



**ORDINANCE NO. 346**

**AN ORDINANCE DECLARING AN EMERGENCY, AND RELATING TO NATIONAL DEFENSE, AND TO THE DEFENSE AND PROTECTION OF THE CITY OF REXBURG, IDAHO, AND THE INHABITANTS HEREOF: PROVIDING A SYSTEM OF LAWS, RULES REGULATIONS AND PROHIBITIONS PERTAINING TO AIR RAID PROTECTION, BLACKOUTS AND EMERGENCY ALARM: PROVIDING FINES AND PENALTIES FOR THE VIOLATION THEREOF: AND FOR OTHER RELATED PURPOSES.**

BE IT ORDAINED BY THE Mayor and Council of the City of Rexburg, Idaho:

**WHEREAS**, The United States of America is at war, and public emergency exists by reason thereof,

**SECTION I:** A state of public emergency is hereby declared to exist, by reason of the fate that the United States of America is at war, the City of Rexburg does hereby exercise its governmental authority and police power for the protection of the public health peace, safety and welfare to the City of Rexburg and its inhabitants.

**SECTION II:** The following words and phrases, when used in this ordinance, shall, for the purpose of this ordinance, have the meaning, respectively, ascribed to them in this section:

- A. AIR RAID ALARM AND EMERGENCY ALARM-** A warning signal given in such manner and places as to be heard throughout the city by means of whistles, sirens or other mechanical devices; and such signal shall be accompanied, when given in the night time, by the extinguishment of all street lights in the City of Rexburg. The means of sounding such signal and the form thereof shall be proclaimed by the Mayor. The terms Air Raid Alarm and Emergency Alarm shall also include the entire period of time between the Alarm Signal and the All Clear Signal.
- B. ALERT SIGNAL-** A signal similar to that proved in sub-division hereof, given, if possible, prior to blackout, air raid alarm or emergency alarm, and as a preliminary warning that such an alarm may follow. The form of such signal shall be prescribed by the Mayor.
- C. DAYTIME-** That period beginning at the time of sunrise and ending at time of sunset
- D. NIGHTTIME-** That period beginning at the time of sunrise and ending at time of rise.
- E. BLACKOUT-** That period beginning immediately upon the sounding of any air raid alarm of emergency alarm in the night-time, and continuing until the all clear signal is given, or if none is given, then counting until daytime, as herein defined.
- F. ALL CLEAR SIGNAL-** A signal similar to that provided for in subdivision hereof, but of shorter duration, accompanied in the nighttime by the light of street lights in the city of Rexburg, or any part thereof. The form of such signal shall be as proclaimed by the Mayor.
- G. VEHICLE-** Every devise in, upon or by which any person or property is, or may be, transported, propelled or drawn upon or over any street, alley, highway or ground.

**SECTION III:** During the period of any blackout as above defined, it shall be unlawful to make or show any visible fire or light, and same is hereby prohibited, including but not limited to the following:

- A.** It shall be unlawful to make or show, or permit to be seen, any light from any window, door, opening or other place, or from any ground, room, residence, building, sign, structure, vehicle or other property, or any place, either public or private.
- B.** It shall be unlawful to strike or light any match or other fire, or to smoke any pipe, cigar or cigarette, in any outdoor place or in any vehicle in the City of Rexburg.
- C.** It shall be unlawful to light or use any flashlight, torch or other light in or about any outdoor place or in any vehicle in the City of Rexburg. The intermittent use of any flashlights,

vehicles lights, or any other lights, in specifically prohibited.

- D. It shall be unlawful to burn or have lighted any lamp, flashlight, candle, electric bulb, or other building or structure whatsoever, unless within an inner room or place, and in such manner as completely to shield and prevent such light from being visible in any manner outdoors.

