control of any of the houses named in this Section shall, for the purpose of prosecution, be deemed the keeper thereof.

#### AUTHORITY OF POLICE OFFICERS.

Sec. 69. – Whenever any peace officer of the city has reasonable grounds to believe that any house or place is kept for the purposes named in the preceding section, it shall be lawful for such officer to enter such house or place without warrant and to arrest all persons found therein, and take them before the Police Justice of the city for trial.

#### SPITTING ON SIDEWALKS.

Sec. 70. – Any person who spits or expectorates upon any window of any store or shop, the property of another, or upon the sidewalks in the City of Rexburg, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

#### JUMPING ON OR OFF TRAINS.

Sec. 71. – Any person who, within the corporate limits of the City of Rexburg, without the permission of the conductors, jumps on or from or rides upon a train of railroad cars, or any car or engine or part of such train while the same is in motion, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

#### UNLAWFULLY OPENING ENCLOSURES.

Sec. 72. – Any person who shall take down any fence or let down any bars, or open any gate so as to expose any enclosure, or ride, drive or walk across, or lodge, camp or sleep upon the premises of another without permission of the owner or occupant thereof, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

#### INJURING AND DEFACING SIDEWALKS.

Sec. 73. – Any person who shall injure or impair, or mark or deface or cause to be injured or impaired, marked or defaced, any sidewalk, street or alley, or any building, the property of another, within the City of Rexburg, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

#### IMPERSONATING AN OFFICER.

Sec. 74. – Any person who shall falsely represent himself to be an officer of the City of Rexburg, or attempt to impersonate any such officer, or who without authority shall perform any official act for or on behalf of any officer, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

#### PETTIT LARCENY.

Sec. 75. – Any person who shall commit petit larceny, as defined by the Statutes of the State of Idaho, within the limits of the City of Rexburg, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

#### OBTAINING GOODS UNDER FALSE PRETENSES.

Sec. 76. – Any person who shall, within the limits of the city, obtain any goods, chattels or any other property under false pretenses, or who shall enter into any public house, shop or place and call for refreshment or other article or thing, and receive the same and depart without paying for the same, or satisfying the person from whom he received the refreshments, article or thing shall, upon conviction, be fined in any sum not exceeding one hundred dollars.

#### FURIOUS AND RECKLESS DRIVING.

Sec. 77. – Any person who shall be guilty of any furious, reckless or careless driving or riding of any horse or other animal within the limits of the City of Rexburg, shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars.

#### ILLTREATING DUMB ANIMALS.

Sec. 78. – Any person who shall torture or cruelly beat or otherwise ill-treat any horse, ox or other animal within the limits of the City of Rexburg, whether belonging to himself or any other person, shall, upon conviction thereof, be fined in any sum not to exceed one hundred dollars.

#### REGULATING DEPTH OF PRIVY.

Sec. 79. – It shall be unlawful for the owner or occupant of any premises within the corporate limits of the City of Rexburg to maintain upon said premises any water closet or privy, the vaults of which is less than four feet deep.

#### SELLING TOBACCO TO MINORS.

Sec. 80. – Any person who shall sell or give away, directly or indirectly, to any person or persons under the age of twenty-one years, any cigarettes, or any tobacco or compound of tobacco used in filling or making up of cigarettes, shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars.

#### ENTICING CHILDREN FROM PARENTS.

Sec. 81. – Any person who shall use any influence, directly or indirectly, to induce, persuade or entice any female from her husband, parents or guardian, or to alienate her feelings therefrom, or who shall use any influence to entice or persuade any minor, male or female, from his or her parents, guardians or other persons having charge of the same, without the consent of such parents, guardians or other persons, shall be liable to a fine of not more than one hundred dollars, or to imprisonment not more than three months, or to both fine and imprisonment.

#### PROHIBITING ERECTION OF BARB WIRE FENCES.

Sec. 82. – It shall be unlawful for any person to hereafter erect, or cause to be erected, or to maintain any barb wire fence along or adjacent to any street within the limits of the City of Rexburg; and any person so erecting, or causing to be erected, or maintaining any such fence, shall be deemed guilty of committing a nuisance, and, on conviction thereof, shall be fined in any sum not exceeding fifty dollars.

## PROHIBITING GAMES AND BUSINESS ON SUNDAY.

Sec. 83. – Every person who shall indulge in any outdoor amusement, or conspicuous or noisy secular labor, or who shall keep open any bar, shop, store, or any other place, to carry on any kind of business or amusement—excepting hotels, restaurants, drug-stores, bakeries or livery stables—within the limits of the city, on the first day of the week, commonly called Sunday, is guilty of an offense, and upon conviction thereof shall be liable to a fine in any sum not exceeding twenty-five dollars.

## OBSTRUCTING STREETS AND SIDEWALKS.

Sec. 84. – It shall be unlawful for any person to place or leave, or permit to be placed or left, within the limits of any street, avenue, alley or sidewalk of this city, any wagon, cart, dray, barrow, handcart, sleigh or other vehicle, or any lumber, wood, timber, or any other article or thing whatsoever in such a manner as to obstruct or interfere with the public use of any such street, avenue, alley or sidewalk, gutter or water course in the city by fencing, or by filling or removing therefrom any earth or stone or other material, or to interfere in any manner therewith, except by permission of the City Council; and every person so doing shall be deemed guilty of committing a nuisance, and on conviction thereof shall be fined in any sum not less than five dollars nor more than one hundred dollars, and in addition thereto may, in the discretion of the court, be imprisoned not to exceed thirty days.

