

TITLE 8 HEALTH AND SAFETY

Title 8 sets forth the requirements and regulations associated with garbage, fireworks, nuisances and other topics related to the health and safety of the citizens of the City.

For statutory provisions authorizing a city to make all regulations and pass all necessary ordinances to preserve the public health, see [Idaho Code §50-304](#). For provisions authorizing cities to cause the removal of snow, ice, rubbish and weeds, [see Idaho Code §50-317](#).

CHAPTER 8.01 LITTERING*

*Note to Chapter 8.01: For statutory provisions authorizing a city to declare what shall be a nuisance and to abate it, see [Idaho Code §50--334](#).

8.01.010 Deposits in public ways restrictions – Permit required for certain uses

It is unlawful for any person or association of persons or any company or corporation to pile, place or deposit in or upon any street or public alley of the city any offal, wastepaper, rubbish, trash, glass, bottles, cans, bones, ashes or cinders, or any other refuse, debris or waste matter or material of any kind; or to pile, place or deposit in or upon any street or public alley of the city any earth, sand or gravel, or any stone, brick, blocks, lumber or other materials except for immediate use in the leveling, grading or otherwise improving such streets or alleys, or in the construction of a building or buildings, on land immediately contiguous to the street or alley where same is placed, and in such cases only after a permit so to do shall have been obtained from the chief of police of the city. ([Ord. 405 §1, 1956](#)).

8.01.020 Deposits in public ways – Declared public nuisance – Penalty for failure to remove

Any offal, wastepaper, rubbish, trash, glass, bottles, cans, bones, ashes or cinders, or any refuse, debris or waste matter or material of any kind piled, placed or deposited in or upon any street or public alley of the city shall be deemed and declared to be a public nuisance. Any person or association of persons, or any company or corporation who throws, piles, places or deposits, or causes or directs to be piled, thrown, placed or deposited in or upon any street or public alley of the city any of the matters, substances, things or materials mentioned in this chapter, and allows the same to remain in or upon such street or alley in violation of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable as set forth in [Chapter 1.02](#) of this code. ([Ord. 405 §2, 1956](#)).

CHAPTER 8.02 GARBAGE AND REFUSE COLLECTION AND DISPOSAL

8.02.010 Findings – Purpose of provisions

The accumulation of waste, refuse, trash, garbage, rubbish or other deleterious substances on the premises of private residences or commercial and industrial establishments, vacant lots, and in streets and all alleys, constitutes a public nuisance and menace and greatly increases the danger of the spread of infectious, contagious and epidemic diseases. It is necessary for the preservation of health, safety, sanitation, peace and public welfare that proper and adequate regulations be

adopted to require property owners, tenants, occupants, or lessees to secure containers and receptacles of sufficient kind and size in which to deposit waste, refuse, trash, garbage and rubbish for collection and removal at regular intervals. ([Ord. 559 §2, 1975](#)).

8.02.020 Applicability – Scope

This chapter shall apply to residential, commercial and industrial properties and areas of the city, including apartments, trailer courts and other dwelling units. ([Ord. 559 §3, 1975](#), amended by [Ord. 599](#), 1979, other amending ordinances : [625](#), [635](#), [640](#), [650](#), [711](#)).

8.02.030 Definitions and interpretation of terms

For the purpose of this chapter, the following terms, phrases, words, and their derivations, shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the single number, and words used in the singular number include the plural number:

For a complete list of the definitions please see [Ord. 706 §1, 1990](#).

8.02.040 Collection system – Use required – Exceptions

Every person who is an owner or occupant of the premises within the city limits shall use the refuse collection and disposal system provided for in this chapter and shall deposit or cause to be disposed of in accordance with this chapter all refuse which is accumulated on such premises; provided, that nothing in this chapter is to be construed to prohibit any owner from transporting and disposing of refuse accumulated on such premises, subject to all regulations contained in this chapter. ([Ord. 559 §5, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625](#), [635](#), [640](#), [650](#), [711](#)).

8.02.050 Refuse – Accumulation restrictions

It is unlawful for any person to permit to accumulate in or about any yard, lot, place or premises, or upon any street, alley or sidewalk adjacent to such lot, yard, place or premises owned or occupied by such person, any refuse so as to cause or create any offensive odor or atmosphere, be offensive or noticeable, unsightly, or create an insect or rodent harborage, or thereby, in any manner, to be or to become or cause or create a public nuisance or a menace to public health within the limits of the city. ([Ord. 559 §6, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625](#), [635](#), [640](#), [650](#), [711](#)).

