



**ORDINANCE NO. 283**

**AN ORDINANCE PRESCRIBING CERTAIN POLICE, FIRE, SAFETY AND SANITARY REGULATIONS FOR THE CONDUCT OF THE VARIOUS OCCUPATIONS, TRADES, BUSINESSES, PROFESSIONS, VOCATIONS, EMPLOYMENTS, TRANSACTIONS, ENGAGED IN, EXERCISED, OR CARRIED ON WITHIN THE CORPORATE LIMITS OF THE CITY OF REXBURG, MADISON COUNTY, STATE OF IDAHO: IMPOSING A LICENSE TAX ON PERSONS, COMPANIES, ASSOCIATIONS OR CORPORATIONS, ENGAGING IN, CONDUCTING, OR CARRYING ON SUCH OCCUPATIONS, TRADES, BUSINESSES, PROFESSIONS, VOCATIONS, AND EMPLOYMENTS, TO DEFRAY THE COST OF ENFORCING SUCH REGULATIONS, AND ALL OTHER POLICE AND REGULATORY ORDINANCES OF THE CITY OF REXBURG, IDAHO: FIXING THE AMOUNT OF LICENSE TAX TO BE CHARGED FOR EACH OCCUPATION, TRADE, BUSINESS, PROFESSION, VOCATION OR EMPLOYMENT: PRESCRIBING THE MANNER OF PAYING SAID LICENSE TAX, AND FIXING THE LENGTH OF TIME FOR WHICH SAID LICENSE TAX SHALL APPLY: PRESCRIBING THE MANNER OF ASCERTAINING THE CLASS TO WHICH THE VARIOUS BUSINESSES BELONG: PROVIDING FOR THE ISSUANCE OF LICENSE TAX CERTIFICATES AND REGULATING THE USE THEREOF. PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVING THE TIME FOR THE TAKING EFFECT HEREOF.**

BE IT ORDAINED BY THE CITY OF REXBURG:

**ARTICLE I**

**SECTION I:** It shall be unlawful for any person or persons, firm or corporation whether landlord or tenant to maintain or operate any openings into or beneath the sidewalk space covered by trap doors or folding doors to fail or neglect to keep the same securely closed while said doors are not in use, or to properly and securely guard the opening or openings against accident when said doors are in use. It shall be the duty of the Chief of Police to inspect such doors or openings at least once each quarter.

**SECTION II:** It shall be unlawful for any person or persons, firm or corporation owning or occupying any premises within the boundaries hereinafter named to suffer or permit any snow or ice, weeds, or other rubbish or debris of any kind to be or remain on the sidewalk 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 either side of the following streets; Main Street; Second East Street between First North and First South Streets; First East Street between First North and First South Streets; College Avenue; Center Street between First North and First South Streets; in the City of Rexburg, Madison County, Idaho. It shall be the duty of the Chief of Police to inspect all sidewalks in said district at least once each month and to report all violations of this section to the Mayor.

**SECTION III:** It shall be unlawful for any persons, firm or corporation to permit any vegetables, waste, litter, garbage, filth or refuse of any nature, kind or description detrimental to health, to accumulate upon or within any private alley, yard or area, or upon or along any public street or alley, except the same be temporarily deposited for the purpose of removal.

It shall be the duty of the Chief of Police to inspect all such private and public yards, areas, streets and alleys at least once each month and to report all violations or this section to the Mayor.

**SECTION IV:** It shall be the duty of the Committee on Roads, Bridges, Public Grounds and Improvements, to have, or cause to be sprinkled all of the public streets within the City of Rexburg as often as the weather and condition of said streets may require, and to have or cause all paved streets to be flushed as often as required to keep same clean.

**SECTION V:** It shall be unlawful for any person or persons, firm or corporation owning or occupying any business premises in the City of Rexburg, to deposit or place, or suffer to be deposited or placed at the rear of such place of business or elsewhere about said premises any wrappings, packing, excelsior, boxes or any other combustible material of any kind or character, except the same is enclosed in a container and is placed there temporarily for removal, and it shall be unlawful to allow same to remain in such container for a longer period than twenty-four hours; or to burn same at or about said premises or any buildings. It shall be the duty of the Fire Chief to make frequent inspections of all business places, and to report all violations of this section to the Mayor.