## LOTTERY DEFINED AND FORBIDDEN.

Sec. 85. – A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or any interest in such property, upon any agreement, understanding or expectation that it is to be disposed of or distributed by lot or chance, whether called a lottery, raffle or gift enterprise, or by whatever name the same may be known. Every person who contrives, prepares, sets up, proposes or draws any lottery, is guilty of an offense.

## POISONOUS DRUGS TO BE LABELED.

Sec. 86. – All persons who prepare or put up drugs or medicines are hereby required to label them in a plain and legible manner in the English language; and all drugs of a poisonous nature shall be labeled "Poison."

## BUTCHERS TO KEEP RECORD.

Sec. 87. – All butchers or slaughterers shall keep a book in which they shall record a faithful description of the kind, age, size and color of all animals by them killed, with the brands and marks thereon, together with the name of the person from whom received, and the time when killed; which book shall be open to the inspection of the public.

## SECURING TEAMS.

Sec. 88. – Any person having charge of or being the driver of a team shall, while such team is standing in the streets or any other public place of the City of Rexburg, stand near the head of the same or have hold of the lines attached to them, or otherwise secure them to some post or other substantial place of fastening prepared for that purpose, or by lead or iron weight, weighing not less than ten pounds, attached to the bit by a strap, rope or chain.

#### NUISANCE DEFINED AND DESIGNATED.

Sec. 89. – Whatever is dangerous to human life or health, and whatever renders soil, air, water or food impure or unwholesome, are declared to be nuisances and to be illegal, and every person, either owner, agent, or occupant, having aided in creating or contributing to the same, or who may support, continue or retain any of them, shall be deemed guilty of a misdemeanor.

#### OVERLOADING ANIMALS.

Sec. 90. – Any person who shall cruelly overload, overdrive or overwork, any horse, ox or other domestic animal within the limits of this city, whether belonging to himself or to any other person, shall be liable to fine in any sum not exceeding fifty dollars, or imprisonment in the city jail not exceeding one month.

#### MOVING BUILDINGS ACROSS STREETS.

Sec. 91. – No person shall move any building or frame of any building into or upon any of the public streets, lots or squares of this city, or cause the same to be done, or otherwise to obstruct the free passage of the streets, without the written permission of the Mayor or President of the Council, or, in their absence, a Councilor. A violation of this Section shall, on conviction, subject the offender to a fine not exceeding twenty-five dollars.

#### PLAYING GAMES ON SIDEWALKS.

Sec. 92. – All persons are hereby forbidden to obstruct the sidewalks, crosswalks or streets of this city by games of any kind, playing at ball, quoits, marbles, jumping, rolling hoops or flying of kites, or by permitting the swinging of gates across the sidewalks of this city to the annoyance of another, or to obstruct the free travel of foot passengers or teams along the streets or sidewalks, under penalty of a fine not exceeding twenty dollars.

#### BURYING DEAD ANIMALS.

Sec. 93. – No person shall drag, lay or leave any dead animal or any part of the same within forty rods of any lane, street, alley, road or public highway, or within eighty rods of any dwelling house or other place where persons usually work or stay, within the limits of this city, without burying the same at least four feet under the surface of the ground.

#### POISONING ANIMALS.

Sec. 94. – Any person who shall wilfully kill, maim or disfigure any horse or other domestic animal, the property of another, or administers any poisonous substance with the intent that it shall

be taken by any such animal, is guilty of a crime, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding ninety days.

#### BATHING IN PUBLIC.

Sec. 95. – No person shall swim or bathe in any of the waters within the limits of the City of Rexburg, except in public or private bathhouses, unless covered with a bathing suit so as to prevent any indecent exposure of person, under a penalty of not to exceed twenty-five dollars for each offense.

#### CREATING CONTENTION AND DISTURBANCE.

Sec. 96. – Any person who shall excite disturbance or contention at any public house, court, election, or any lawful meeting of citizens within the limits of this city, is guilty of a crime, and on conviction thereof may be punished by fine not exceeding fifty dollars, or be imprisoned in the city jail not exceeding thirty days, or both.

#### DISTURBING PUBLIC MEETINGS.

Sec. 97. – Any person who shall wilfully disturb any public assembly, congregated for religious worship or other lawful purpose, at any place in this city, by undue or unusual noise, or by unbecoming and indecent behavior, is guilty of a crime, and on conviction thereof may be fined in any sum not exceeding fifty dollars, or be imprisoned in the city jail not exceeding two months, or both.

#### PROFANITY.

Sec. 98. – Any person profaning the name of the Deity within the limits of the City of Rexburg shall be liable to a fine not exceeding ten dollars, or to imprisonment not exceeding five days, or to both fine and imprisonment.