8.02.060 Refuse – Owner responsibility to remove – Deposit restrictions

No person shall deposit refuse on or below the surface of the ground other than in a manner prescribed in this chapter. No person shall deposit or bury any refuse in or upon a public alley, street, other public area, or upon the premises of another person, whether or not the refuse is in an approved container. No refuse of any kind shall be thrown, swept or pushed into the street in front of any premises. The owner of the premises shall be responsible for the disposal of all such refuse. ([Ord. 559 §7, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625](#), [635](#), [640](#), [650](#), [711](#)).

8.02.070 Disposal vehicles – Equipment and operation

The actual producers of refuse, or the owners of premises upon which refuse is accumulated, who desire personally to collect and dispose of refuse, persons who desire to collect and disposal

of waste material not included in the definition of refuse or material not acceptable for collection, and collectors of waste and refuse from outside of the city who desire to haul over the streets of the city, shall use a vehicle so equipped and operated as to prevent refuse from being blown, dropped or spilled therefrom and offensive odors escaping therefrom. ([Ord. 559 §8, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.080 Approved containers – Required for collection by city

Every person using or occupying any building, house or structure within the corporate limits for residential, industrial or commercial purposes, shall provide and maintain “approved containers” of sufficient number and size to hold all refuse accumulating on the premises. The collector will empty and return only “approved containers.” ([Ord. 559 §9, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.090 Refuse – Requirements for placement in approved containers

All refuse must be placed in “approved containers,” as defined in subsection 1 of Section 8.02.030. In residential, commercial and industrial areas, all refuse that is mixed with water or other liquid shall be drained and shall be well wrapped in paper before being placed in the container. No free liquids shall be placed in the container. Thirty-two-gallon containers, when filled, shall not weigh more than seventy--five pounds. Lids of containers shall not be removed except when necessary to place or remove refuse, and the lid or cover of every refuse container shall at all times be kept securely in place and no refuse container shall be so overloaded that the lid or cover cannot be properly kept in place. ([Ord. 559 §10, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.100 Leaves, clippings, brush and similar materials – Collection procedures

Grass, leaves, weeds and clippings from trees and shrubs may be placed in cardboard cartons, bushel baskets or wooden boxes, provided the contents are prevented from being blown, spilled or removed by persons, wind or animals. Each carton, basket or box, including contents, shall not exceed fifty pounds in weight, and shall not exceed ten cubic feet in volume. When used, such containers will not be returned to the premises, but will be removed with the contents by the collectors; provided, however, that bushel baskets in good condition and repair will be returned to the premises. Brush may be tied with heavy cord or twine in bundles not to exceed two feet, six inches in length or fifty pounds in weight. ([Ord. 559 §11, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.110 Compost pile permissions

Compost piles may be maintained for fertilization purposes, and matter used for fertilization purposes only may be transported, kept and used; provided that the same shall not cause obnoxious odors to the neighborhood. ([Ord. 559 §12, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.120 Trash burning and other outdoor fires

1) Approved incinerators in the commercial or industrial areas may be used to burn trash. Nothing in this chapter shall be construed to prohibit the use of outdoor fireplaces, barbecue pits or grills, in preparing food or for recreational purposes. ([Ord. 559 §13, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

2) Open burning is allowed within the borders of The City of Rexburg, Madison County when three initial criteria are met prior to the burn:

For details please see [Ord. 1041, 2010](#)

Any person who allows or causes open burning without first “Registering their Burn” is guilty of a misdemeanor. ([Ord. 1041, 2010](#)).

8.02.130 Refuse – Collection schedule – Placement of containers

Refuse shall be collected from all premises within the city at least once each week. Premises wherein large accumulations of refuse occur may be classified separately with more frequent collection from the premises. The council shall establish a schedule of collection and persons who own or occupy premises within the city shall place all containers on the premises adjacent to the alley line of the premises upon the day scheduled for the pickup. Where there is no alley entrance to premises, refuse containers shall be placed at the street curb or at the inside edge of the sidewalk, where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection, and the empty containers shall be withdrawn from the front of the premises as soon after collection as possible on the same day. No refuse containers, refuse burners or piles of refuse shall be placed in or upon the alley right-of-way. ([Ord. 559 §13, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.140 Certain materials not collected – Responsibility for disposal

For more information about this section please see . ([Ord. 559 §14, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.150 Meddling with refuse containers prohibited

The meddling with refuse containers, any pilfering, scattering contents, and junking in any alley or street within the city limits is prohibited. . ([Ord. 559 §15, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.160 Salvaging material from sanitary landfill prohibited – Exception