**SECTION IV:** During the period of any blackout, and during the period of any air raid alarm or emergency alarm, whether in the daytime or the nighttime, and until the all clear signal is given, it shall be unlawful for any person to drive or move any vehicle upon or along any street, alley or public highway, in the City of Rexburg, and all drivers of automobiles or other vehicles shall immediately stop and park same at the nearest available place outside of the lanes of traffic, and keep same so parked with all lights thereon extinguished; and it shall be unlawful to double park, or to stop or park any vehicle on any bridge or the approach there, or in front of any fire plug, or fire exit, or hospital entrance, or at the entrance to any street or alley, or in any street intersection, or in any street, except at the curb or extreme side thereof, or in any manner so as to obstruct, hinder or impede the movements of any fire engine, police car, ambulance or other duly authorized emergency vehicle. During the period of any blackout in the City of Rexburg, all incoming vehicular traffic shall stop at the city limits, extinguish all vehicle lights, and remain stationary until the blackout is ended, and no vehicle shall enter the City of Rexburg during the period of any blackout.

**SECTION V:** During the period of any blackout all pedestrian travel within the City of Rexburg is hereby prohibited and declared unlawful provided, that immediately upon the sounding of any air raid alarm or emergency alarm, all pedestrians shall take shelter.

**SECTION VI:** The provisions of Section 4 of this Ordinance shall not apply to any fire engine, fire truck, police car, ambulance, vehicle of the armed forces of the United States of America, vehicles used in line of duty by any duly licensed physician, surgeon or nurse, or to any duly authorized emergency vehicle operating in the line of duty, but all such vehicles shall proceed with due caution under the circumstances and in all cases shall be equipped with dim headlights and rear light covering approved by the Chief of Police of the City of Rexburg, and no other lights shall be used on any such vehicle.

**SECTION VII:** The provisions of Section 5 of this Ordinance shall not apply to any firemen, police officer; member of the armed forces of the United States of America, duly licensed physicians surgeons or nurses, or other officially authorized persons, if and when acting in the line of their respective duties.

**SECTION VIII:** This Ordinance is enacted for the protection, health, safety and welfare of the inhabitants of the City of Rexburg, and neither the city or any lawfully authorized or deputized person enforcing or aiding and assisting in the enforcement of the provisions of this Ordinance shall be liable in a suit for damages because of any official act done in line of duty under this Ordinance.

**SECTION IX:** Any person who, during the period of any blackout, or of any air raid alarm or emergency alarm, whether in the daytime or the nighttime, shall willfully cause, create or participate in any panic, riot or unnecessary disturbance, or who shall willfully and wantonly break or destroy any property, or who shall commit any robbery, larceny, assault, theft, pillage or any other wanton violence or destruction, or who shall break or enter any building, property or place, shall be arrested, whether in the daytime or in the nighttime, and prosecuted for any offense so committed.

**SECTION X:** Except as otherwise herein provided, any person, firm or corporation, including proprietors, occupants and tenants, violating any of the provisions of this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding One Hundred (\$100.00) Dollars.

**SECTION XI:** Any person who shall operate any whistle, siren, or other mechanical device in such manner as to simulate an alert signal, air raid alarm or emergency alarm, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding One Hundred (\$100.00) Dollars

**SECTION XII:** The Mayor of the City of Rexburg is hereby authorized, empowered and directed to make, promulgate and publish such rules and regulations as he deems necessary or proper for the enforcement of the provisions of this Ordinance and protection of the inhabitants of

the City of Rexburg, which rules and regulations, upon publication in a newspaper published and circulated in the City of Rexburg, shall have the full force and effect of law.

**SECTION XIII:** This Ordinance shall be in full force and effect immediately upon its passage and approval and due publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 18th day of February, 1942

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D. William Stowell, Mayor

(SEAL)

ATTEST:

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Edna P. Hegsted, City Clerk

STATE OF IDAHO)  
  )ss.  
County of Madison )

I, EDNA P. HEGSTED, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

**AN ORDINANCE DECLARING AN EMERGENCY, AND RELATING TO NATIONAL DEFENSE, AND TO THE DEFENSE AND PROTECTION OF THE CITY OF REXBURG, IDAHO, AND THE INHABITANTS HEREOF: PROVIDING A SYSTEM OF LAWS, RULES REGULATIONS AND PROHIBITIONS PERTAINING TO AIR RAID PROTECTION, BLACKOUTS AND EMERGENCY ALARM: PROVIDING FINES AND PENALTIES FOR THE VIOLATION THEREOF: AND FOR OTHER RELATED PER- POSES.**

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Edna P. Hegsted, City Clerk

(SEAL)