#### LIQUOR ON ELECTION DAYS AND HOLIDAYS.

Sec. 99. – The Mayor, whenever in his judgment the peace, good order and safety of the city, or its inhabitants shall require it, and on Municipal, County and State election days, and on all legal holidays, may, by proclamation, forbid the sale, barter, dealing out or otherwise disposing of spirituous, vinous, malt, or other intoxicating liquors for any given period, not to exceed twenty-four hours at any one time, and any person who shall sell, barter, or give away any such liquors in contravention of such proclamation, shall, on conviction, be fined in any sum not exceeding one hundred dollars for each offense.

#### PURCHASING GOODS FROM MINORS.

Sec. 100. – That it shall be unlawful for any second-hand goods dealer or pawnbroker, to purchase in the line of his business any article or goods from a minor; and all such dealers and pawnbrokers shall, on purchasing, selling or taking as security any articles or goods, enter a description of the same, in a book to be kept by him or them, kept for that purpose, in which shall be given the names of the articles purchased, sold or taken as security and the amount paid for or

advanced thereon and the names of the persons from whom bought or taken as security, and to whom sold, and on what date each transaction is made, which book shall at all times be open to the inspection of the Police or any member of the Council.

#### PENALTY.

Sec. 101. – That any person or persons who shall violate any of the provisions of Section 100, shall be punished by a fine of not less than ten (\$10.00) dollars nor more than fifty dollars and costs for each and every offense, and in default of the payment thereof, shall be imprisoned in the City of County Jail for a period equal to one day for each one and one-half dollars of the fine and costs imposed.

#### PAINTING AND POSTING ADVERTISEMENTS.

Sec. 102. – No person or persons shall, within the limits of the City of Rexburg, post or paint any advertisement upon any private wall, door, gate or fence, without the written consent of the owner of such wall, door, gate or fence or upon any curbstone, flagging, gutterstone, sidewalks, lamp-post, gateways, telegraph or other poles, fire plugs, wooden or iron railing or fence of any of the public grounds or buildings of the City of Rexburg, of the announcement of sale or barter of any description of merchandise, or of the treatment of any disease or of any public amusement or of lottery or notice of general public character, or any advertisement whatever, without the previous consent of the Mayor or upon any property belonging to any corporation or company without the previous written permission of the president or other managing officer of such corporation or company.

#### TEARING DOWN BILLS.

Sec. 103. – It shall be unlawful for any person or persons to destroy, tear, mutilate, cover over or otherwise deface or injure any bill or poster posted in such places as may be permitted, and in accordance with the requirements of this Ordinance.

#### DRIVING STOCK OFF RANGE.

Sec. 104. – That it shall be unlawful for any person or persons to drive stock of any kind off the range over which said person or persons have no control or without the permission of the owner into the corporate limits of the City of Rexburg, for any purpose whatsoever, unless the said person or persons without unnecessary delay return said stock, so driven in the direction from which said person or persons brought them, beyond the corporate limits of the City of Rexburg.

#### PENALTY.

Sec. 105. – Any person or persons violating the provisions of the preceding section shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined in any sum not to exceed twenty dollars and costs of prosecution. In default of the payment of such judgment the defendant shall be imprisoned in the city jail and work upon the streets of the City of Rexburg one day for every two dollars of said fine and costs.

#### DISOWNING DEAD ANIMALS.

Sec. 106. – Any person or persons willfully disowning a dead animal found within the corporate limits of the City of Rexburg after being notified for the purpose of avoiding the requirements of the owners of such animals shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than five dollars nor more than twenty dollars and the costs of prosecution, and in default of the payment of such judgment, shall be imprisoned the city jail and work upon the streets of the City of Rexburg, at the rate of two dollars per day until said fine and costs are paid.

#### CLEANING SIDEWALKS OF SNOW.

Sec. 107. – It shall be unlawful for any person or persons, firm or corporation, owning or occupying premises within the boundary herein named, to suffer or permit snow or other rubbish or debris to be or remain on the sidewalks in front of their respective premises for more than one business day after the same falls or is placed or put there, within the following described limits, to-wit: On the north and south sides of Main street, from Second East to Second West streets, in the City of Rexburg, State of Idaho.

#### PENALTY.

Sec. 108. – For each violation of the foregoing section or for each failure, neglect or refusal so to remove such snow, rubbish or debris, as provided in the foregoing section, such persons, firm or corporation, owning or occupying premises within the boundaries above noted, upon conviction thereof, shall be fined in any sum not exceeding ten dollars for each offense; and each day's refusal or neglect shall be treated as a separate and distinct offense.

#### EXHIBITING INDECENT PICTURES.

Sec. 109. – Any person who shall sell, circulate or exhibit any obscene print, picture or figure, or any obscene literature, or shall utter or speak or write any obscene or lewd language, or sing any vulgar or lewd song, within the limits of the City of Rexburg, shall be liable to a fine in any sum less than one hundred dollars or to imprisonment in the city jail for any period less than one hundred days, or both such fine and imprisonment for each offense.

#### SELLING PUTRID MEAT OR FISH.

Sec. 110. – No meats, fish, birds, fowl or vegetables not being then healthy, fresh, sound wholesome and safe for human food, nor any meat or fish that died of disease or accident, shall be brought within said city, or offered or held for sale in any public or private market as such food anywhere in said city.