Any material disposed of at the sanitary landfill is the property of the city, and no person is allowed to separate and collect, carry off or dispose of the same except under the authority and direction of the mayor and council. ([Ord. 559 §16, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.170 Franchise for collection and disposal – Application – Investigation – City council authority

Any person, firm or corporation desiring a franchise for the collection and disposal of refuse shall make application to the city council, which shall make and cause to be made such investigation as it may consider necessary in order to determine whether or not the public convenience and necessity requires the granting of such franchise. Any franchise so granted shall be subject to the terms and conditions set forth by the city council and this chapter. . ([Ord. 559 §17, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.180 Licensing and contracting for collection and disposal – Mayor and council authority

For additional information about this section please see [Ord. 559 §18, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#).

8.02.190 Inspection authority

All appropriate officers of the city shall have the right of ingress or egress to any premises . ([Ord. 559 §19, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)). for the purpose of inspecting all places and containers where refuse is accumulated or kept.

8.02.200 Refuse – Disposal in Madison County sanitary landfill required

The disposal of all refuse collected pursuant to the provisions of this chapter shall be in the Madison County sanitary landfill and under the supervision of the inspector. ([Ord. 559 §20, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#)).

8.02.210 Fees – Billing and payment procedures

For more information about this section please see [Ord. 559 §21, 1975](#), amended by [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650, 711](#).

8.02.220 Fees

For additional information about this section please see [Ord. 711 §§2, 3, 1990](#), Ordinance History: [Ord. 599, 1979](#), other amending ordinances : [625, 635, 640, 650](#)).

8.02.230 Additional rules and regulations authorized

The mayor and city council are authorized to prescribe such other rules and regulations as may be necessary to carry out the purposes of this chapter and provide for public welfare. ([Ord. 559 §25, 1975](#)).

8.02.240 Failure to comply with chapter provisions deemed misdemeanor – Penalty

For additional information about this section please see [Ord. 599 §2, 1979](#); [Ord. 559 §24, 1975](#).

8.02.250 Violation of chapter provisions – Citation and appearance requirements

For additional information about this section please see [Ord. 559 §23, 1975](#).

8.02.260 Unauthorized depositing of refuse – Penalty

For additional information about this section please see [Ord. 765 §§1, 2, 1994](#).

8.02.270 Non recyclable garbage and refuse

All garbage and refuse shall be placed in city refuse containers, except the following items, which are not allowed in any city container: asphalt, automotive batteries, building materials, carpet, cement block, concrete, dead animals, lumber scraps, mattresses, metal, motor oil, pallets, tires, tree limbs over one inch diameter, tree stumps and white goods (stoves, fridges, washers, dryers, dishwashers, etc.). ([Ord. 765 §3, 1994](#)).

8.02.280 Blocking access to containers prohibited

No vehicles or other obstruction, including snow, shall block access to a container that is to be dumped. If access is blocked, the container will not be dumped and an additional minimum fee will be assessed according to Appendix 4 for a return call to empty a container. ([Ord. 765 §4, 1994](#)).

8.02.290 Disposing of solid waste on public or private property prohibited

It is unlawful for any person to dump or in any manner dispose of solid waste upon any street, alley, public place or private property owned by another person within the city. ([Ord. 765 §5, 1994](#)).

8.02.300 Collection and storage

All solid waste shall be removed at least biweekly from all occupied premises in city residential areas and from all other premises as requested by the owner. Temporary storage of solid waste prior to removal shall comply with this section. ([Ord. 765 §6, 1994](#)).

8.02.310 Placing burning material in container prohibited

It is unlawful for any person to deposit in any solid waste container any burning materials, or materials sufficiently hot to create combustion when the same come in contact with other solid waste. ([Ord. 765 §7, 1994](#)).

8.02.320 Charges for collection service

The rates for city refuse collection shall be set by resolution of the city council and shall be reviewed at least annually. ([Ord. 765 §8, 1994](#))

8.02.330 Severability

The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application. ([Ord. 765 §9, 1994](#)).

8.02.340 Violation – Penalty

Any person, firm or corporation violating Section 8.02.270, 8.02.080, 8.02.0290 or 8.02.310 shall be guilty of a misdemeanor and assessed a civil penalty of not less than fifty dollars nor more than one thousand dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. ([Ord. 765 §10, 1994](#)).

CHAPTER 8.03 NOXIOUS WEEDS*

*Note to Chapter 8.03: For statutory provisions concerning the control and removal of noxious weeds, see [Idaho Code Ch. 22-24](#).