**SECTION VI:** The Chief of the Fire Department shall have power and it shall be his duty to make or cause to be made, semi-annual inspections of all premises in the City of Rexburg, used chiefly for business purposes, and to determine by such inspection whether such premises are reasonably safe from the danger of fire, and it shall be his duty and he is hereby empowered to require the owner or occupant of any such business premises to remove, or cause to be removed, or correct or cause to be corrected any condition or agency found therein, which, in the judgement of the Fire Department and the City Council constitutes an unnecessary and unreasonable source of danger from fire. Such inspection shall be made at a reasonable time during the business hours. It shall be unlawful for any person, persons, firm or corporation occupying any business premises to refuse the Chief of the Fire Department, or his duly authorized assistant or other appointed officer, permission to make inspection as herein required at reasonable times, or to refuse or neglect to remove or correct or cause to be removed or corrected, within twenty days after receipt of notice from the Fire Department any condition or agency on the premises determined to be a source of danger from fire, in the manner as above provided.

**SECTION VII:** It shall be unlawful for any person, persons, firm or corporation engaged in the business of selling, or keeping for sale groceries, produce, foods, or food products of any kind, to expose the same for sale, or to permit the same to be or remain upon any sidewalk, street or alley within the City of Rexburg, without the permission of the Mayor in writing is first had, and without adequately safeguarding said goods from being soiled by dogs, flies or storm.

**SECTION VIII:** It shall be unlawful for any person, persons, firm or corporation engaged in the business of buying, selling or keeping for sale of groceries, produce, foods or food products of any kind, to permit the premises where such goods are kept, stored, exposed for sale or sold, to become or remain in an unclean or unsanitary condition. It shall be the duty of the City Physician or other Officer duly appointed by the Mayor and Council to inspect all such places of business at least once each quarter, and to report all violations of this section to the Mayor or City Council.

**SECTION IX:** It shall be unlawful for any person, persons, firm or corporation to sell or keep for sale, within the corporate limits of the City of Rexburg, Madison County, Idaho, any firecrackers, torpedoes, caps, cap pistols, rockets, giant-crackers, or any other explosives, fireworks or accessories, manufactured and sold to furnish amusement.

## **ARTICLE II**

For the purpose of raising the fund necessary to pay the expenses of enforcing the regulations herein-above prescribed as well as all other police and sanitary regulations of a general nature heretofore provided by ordinance, the following license tax is hereby imposed upon all persons, firms, or corporations engaged in, exercising, or carrying on directly or indirectly the following named kinds of occupations, trades, businesses, professions, vocations and employments, within the corporate limits of the City of Rexburg, Madison County, Idaho, as provided in the following sections, to wit:

For sections 1-109, which outline the fees, see the original.

## **ARTICLE III**

Hereafter it shall be unlawful for any person, persons, firm, company, corporation or association to do, transact, exercise, engage in, or carry on either directly or indirectly within the corporate limits of the City of Rexburg, Idaho, any occupation, business, profession, vocation or employment for which license tax is in this ordinance provided, without having first paid said license tax.

#### **ARTICLE IV**

The license tax provided for in this ordinance shall be paid to the City Treasurer of the City of Rexburg, Idaho, by the person, persons, company, association or corporation engaged in or intending to engage in said business, profession, occupation or trade, upon the taking effect hereof or at or before the time of commencing or engaging in the same, and the Treasurer=s receipt taken therefor and from the Treasurer=s receipt, the Clerk shall issue such license certificate as is authorized in said receipt and thereafter all license taxes must be paid quarterly in advance at said Treasurer=s office at the City Hall.

#### **ARTICLE V**

No license tax shall be paid for less time than one quarter, except as herein otherwise provided, except upon the first application and then the said license tax shall be paid for not less than the remainder of the current quarter in which it is paid. Nor shall any license be paid or any license certificate be issued to extend beyond the fiscal year in which it is paid or issued.

#### **ARTICLE VI**

No license tax or license certificates issued pursuant to this Ordinance shall be in any way transferable or assignable or authorize any person, persons, company, association or corporation other than the one having paid said license tax and to whom said license certificate was issued to do, conduct, or carry on such business, trade, occupation or vocation or employment and any person, persons, company, corporation or association having a license certificate to practice or carry on any occupation, trade, business, vocation, or employment as provided for herein, shall produce said license certificate when demanded or requested to do so by any officer of the City of Rexburg.

#### **ARTICLE VII**

Any person, persons, firm, company, corporation or association, who shall violate any of the provisions of this ordinance shall upon conviction thereof is fined in a sum not less than \$5.00 nor more than \$100.00 and costs, for each offense, and in default of payment shall be confined in the City Jail and at hard labor upon the streets or elsewhere for the benefit of the City, one day for each \$2.00 of each unpaid fine and costs.

#### **ARTICLE VIII**

All ordinances and parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed.

#### **ARTICLE IX**

This ordinance shall be in full force and effect from and after its passage and approval and due publication in the manner provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 26<sup>th</sup> day of July, 1923.

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L.Y. Rigby, Mayor

(SEAL)

ATTEST:

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George E. Liljenquist, City Clerk