#### FORBIDDING THE SELLING OF CERTAIN MEATS.

Sec. 111. – That no calf, pig or lamb or the meat thereof shall be brought, held or offered for sale as such food in the City of Rexburg, which at the date of its death, being a calf less than four weeks old, or being a pig, was, when killed, less than five weeks old, or being a lamb, was, when killed, less than eight weeks old.

KILLING DISEASED CATTLE.

Sec. 112. – That no cattle shall be killed for human food while in an overheated, feverish or diseased condition, and all such diseased cattle in the City of Rexburg shall be at once reported to the chairman of the Health Board by the owner or custodian thereof, that the proper order may be made relative thereto.

SELLING UNWHOLESOME DRINKS AND MEATS.

Sec. 113. – That no person, being manager or keeper of any saloon, boarding house, or lodging house or being employed as a clerk, servant or agent thereat, shall therein or thereat offer or have for food or drink, or to be eaten or drank, any deleterious or unwholesome substance, nor allow anything therein to be done prejudicial to.

KEEPING IMPURE FOOD FOR SALE.

Sec. 114. That no cased, blown, plated, raised, stuffed, putrid, impure or unwholesome meat or fish, bird, or fowl shall be held or kept in any market, public, or private, or in any public place in Rexburg.

MEAT MARKETS TO BE KEPT CLEAN.

Sec. 115. – That any person being the owner, lessee or occupant of any room, stall or place where any meat, fish or vegetables designed for human food shall be stored or kept or shall be held or offered for sale, shall put and keep such room, stall and place and its appurtenances in a clean and wholesome condition.

Sec. 116. – It shall be unlawful for any person or persons, firm or corporation, to keep open any place of business in the City of Rexburg after the hour of twelve o'clock p.m., commonly known as midnight, and until 4 o'clock a.m. the following day.

Sec. 117. – All public buildings and places of amusement within the City of Rexburg shall be provided with good and sufficient fire escapes and exits and shall keep all said exits and fire escapes, together with all aisles, from any obstruction whatsoever during the use of any said building.

PENALTY.

Sec. 118. – Any person or persons violating any of the provisions of this Chapter, unless otherwise provided, shall, upon conviction thereof, be fined in any sum not less than \$5.00 nor more than \$100.00

CHAPTER II.

NUISANCES.

PRIVIES TO BE KEPT IN GOOD CONDITION.

Sec. 1. – No person who is the owner, or occupant of, or agent for, any house, store building or premises, in the City of Rexburg, to which a privy belongs or appertains, shall use or keep the same in such a condition as to cause a noisome or offensive smell so as to become a nuisance.

#### PENALTY.

Sec. 2. – Any person violating section 1 of this Chapter shall, upon conviction thereof, be punished by a fine in any sum not exceeding twenty-five dollars, or be imprisoned in the city jail not exceeding ten days, or by both such fine and imprisonment.

#### DUTY OF CHIEF OF POLICE ON THE EXISTENCE OF ANY NUISANCE.

Sec. 3. – Whenever the Chief of Police shall be notified of the existence of any nuisance, or the violation of any Ordinance relative to nuisances, he shall immediately make, or cause to be made an examination of the yard, lot, place or premises, on which it is charged that such nuisance is suffered or permitted, and if he find a nuisance to exist thereon he shall forthwith give or cause to be given to either the owner, agent, or occupant of such yard, lot, place or premises, or to all of them, a notice to remove or abate such nuisance; and if such nuisance shall not be removed or abated within twenty-four hours after such notice, the Chief of Police shall forthwith, at the expiration of said twenty-four hours, cause the owner, occupant of, or agent for such property to be arrested and brought before the Police Judge; and if the person or persons so arrested, be convicted, the Chief of Police shall cause the nuisance to be removed or abated; and said Chief of Police is hereby authorized to remove any obstruction that it may be necessary to remove in order to reach and remove or abate such nuisance. The expense of the removal of any nuisance by the Chief of Police shall be paid by the city in the first instance, but the same shall be taxed as a part of the costs in such cause, and be recovered by the city from the owner, agent or occupant notified as hereinbefore provided.

#### INSECURE AND UNSAFE BUILDINGS DECLARED TO BE A NUISANCE.

Sec. 4. – Every building or structure which from any cause is insecure or unsafe or dangerous to life or property is hereby declared to be a nuisance, and any person who is the owner, agent or person in charge of any such insecure, unsafe or dangerous building or structure permitting such nuisance to continue for more than twenty-four hours after receiving notice from the City Engineer of the insecure, unsafe or dangerous condition of such building or structure, shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment for not more than twenty days or both such fine and imprisonment. Each day such nuisance shall be permitted to continue shall be a separate offense.

#### DEAD TREES DECLARED TO BE NUISANCES.

Sec. 5. – Every dead tree over six inches in diameter standing in the City of Rexburg is hereby declared to be a nuisance.

#### NUISANCES TO BE REMOVED BY STREET SUPERVISOR.

Sec. 6 – Every such nuisance, if existing outside the lot line and in any street or alley shall be at once removed by the Supervisor of Streets.

OWNERS OF PRIVATE PROPERTY TO REMOVE NUISANCE WHEN SAME EXISTS.

Sec. 7. – Whenever any such nuisance exists on any private property it shall be removed by the owner of person in control of the property within two days after notice to remove the same has been served upon such owner or person in control by the Chief of Police. In case such owner or person in control shall fail, neglect or refuse to remove the nuisance within the said two days, the Chief of Police shall cause the nuisance to be removed; the cost of removal shall be at the expense of such owner or person in control and shall be collected by suit if necessary.