8.03.010 Noxious weeds declared public nuisance – Removal requirements

All offensive and noxious weeds or plants within the city limits are declared to be a public nuisance, and shall be cut, removed and destroyed by the owner or agent of the grounds or premises on which the same are located, when notified to do so by the chief of police or chief of

emergency services, such notice to be served in the manner provided in Section 8.03.020. ([Ord. 379 §1, 1951](#)).

8.03.020 Removal notice – Contents – Service and posting

It shall be the duty of the chief of police or chief of emergency services to notify the owner, agent or person having charge of any property within the city limits where offensive or noxious weeds or plants are growing to cut, remove and destroy the same. The notice shall describe the location of the property as nearly accurate as can be, and shall specify the time in which the weeds must be cut, removed and destroyed. The notice shall be served upon the owner, agent or person in charge of such property, if such owner, agent or person in charge can be found; then by posting a notice upon a conspicuous place on the premises and registering a copy of the notice to the owner or agent of the same. ([Ord. 379 §2, 1951](#)).

8.03.030 City to perform work – Costs deemed lien

If the owner, agent or person in charge fails to comply with the notice, or fails to cut, remove or destroy the noxious weeds growing upon any property in the city, the chief of police or chief of emergency services may order the work done at the expense of the city, and the same shall be charged against and be a lien on the property until paid, said lien to be filed the same as is provided for filing liens for sidewalks or other special improvements against property. ([Ord. 379 §3, 1951](#)).

8.03.040 Failure to comply with removal notice – Penalty

Any person or persons owning or controlling any such property upon whom notice has been served to remove the noxious weeds, who fails to comply with the notice within the time specified in the notice, shall be guilty of an offense, and, upon conviction, shall be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 379 §4, 1951](#)).

CHAPTER 8.04 FIREWORKS*

*Note to Chapter 8.04: For statutory provisions authorizing a city to adopt certain codes by reference, see [Idaho Code §50-901](#). For provisions regarding firecrackers or fireworks, see [Idaho Code Ch. 39-26](#). For statutory provisions authorizing a city to control the discharge of fireworks, see [Idaho Code §50-310](#).

8.04.010 Purpose and intent of provisions

It is declared to be the intent of the city council to aid and assist by whatever means possible the utmost consistency between the city and the state in governing and regulating the sale and use of fireworks. Toward that end, adoption of the Idaho State Fireworks Law is a necessary means of assuring maximum uniformity within the state. ([Ord. 536 §1, 1973](#)).

8.04.020 State Fireworks Law – Adopted by reference

There is adopted for the purpose of establishing rules and regulations for the sale and use of fireworks within the city that certain code identified as the Idaho State Fireworks Law, more particularly [Title 39, Chapter 26, Idaho Code](#), and as the same may hereafter be revised by the Idaho Legislature or amended by the city council of the city, and the same is adopted and

incorporated as an ordinance of the city as fully as though set forth at length in this chapter. ([Ord. 536 §2, 1973](#)).

8.04.030 State Fireworks Law – Copies filed for public examination

Three copies of the Idaho State Fireworks Law, together with any revisions or amendments, duly certified by the city clerk-treasurer, shall be kept on file in the clerk-treasurer's office for use and examination of and by the public. ([Ord. 536 §3, 1973](#))

8.04.040 Discharge prohibitions – Exceptions

- 1) It is unlawful for any person to discharge any firecracker, firework not designated as a "safe and sane" firework, torpedo, firearm, air gun, pneumatic gun, spring gun, B-B gun, rocket, grenade, Molotov cocktail, artillery projectile, pistol, catapult, flipper, ice bomb, pipe bomb, black powder bomb, or any other item(s), bomb(s) or explosive(s) capable of damaging property or injuring persons or animals within the corporate limits of the city. ([Ord. 714 §1, 1991](#); [Ord. 66\(part\), 1903](#)).
- 2) No person shall discharge any non-safe and sane firework anywhere in the city, except at a public exhibition pursuant to special written permit issued by the Rexburg City Fire Chief. ([Ord. 714 §3, 1991](#); [Ord. 66\(part\), 1903](#)).

8.04.050 Restrictions on possession

It is unlawful for any person to possess, make, manufacture, or have physical control over any firework not designated as a "safe and sane" firework, torpedo, grenade, Molotov cocktail, artillery projectile, ice bomb, pipe bomb, black powder bomb, or any other type of bomb, explosive, components thereof, or similar item(s) capable of damaging property or injuring humans or animals within the corporate limits of the city. ([Ord. 714 §2, 1991](#); [Ord. 66\(part\), 1903](#)).

