



**ORDINANCE NO. 727**

**AN ORDINANCE AMENDING ORDINANCE NOS. 80 AND 118; ADDING PROVISIONS FOR THE OFFENSES OF ILLEGAL CONSUMPTION OF ALCOHOL BY PERSONS UNDER AGE TWENTY-ONE (21); BATTERY; TRESPASS; MALICIOUS INJURY TO PROPERTY; AND DRAWING CHECK WITHOUT FUNDS; MAKING A VIOLATION OF THIS ORDINANCE A MISDEMEANOR; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

**SECTION I:** That Chapter One of Part Three of Ordinance No. 80, as amended by Ordinance No. 118, be amended by adding the following sections:

**ILLEGAL CONSUMPTION**

Section 120: Any person who shall procure beer or any other alcoholic beverage for any person under twenty-one (21) years of age or any person under twenty-one (21) years of age who shall purchase, attempt to purchase or otherwise procure, consume or possess beer, or any other alcoholic beverage shall be guilty of a misdemeanor. This section does not apply to possession by a person under the age of twenty-one (21) years making a delivery of beer or any other alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment, or when such person under the age of twenty-one (21) years is in a private residence accompanied by his parent or guardian and with such parent's or guardian's consent.

**BATTERY**

Section 121: A battery is any:

- (a) Willful and unlawful use of force or violence upon the person of another; or
- (b) Actual, intentional and unlawful touching or striking of another person against the will of the other; or
- (c) Unlawfully and intentionally causing bodily harm to an individual.

**TRESPASS**

Section 122: Every person who willfully commits any trespass, by either:

- (a) Maliciously injuring or severing from the freehold of another, anything attached thereto, or the produce thereof; or
- (b) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, stone; or
- (c) Digging, taking, or carrying away from any land within the city limits, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil, or stone; or
- (d) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open, or using the corral or corrals of another without the permission of the owner; or
- (e) Willfully covering up or encumbering in any manner, the land or city lot of another, without written permission from the owner or custodian thereof; or
- (f) Every person, except under landlord-tenant relationship, who, being first notified in writing, or verbally by the owner or authorized agent of the owner of real property, to immediately depart from the same and who refuses so to depart after being so notified; or
- (g) Entering without permission of the owner or the owner's agent, upon the real property of another person which real property is posted with "No Trespassing" signs or other

notices of like meaning, spaced at intervals of not less than one (1) sign or notice per six hundred sixty (660) feet configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this section if said signs or notices are posted at such points of access; is guilty of a misdemeanor.

**MALICIOUS INJURY TO PROPERTY**

Section 123: Every person who maliciously injures or destroys any real or personal property not his own, in cases otherwise than such as are specified in this code, is guilty of a misdemeanor, unless the damages caused by a violation of this section exceed one thousand dollars (\$1,000) in value, in which case such person may be prosecuted for a felony.

**INSUFFICIENT FUNDS CHECKS**

Section 124: Any person who for himself or as the agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, shall make draw, utter or deliver, or cause to be made, drawn, uttered, or delivered, any check, draft or order for payment of money, in a sum less than fifty dollars (\$50.00) upon any bank or depository, or person, or firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has some but not sufficient funds in or credit with such bank or depository, or firm, or person, or corporation, for the full payment of such check, draft or order upon its presentation, although no express representation is made with reference thereto, shall upon conviction for each offense be punished by imprisonment in the county jail for a term not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300) or by both such fine and imprisonment.

**SECTION II:** Any and all violations of Chapter 1 of Part III. of Ordinance No. 80, as amended by Ordinance No. 118, are declared to be misdemeanors, are punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300), or by both.

**SECTION III:** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are herewith repealed.

**SECTION IV:** An emergency existing, this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on, this 6th day of November, 1991.

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Nile L Boyle, Mayor

(SEAL)

ATTEST:

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Rose Bagley, City Clerk

STATE OF IDAHO)

)ss.

County of Madison )

I, ROSE BAGLEY, 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 AMENDING ORDINANCE NOS. 80 AND 118; ADDING PROVISIONS FOR THE OFFENSES OF ILLEGAL CONSUMPTION OF ALCOHOL BY PERSONS UNDER AGE TWENTY-ONE 21; BATTERY; TRESPASS; MALICIOUS INJURY TO PROPERTY; AND DRAWING CHECK WITHOUT FUNDS; MAKING A VIOLATION OF THIS ORDINANCE A MISDEMEANOR; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 6<sup>th</sup> day of November, 1991.

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Rose Bagley, City Clerk

(SEAL)