WEEDS ON SIDEWALKS.

Sec. 8. – Any owner, occupant or agent of any real property who shall neglect to cut and remove the weeds, sagebrush or other similar obstruction on the sidewalk or sidewalks in front of his or their premises, shall be deemed guilty of maintaining a nuisance.

UNTRIMMED TREES OVERHANGING SIDEWALKS.

Sec. 9. – Any owner, agent, tenant or occupant of any property who shall neglect to trim the trees in front of his or their property owned or occupied by him or them overhanging the sidewalks or streets so that the same will interfere with pedestrians or public travel, shall be deemed guilty of maintaining a nuisance.

PENALTY.

Sec. 10. – That any person or persons violating any of the provisions of Sections 5,6,7,8, or 9 of this Chapter, shall upon conviction thereof, be fined in any sum not exceeding twenty-five dollars.

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CHAPTER III.

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WATER DITCHES.

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CONSTRUCTING CULVERTS.

Sec. 1. – It hereby made the duty of any person or persons that now, or who shall hereafter, run any water from irrigation, or for any other purpose across any of the streets, within the limits of the City of Rexburg, to construct and keep in repair a good and substantial culvert of sufficient capacity for carrying all water so run, and to cover such culvert, where the same crosses the street, for a distance of twenty-four feet, lateral measure, that is twelve feet at right angles, from the center each way.

CONSTRUCTED UNDER DIRECTION OF SUPERVISOR.

Sec. 2. – All ditches or culverts, hereafter constructed for the purpose of running water across any of the streets of the City of Rexburg shall be constructed at the places and as directed by the Street Supervisor of the City of Rexburg, and as specified in Section one of this Chapter.

#### NOTICE TO REPAIR.

Sec. 3. – If any person or persons running any water across any of the streets of the City of Rexburg, shall, after ten days' notice given by the Street Supervisor to construct or repair the culverts fail or refuse to construct or repair the culvert or culverts mentioned in such notice, he or they shall be liable to a fine of two dollars for each and every day from the expiration of said ten days for any such neglect, failure or refusal, besides the damages occasioned by such neglect or refusal.

#### JOINT OWNERSHIP OF DITCH.

Sec. 4. – When any ditch or culvert crossing any street or streets of the City of Rexburg, is owned or used by several persons for joint or several purposes, each person shall be severally liable for any neglect, refusal or failure to so construct, cover or repair after the notice given as provided in Section 3 of this Chapter.

#### MAY BE FILLED AND DISCONTINUED.

Sec. 5. – It is hereby declared that if any ditch or culvert, crossing any of the streets of the City of Rexburg, or within the boundaries of any streets of said city, shall not be kept in good repair, as required in Section 1 of this Chapter, the Mayor and City Council may, after notice as provided in Section 3 of this Chapter, order such ditch or culvert to be filled and discontinued, and that the owner or owners of such ditch or culvert will be liable to the city for the expense of filling the same.

#### PARTIES SELLING WATER.

Sec. 6. – It is hereby declared that it is the duty of any person, persons or company that sell water for irrigation purposes to any inhabitants within the limits of the City of Rexburg, to provide and construct sufficient ditches and outlets to convey and carry off all the surplus water from their respective ditches, and any person, persons or company neglecting, failing or refusing to construct such necessary ditches or outlets, after notice being given as provided in Section 3 of this Chapter, shall be liable to a fine of two dollars for each and every day so neglecting or refusing, after the expiration of ten days' notice and costs of suit.

#### HEADGATE TO BE CONSTRUCTED AT POINT OF DIVERSION FROM WATER DITCHES.

Sec. 7. – Any person conducting water from street gutter or from irrigating ditches in the streets or alleys of the City of Rexburg to private property for irrigating purposes shall construct a good and sufficient headgate at the point of diversion from such gutter or ditch, under the supervision and direction of the Street Supervisor of the city.

#### PENALTY.

Sec. 8. – Any person conducting water from any gutter or irrigating ditch in the City of Rexburg except as provided in Section 7 of this Chapter; and any person obstructing the flow of water in any street gutter or irrigating ditch in any street or alley by constructing therein any earth dam or otherwise except by consent of the Street Supervisor, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than ten dollars or by imprisonment for not more than ten days or both such fine and imprisonment.

#### PENALTY FOR FLOODING STREETS.

Sec. 9. – Any person, company or corporation who causes or permits any water used by him or them for the purpose of irrigation or any other purpose to flow into or upon any public highway, street or alley in any manner, not authorized by law or the ordinances of this city, is guilty of a misdemeanor, and upon conviction thereof, must be fined in any sum not more than twenty-five dollars; and for a second offense, double said fine, and imprisonment not to exceed ten days.

#### DUTY OF STREET SUPERVISOR TO MAKE COMPLAINT.

Sec. 10. – And it is hereby made the duty of the Supervisor of the City of Rexburg to make complaint before the Police Judge for all violations of Section 9 of this Chapter, whenever he shall have knowledge thereof.

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### CHAPTER IV.

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#### HEALTH.

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#### RECORD TO BE KEPT BY THE CHIEF OF POLICE.