8.04.060 Violation – Penalty

Any person violating any provision of Sections 8.04.040 and 8.04.050 shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding three hundred dollars, or by both. ([Ord. 714 §4, 1991](#); [Ord. 66\(part\), 1903](#)).

CHAPTER 8.05 RADIO INTERFERENCE

8.05.010 Apparatus or devices causing radio interference Nuisance and misdemeanor

That all radio interference which can be reasonably prevented is hereby declared a nuisance. That all electrical apparatus or devices, or any other apparatus or devices, which causes radio interference and which can be equipped with devices which eliminate radio interference, be immediately equipped with said devices so as not to interfere with radio reception. ([Ord. 332\(part\), 1937](#)).

8.05.020 Violation – Penalty

That any person violation this ordinance is guilty of misdemeanor and shall be fined not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00). ([Ord. 332\(part\), 1937](#)).

CHAPTER 8.06 PROPERTY NUISANCES

8.06.010 Nuisance defined

For the purposes of this chapter, "nuisance" means any condition or use of premises or of building exterior which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

For additional information about this section please see [Ord. 706 §1, 1990](#).

8.06.020 Responsibility for maintenance

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. ([Ord. 706 §2, 1990](#)).

8.06.030 Exterior storage of non-operating vehicles– Prohibited

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle, machinery, implement, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, to remain on such property longer than four- teen days; and no person shall leave any such vehicle on any property within the city for a longer time than fourteen days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This chapter shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity. ([Ord. 706 §3, 1990](#)).

8.06.040 Abatement by property owners

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners, and/or lessees of personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate the nuisance by the prompt removal of the personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location outside said corporate limits. ([Ord. 706 §4, 1990](#)).

8.06.050 Abatement by city

Whenever the owners fail to abate the nuisance, then the city shall remove the personalty to a location of its selection, the expenses there- for to be billed to said owners, jointly and severally, the bill to be recoverable in a suit at law.

When the personalty has been removed and placed in storage by the city, as provided for herein, the personalty shall be sold by the city after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be liable to the city for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited in the city treasury for their use. ([Ord. 706 §6, 1990](#)).

8.06.060 Violation – Penalty

If the owners allow the nuisance to exist or fail to abate the nuisance, they, and each of them, upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. ([Ord. 706 §5, 1990](#)).

8.06.070 Violation of safety regulations for building, facility or park

For additional information about this section please see [Ord. 759 §1-3, 1994](#).

CHAPTER 8.07 SUBSTANCE ABUSE

ARTICLE I METHAMPHETAMINES

8.07.010 Definitions

- 1) “Methamphetamine precursor drug(s)” shall mean and refer to any substance that is:
 - a) a drug or product containing as its sole active ingredient pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or
 - b) a combination drug or product containing as one (1) of its active ingredients pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.
- 2) "Over-the-counter sales" shall mean and refer to a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.
- 3) “Retailer” shall mean and refer to any person, corporation, partnership or other business entity conducting business within the Rexburg City Limits who sells or furnishes any over-the-counter drug product containing methamphetamine precursor drugs to any person who is the ultimate user or consumer of the product. ([Ord. 949 §1 \(1\), 2005](#)).

8.07.020 Prohibited acts

It shall be unlawful within the incorporated limits of the city for any retailer or employee thereof to knowingly sell, transfer, or to otherwise furnish in any single transaction:

- 1) More than three packages of any product that he or she knows to contain more than a total weight of nine (9) grams of methamphetamine precursor drugs.
- 2) A methamphetamine precursor drug to a person under the age of 18 years.
- 3) The limits established in this section shall not apply to any quantity of methamphetamine precursor drugs dispensed pursuant to a valid prescription. ([Ord. 949 §1 \(2\), 2005](#)).

8.07.030 Accessibility of methamphetamine precursor drugs

A business establishment that offers for sale methamphetamine precursor drugs shall ensure that all packages of the drugs are displayed and offered for sale only:

- 1) behind a checkout counter where the public is not permitted; or
- 2) inside a locked display case; and
- 3) all sales shall be conducted with an employee of the retailer and cannot be conducted by a self-service system. ([Ord. 949 §1 \(3\), 2005](#)).

8.07.040 Penalty

It shall be unlawful and punishable as a misdemeanor to violate any of the provisions of this chapter. ([Ord. 949 §1\(4\), 2005](#)).

ARTICLE II INTOXICATING SUBSTANCES

8.07.050 Sale, ingestion or inhalation of intoxicating chemicals prohibited

It shall be unlawful for any person for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of brain or nervous system to intentionally sell, ingest or inhale the fumes of any chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors of fumes. ([Ord. 532 §1, 1972](#)).

8.07.060 Responsibility of other persons

It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the preview of this article. ([Ord. 532 §2, 1972](#)).

8.07.070 Penalty

Violation of this ordinance shall be punishable by imprisonment in the Madison County Jail for a period not to exceed six (6) months or by a fine not to exceed \$300.00, or by both such imprisonment and fine. ([Ord. 532 §3, 1972](#)).

ARTICLE III “SPICE” A SYNTHETIC CANNABIS AN “INTOXICATING CHEMICAL SUBSTANCE

8.07.080 Intoxicating chemical substances

- 1) Definition and application: As used in this ordinance please see:

a)“Intoxicating chemical substance” shall only mean one or more of the following chemical compounds or their analogs or homologs, whether isolated or contained in any liquid, fiber, paper, powder, solution, herbal or plant material, aerosol, plasma, incense or other medium:

i. 1-pentyl-3-(1-naphthoyl) indole (JWH-018); naphthalen-1-yl-(1-butyldol-3-yl) methanone (JWH-073); 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP 47,497); OR

ii. any artificial chemical substance simulating, copying to a significant degree, or emulating any of the compounds listed in section 1(a)(i) of this ordinance, or any substance regulated or governed by Idaho Code Title 37, Chapter 27, which substance itself is not presently regulated by that Chapter, capable of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of the brain or nervous system as a result of the ingestion, injection into the bloodstream, or inhalation of the fumes or vapors of such chemical substance; OR

iii. for purposes of sections II(1)(a), II(1)(b) and II(1)(d) only, any substance or product labeled “Not for Human Consumption,” or any other label warning against humans introducing that substance or product into the body.

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b)“Paraphernalia” shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in injecting, ingesting, inhaling, or otherwise introducing into the human body, an “intoxicating chemical substance” (as that term is defined herein).

c) Application. Nothing in this ordinance shall be construed to include, govern over, or regulate any controlled substance or item of drug paraphernalia regulated by the provisions of Idaho Code Title 37, Chapter 27, the Uniform Controlled Substances Act. ([Ord. 1058 §1, 2010](#))

8.07.090 Abuse of an intoxicating chemical substance

A person is guilty of abuse of intoxicating chemical substances if:

For additional information please see [Ord. 1058 §2, 2010](#)

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8.07.100 Delivery of an intoxicating chemical substance

A person is guilty of delivery of an intoxicating chemical substance if that person offers, sells, delivers, or provides an intoxicating chemical substance to another person or entity. ([Ord. 1058 §3, 2010](#))

8.07.110 Manufacture of an intoxicating chemical substance

A person is guilty of the manufacture of an intoxicating chemical substance if that person creates, manufactures, cultivates, transports, produces, or processes an intoxicating

chemical substance. ([Ord. 1058 §4, 2010](#))

8.07.120 Penalties

For additional information about any person who violates this ordinance please see [Ord. 1058 §5, 2010](#))

CHAPTER 8.08 TREES AND PLANTS

8.08.010 Definitions

For additional information on this section please see [Ord. 919 §1, 2004](#).

8.08.020 Applicability

This Chapter establishes regulations and standards necessary to ensure that the City continues to realize the benefits provided by the Community Forest. It is not intended to resolve or regulate disputes over trees on private property that do not affect general public safety. This ordinance is enacted to:

- 1) Promote the general welfare of the City by establishing and maintaining the maximum amount of canopy coverage provided by trees;
- 2) Preserve and enhance the City's environmental, economic and social character with mature trees;
- 3) Protect public safety, health & welfare;
- 4) Encourage site and utility planning, building, and development practices to prevent indiscriminate removal or destruction of trees and avoid unnecessary disturbance to trees within the City and its Area of Impact;
- 5) Maintain trees in a healthy, non-hazardous condition through application of tree care standards contained in [ANSI A300](#);
- 6) Establish and maintain appropriate species diversity and age classes in order to provide a stable and sustainable community forest;
- 7) Establish a process by which public trees are to be planted, pruned and removed;
- 8) Implement the goals and objectives of the City's Comprehensive Plan. ([Ord. 919 §2, 2004](#)).