Sec. 1. – There shall be kept at the office of the Chief of Police, and under his direction, a book in which shall be entered the name and place of residence of every person who is affected with any of the diseases mentioned in this Ordinance, and also the name, age, residence, sex, nativity, color and such other details as the Board of Health may deem requisite of every person dying within the city, and the cause of death, as nearly as can be ascertained.

#### BOARD OF HEALTH.

Sec. 2. – There is hereby established a Board of Health, consisting of the Mayor, the City Physician and the Chief of Police. The Chief of Police shall be ex-Officio Health Officer.

#### PHYSICIANS TO GIVE WRITTEN CERTIFICATE TO CHIEF OF POLICE.

Sec. 3. – In case of the death of any person within the city, it shall be the duty of the attending physician, written twelve hours thereafter, or in his absence, a physician to be employed by the Board of Health, immediately on receiving notice of his employment, to give to Chief of Police a written certificate stating the date and cause of death, and such other information about such deceased person as the Board of Health may deem requisite and necessary.

## PERMITS FOR REMOVING DEAD BODIES FROM THE CITY.

Sec. 4. – The City Clerk shall, on receipt of a duly qualified physician's certificate, filled out in the form to be prescribed and furnished by the Board of Health – and not otherwise, issue a permit for the removal from the city of any deceased person. No undertaker or other person or persons shall remove or cause to be removed from the city any corpse, or the body of any deceased person, without having first obtained a permit from the City Clerk.

## PERSONS PRACTICING MIDWIFERY MUST KEEP REGISTER OF BIRTHS.

Sec. 5. – Every person practicing midwifery in this city, under whose charge or superintendence births shall hereafter take place, shall keep a true and exact register of such births, and shall enter the same on a blank schedule to be furnished by the City Clerk. This schedule shall contain a list of births which shall have occurred under his or her care during the month, and shall set forth as far as can be ascertained, the full name of such (if any name shall have been conferred), its sex, color, the full name, occupation and nativity of its parent or parents, the date and place of birth; and the said schedule shall be delivered, duly signed by such practitioner in the form of a certificate on the first day of each and every month, to the City Clerk. In case the birth of any child shall have occurred without the attendance of a physician or practitioner of midwifery, or should no other person be in attendance upon the mother immediately thereafter, it then shall become the duty of the parent or parents of such child to report its birth to the City Clerk in the manner and form, and within the period above required.

## HEALTH OFFICER TO CAUSE EXAMINATION AND REPORT TO BOARD OF HEALTH.

Sec. 6. – The health officer shall cause all cases of Asiatic Cholera, Smallpox, Scarlet Fever, Diphtheria or Measles brought to his notice to be examined and report the result of such examination to the Board of Health. He shall be vigilant and active in detecting and removing all causes of disease, and shall see that all persons violating Ordinances in relation to the public health are duly prosecuted; and it is hereby made his duty to make complaint, or take such other steps as may be necessary to bring such persons before the proper court for prosecution.

## WHO ARE HEALTH INSPECTORS.

Sec. 7. – Every police officer shall be ex-officio a health inspector, but without extra pay therefore. Should any officer observe that any building, premises or street or alley is in a condition offensive to the public health, he shall immediately report the same to the Board of Health.

## DUTY OF PHYSICIANS.

Sec. 8. – It shall be the duty of each physician in this city to report to the health officer in writing, every parent he shall have suffering from Asiatic Cholera, Smallpox, Varioloid, Diphtheria, Scarlet Fever, Measles or other dangerous or contagious diseases, immediately upon discovering the existence of such disease, or has good reason to suspect that such patient is suffering from any or either of said diseases. And every physician must report to the City Clerk every case of death from

either or any of the diseases mentioned in this section, immediately after the death shall have occurred, upon blanks furnished by the Board of Health.

#### WHEN NO PHYSICIAN IS IN ATTENDANCE WHO TO REPORT TO HEALTH OFFICER.

Sec. 9. – When no physician is in attendance upon the person sick it shall be the duty of every householder in this city to report in writing to the health officer immediately the name of every person boarding or lodging at his or her house, or living there, whom she or he shall reason to believe to be sick of Asiatic Cholera, Smallpox, Varioloid, Diphtheria, Scarlet Fever, Measles, or any other contagious or dangerous disease, and report any deaths occurring at his or her house from any disease.

#### DUTY OF OCCUPANT TO GIVE NOTICE.

Sec. 10. – That it shall be and is hereby made the duty of every owner or occupant of every house, store building or tenement in said city, wherein any person may have the Asiatic Cholera, Diphtheria, Varioloid, Smallpox, Scarlet Fever, Measles, or any other dangerous or contagious disease or diseases, to give notice to the public immediately of the existence of such diseases in such house, store building or tenement, by placing a yellow flag in some conspicuous place on the premises, where it may be seen by persons passing on the street near the said premises; and in case the owner or occupant of such house, store building or tenement shall fail or neglect to place such flag as aforesaid, it is hereby made the duty of the Chief of Police as soon as he is informed of the existence in any house, store building, or tenement, to cause such flag to be placed aforesaid; and such flag whether placed as aforesaid by such owner or occupant, or by the Chief of Police shall not be removed by any person until such removal is authorized by the health officer. Such flag shall not be less than one foot wide by one and one-half foot long.

#### PERSONS AFFECTED WITH CONTAGIOUS DISEASE SHALL NOT GO OUT IN PUBLIC.

Sec. 11. – No person having any contagious disease as enumerated in section 9 of this Chapter, shall go out in public or leave the quarantined premises, or appear in any street, alley or other public place in said city, until he or she shall have so far recovered from such disease as to preclude all danger of infection; and if the Chief of Police shall see, or be informed of any person violating this section, it shall be his duty to cause such person to be taken forthwith to his or her place of residence, if within the city, and if such residence is not within the city then to such place as the Mayor and chairman of the sanitary committee may direct. And the City Physician is hereby authorized in all cases to determine when the danger of infection or contagion has ceased to exist. All fumigation and disinfection shall be done under the direction of the City Physician.

#### CLOTHES OF PERSON WORN DURING SICKNESS TO BE DESTROYED.

Sec. 12. – The occupant, or in case the premises are unoccupied the owner of any house, store building or tenement in said city, wherein any person may have been sick of any of the diseases mentioned in Section 9, shall, on the recovery or death of such person from such disease, forthwith destroy such sickness and shall cleanse and purify the room and house, stores, tenement or building, in which such sick person was confined, and the health officer shall see that the provisions of this section are strictly enforced, as per rules to be established by said Board of Health.

VEHICLES NOT TO BE USED WITHOUT WRITTEN CONSENT OF HEALTH OFFICER.

Sec. 13. – No person owning or having control thereof, shall drive or use any vehicle, or permit such vehicle to be used or driven for the conveyance, transportation or removal of any person infected with any of the disease mentioned in Section 9, or the body of any person (who may die of such disease) without the written consent of the City Physician; and any vehicle so used under a permit shall not be used for any other purpose whatever without the written consent of the Health Officer.

PERSONS IN CONTACT WITH SMALLPOX, DIPHTHERIA OR SCARLET FEVER SHALL NOT GO ON PUBLIC STREETS.

Sec. 14. – No person attending upon or otherwise coming in contact with any person affected with any of the diseases mentioned in Section 9, in such manner or to such extent as to render him liable to communicate the disease, shall go upon any public street, or in any way mingle with people not affected with the disease: *Provided*, That nothing in this section shall be construed to apply to physicians.

PATIENTS NOT TO BE REMOVED WITHOUT CONSENT

Sec. 15. – No persons shall remove any patient suffering from any of the diseases mentioned in Section 9, of this Chapter, from any house or place within the limits of the city, to another house or place without the written consent of the City Physician.

ADULTERATED MILK, ETC., NOT TO BE SOLD.

Sec. 16. – No person shall offer or have for sale, or deliver to any person in this city any unwholesome, watered or adulterated milk or milk known as swill milk, or milk from cows that are fed on swill, stagnant water, garbage or like substances, or butter or cheese made from such milk, and the Health Officer is hereby empowered at any time he may deem it expedient to do so, to take samples of the milk or butter offered or kept for sale or delivering within the city, for the purpose of having the purity or impurity of such milk or butter determined by proper examination by the Board of Health.

UNWHOLESOME MEAT, ETC., NOT TO BE SOLD.

Sec. 17. – No person shall sell, expose for sale or deliver for human food any blown, tainted, diseased or bad, or unwholesome meat, poultry, fish or game, or the flesh of any calf less than four (4) weeks old when slaughtered; or any unsound, decayed or unwholesome fruit, vegetables or market produce, and the Health Officer is hereby authorized and directed to prosecute all persons for a violation of this section.

PENALTY.

Sec. 18. – Any person who shall violate any of the provisions of this Chapter, or who shall in any way hinder, delay or prevent or attempt to hinder, delay or prevent the Health Officer from doing his duty under the sections shall, on conviction thereof, be fined not less than ten nor more than one hundred dollars, or imprisoned in the city jail not to exceed twenty days, or both in the discretion of the Court.

HEALTH OFFICER EMPOWERED TO-ENTER PREMISES.

Sec. 19. – The Health Officer and any person acting under his authority and direction or that of the Board Health, are hereby authorized and empowered to enter any premises in this city in the performance of any duty imposed by the sections of this Chapter relative to, any contagious or infectious disease and in order to effect an entrance into such premises he may remove any obstruction necessary to be removed therefore.

RULES FOR BOARD OF HEALTH.

Sec. 20. – The Board of Health are hereby empowered to make all needful rules and regulations for the carrying out of the provisions of this Chapter not inconsistent with law or the Ordinances of this city.

ANIMALS WITH GLANDERS.

Sec. 21. – Any person who shall bring, or cause to be brought or shall keep or cause to be kept within the limits of the City of Rexburg, any horse, mare, gelding or other animal that is afflicted with glanders, or any other contagious disease, shall, upon conviction thereof, be fined in a sum not exceeding one hundred dollars, or imprisoned not more than twenty days, or both such fine and imprisonment.

SLAUGHTER HOUSES.

Sec. 22. – It shall not be lawful for any person within said City of Rexburg to keep, use, or occupy any building or out-house or yard as a slaughter house, and any person who shall, within the limits of the City of Rexburg, keep, use, or occupy any building, out-house or yard as a slaughter house, after notice from the City Council to remove, the same, shall on conviction thereof, be fined in a sum not exceeding one hundred dollars.