8.08.030 Jurisdiction

This Chapter shall apply to the following properties as set forth:

- 1) Public Property: The City Tree Commission shall manage and regulate the planting, maintenance, protection, removal and replacement of all public trees within the City limits; thus exercising the City's authority to do so granted pursuant to the provisions of [Idaho Code 50-312](#) - Improvements of Streets, [Idaho Code 50-317](#) - Removal of snow, ice rubbish and

weeds, Idaho Code 1415 (7) Responsibilities of single county-wide highway districts within cities – Final decision on urban renewal projects – Settlement of questions.

- 2) Private Property: The City Tree Commission shall have jurisdiction over trees located on private property which are found to be public nuisances and may cut and remove those trees from all private property within the city and the public rights of way abutting the same and may assess the cost thereof against the property so cleared, and against the property abutting public rights of way so cleared, as provided for in [Idaho Code 50-317](#). The assessment shall be collected as provided in [Idaho Code 50-1008](#).
- 3) Area of Impact: The City Tree Commission shall make recommendations with respect to trees that are of general public interest within the Impact area. Such general public interest shall include, but not be limited to, trees that will impact visually the public rights of way, trees that overhang public owned properties, and trees that are of such a nature as to have significant public recognition. ([Ord. 919 §3, 2004](#)).

8.08.040 Establishment or designation of Commission

The Mayor with the assistance of the City Council shall designate a City Tree Commission, which shall consist of not less than five (5) nor more than fifteen (15) individuals, but can be an existing commission provided it meets the above requirements, and authorize such persons or commission to perform the duties imposed and exercise the powers granted by this chapter. For the purposes of this Chapter, the City Tree Commission, is hereby authorized to carry out the following duties:

1) Administrative/Management Duties

For a detailed list please see [Ord. 919 §4, 2004](#)

2) Tree Planting Duties

For a detailed list please see [Ord. 919 §4, 2004](#)

3) Tree Maintenance Duties

For a detailed list please see [Ord. 919 §4, 2004](#)

4) Tree Removal Duties

For a detailed list please see [Ord. 919 §4, 2004](#)

5) Tree Protection Duties

For a detailed list please see [Ord. 919 §4, 2004](#).

8.08.050 Responsibilities of adjacent property owners

Any person in possession of private property shall maintain trees upon adjacent public rights of way and any trees upon private property which may affect public property, in a safe and healthy

condition in compliance with the provisions of this Chapter. Adjacent property owners have the following responsibilities:

- 1) Responsibilities for public trees

For a detailed list please see [Ord. 919 §5, 2004](#).

- 2) Responsibilities for private trees

For a detailed list please see [Ord. 919 §5, 2004](#)

8.08.060 Permits

- 1) No person may perform any of the following acts without first obtaining from the City Tree Commission a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as required by law:

For additional information please see [Ord. 919 §6, 2004](#)

- 1) Permit Application Procedures

For additional information please see [Ord. 919 §6, 2004](#)

- 2) Public Tree Planting Permits – Requirements

For additional informationa please see [Ord. 919 §6, 2004](#)

- 3) Tree Pruning/Removal Permits – Requirements

For additional informationa please see [Ord. 919 §6, 2004](#)

8.08.070 Penalties for violation

- 1) Any person who violates any provision of this Chapter or who fails to comply with a lawful order of the City Tree Commission shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Chapter may be punished by a fine not to exceed \$300 or be imprisoned in the County Jail facility for a period not to exceed 6 months or by both such fine and imprisonment.
- 2) In addition to any criminal penalties that may be imposed, the City may pursue civil penalties and restitution for actual damages. ([Ord. 919 §7, 2004](#)).

8.08.080 Public nuisances

The following are hereby declared public nuisances under this Chapter:

- 1) Any tree, shrub or plant or part thereof (public or private) which, by reason of location or condition, constitutes a hazard to public safety as determined by the City Tree Commission.

- 2) Any tree, shrub or plant or part thereof (on public or private property) which obstructs the free passage of pedestrian or vehicular traffic upon public rights-of-way or which obstructs public street lighting.
- 3) Any tree, shrub, plant or alternate host plant or part thereof (on public or private property) which harbors pests which reasonably may be expected to injure or harm public trees. ([Ord. 919 §8, 2004](#)).