NOXIOUS TRADE

Sec. 23. – No person shall, within the City of Rexburg, keep, maintain or permit to be kept or maintained, upon the premises owned or occupied by him, her or them, any building or out-house or yard wherein any noxious trade or occupation is carried on, the use or occupancy of which building or out-house or yard is injurious to the health or noxious to the senses. And any person who shall continue such nuisance after notice to remove or abate the same, give by the Chief of Police, shall be subject to a fine of not more than one hundred dollars.

CHAPTER V.

WORKING CITY PRISONERS.

ALL PRISONERS LIABLE TO WORK.

Section 1. – All city prisoners, during the term of their imprisonment or commitment, after conviction, shall work in or upon the public squares, lots, blocks, streets or buildings, or other property of which the city has direct charge or control, and in cleaning all crossings of streets in the city; and upon any and all streets of the city where so required by the Mayor.

#### CHIEF OF POLICE TO NOTIFY MAYOR.

Sec. 2. – It shall be the duty of the Chief of Police whenever he shall have any prisoners in his custody, to notify the Mayor, stating the number of prisoners available for work, and the Mayor shall designate to the Chief of Police the place or places where the labor of such prisoners may be required, and the kind of work necessary to be done, and thereupon the Chief of Police shall have such work performed by the prisoners in his custody as far as practicable.

#### MUST LABOR UNDER DIRECTION OF CHIEF OF POLICE.

Sec. 3. – The city prisoners must labor as herein provided under the direction of the Chief of Police, whose duty it shall be to see that the prisoners are guarded to prevent escape, and may shackle them with ball and chain.

#### NUMBER OF HOURS TO LABOR.

Sec. 4. – No city prisoner shall be allowed to labor more than eight hours in one day. If prisoners shall refuse to labor when directed by the Chief of Police, they shall, for every such refusal, be closely confined in the city jail, with no food except bread, and no drink except water, for a period of twenty-four hours.

#### CHIEF OF POLICE FILE STATEMENT.

Sec. 5. – On the day preceding the day for each regular monthly meeting of the City Council, the Chief of Police shall file with the City Clerk a statement containing the names of the prisoners who shall have performed work during the preceding month, together with the number of days' work performed by each prisoner, the kind of work performed, and the aggregate number of days work performed by prisoners under his direction during said preceding month.

#### CONSTRUING SECTIONS 1, 2, 3, 4, 5 OF THIS CHAPTER.

Sec. 6. – Sections 1, 2, 3, 4 and 5 of this Chapter shall not be construed to require any female to perform labor in public, nor to require any prisoner to labor on Sunday. The term "prisoner" or "city prisoner," as used in Sections 1, 2, 3, 4 and 5 of this Chapter shall be construed to include all persons who may hereafter be sentenced to imprisonment for the violation of any Ordinance of Rexburg, or committed to prison for the non-payment of any fine imposed for the violation of such Ordinance.

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### CHAPTER VI.

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FINES

HOW COLLECTED

Section 1. – In all cases when a fine shall be imposed upon a person for a violation of any of the Ordinances of said City of Rexburg, such fine may be collected under the State Laws, or by imprisonment at hard labor in the city prison until such fine be paid at the rate of one day for each and every two dollars of such fine, provided the total time of imprisonment shall not exceed twenty days.

CHAPTER VI.

DEFINING THE ORDINANCES OF THE CITY OF REXBURG; THE DEFINITION AND MEANING OF CERTAIN WORDS AND PHRASES; AND THE GENERAL CONSTRUCTION TO BE GIVEN CERTAIN THINGS THEREIN CONTAINED.

Section 1. – These Ordinances shall be known as the “Revised Ordinances of the City of Rexburg” and whenever referred to in any complaint or other document or proceeding in this city, it shall be sufficient to refer to the same as “The Revised Ordinances of the City of Rexburg;” giving, the number of the Ordinance or Chapter, the number of the Section and the date of the approval of these Ordinances.

Sec. 2. – These Revised Ordinances shall not affect any act done, or right accrued, any penalty incurred, any suit, prosecution or proceeding pending, or the tenure of office of any person holding office, at the time when they take effect; nor shall the repeal of any Ordinance hereby have the effect of reviving any Ordinance heretofore repealed or superseded.

Sec. 3. – The rule of the common law, that penal statutes are to be construed strictly, has no application to these Ordinances. These Ordinances are adopted for the good government of this city; and for the purpose of protecting the property, promoting the happiness, peace, good order and general welfare of the inhabitants thereof; and to that end, all its provisions are to be construed according to the fair import of their terms, with a view to, effect its objects and to promote justice.

Sec. 4. – The omission to specify or enumerate herein those provisions of the general laws applicable to all cities, which are, in their nature, self-executing, shall not be construed as a waiver of the benefit of any or all such provisions.

Sec. 5. – The following words, when employed in these Ordinances, or in any other Ordinance or By-Law of this city, are employed in the senses hereinafter affixed to them, except where a different sense appears:

1. The term “willfully” when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.

2. The terms “neglect,” “negligence,” “negligent,” and “negligently,” import a want of such attention to the nature and probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.