8.08.090 Abatement of public nuisances

The following are the prescribed means of abating public nuisances under this Chapter:

- 1) Any tree, shrub, plant or alternate host plant or part thereof (public or private) declared to be a public nuisance shall be pruned, removed or otherwise treated in accordance with the requirements of this Chapter. Except for removal of trees from public rights-of-way, all costs for nuisance abatement are the responsibility of the adjacent property owner.
- 2) The City Tree Commission may cause a written notice to be personally served or sent by mail to the owner of a particular property declaring the existence of a nuisance, and the means by which abatement may be accomplished.
- 3) In the event the nuisance is not abated by the date specified in the notice, the City Tree Commission is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement may be charged to the subject property owner. Monies which have not been recovered through the City bill collection procedures may result in a lien against the property or assessed on taxes as provided for in [Idaho Code Title 50](#). In addition, the owner of the property upon which the nuisance is located may be subject to prosecution under this Chapter, or any other Chapter of the City Code or the Idaho Code for maintaining a public nuisance. Nothing in this provision shall be construed to exempt any person from the requirement of obtaining permits.
- 4) The City Tree Commission is empowered to cause the immediate abatement of any nuisance if it is determined by the City Tree Commission to be an emergency or pose an immediate hazard to public safety.
- 5) If the City Tree Commission determines that disposal of the wood, branches and soil from removal or pruning of a nuisance tree is required to complete abatement, such disposal shall be done as required by the City Tree Commission. All costs associated with the disposal of material from private trees shall be the responsibility of the property owner. ([Ord. 919 §9, 2004](#)).

8.08.100 Appeals

- 1) Any person affected by an order, grant, denial, or revocation of a license or permit by the City Tree Commission may appeal such order, grant, denial or revocation to the Rexburg City Council.
- 2) Such appeal shall be filed in writing and submitted to the City Clerk within 10 days of the date of notification of the decision of the City Tree Commission.

- 3) The appeal shall be heard by the City Council within 30 days of the appeal being filed, and any action by the City Tree Commission and the appellant shall be delayed until the decision of the City Council is rendered.
- 4) The City Council may in conformity with the provisions of this Chapter reverse or affirm or modify wholly or partly, the order, grant, denial or revocation of any permit and the decision of the City Tree Commission.
- 5) The decision of the City Council shall be deemed final. ([Ord. 919 §10, 2004](#)).

8.08.110 Severability

The provisions of this Chapter shall be deemed severable and a finding by a court of law that a provision of this Chapter is unlawful shall have no effect on the remaining provisions. ([Ord. 919 §11, 2004](#)).

CHAPTER 8.09 JAYWALKING

8.09.010 Purpose

The purposes of this Ordinance are:

- 1) To regulate and prohibit random or uncontrolled access to public roadways by pedestrians;
- 2) To protect public roadways from being impeded by pedestrians;
- 3) To reduce accidents associated with pedestrian and vehicle conflicts; and
- 4) To protect and promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg. ([Ord. 867 §1, 2002](#)).

8.09.020 Definitions

Certain words and phrases used in this chapter are defined as follows:

- 1) Pedestrian: Any person afoot, any person operating a wheelchair or a motorized wheelchair, or any person upon a bicycle engaged in the use of a designated bike or pedestrian path.
- 2) Pedestrian Path: Any path, sidewalk or way set-aside for the use of pedestrians.
- 3) Public Roadway: All portions of any highway which are controlled by any governmental authority, including highways within the jurisdictional limits of the City of Rexburg. ([Ord. 867 §2, 2002](#)).

8.09.030 Unlawful crossing of public roadways

Any pedestrian who crosses, or attempts to cross a public roadway at any point other than a designated crossing, within the City of Rexburg, shall be guilty of an Infraction. ([Ord. 867 §3, 2002](#)).

8.09.040 Designating crossings

There shall be established, crosswalks within the City of Rexburg, as determined appropriate by the City Engineer, Public Works Coordinator, Safety and Traffic Committee, or any other designated representative of the City of Rexburg. Such designated crossings shall be identified and marked in such a way as to make them clearly identifiable to the reasonable public, and where practicable in accordance with the Manual on Uniform Traffic Control Devices. ([Ord. 867 §4, 2002](#)).

8.09.050 Defenses

It shall be a defense to the offense of Unlawful Crossing of a Public Roadway, if there are no Designated Crossings within Five Hundred feet (500') of the point at which the crossing occurred. ([Ord. 867 §5, 2002](#)).

8.09.060 Enforcement

The peace officer shall not issue a citation under this chapter unless the officer reasonably believes that a violation has occurred and that, based on any response and all other circumstances, no defense is present. ([Ord. 867 §6, 2002](#)).

8.09.70 Violation – Penalties

Any person who violates a provision of this chapter shall be guilty of an infraction and upon conviction shall be punished by a fine set forth in here. ([Ord. 867 §7, 2002](#)).

CHAPTER 8.10 CLEAN AIR – BOWLING ALLEYS

8.10.010 Purpose

The purpose of this Chapter is to protect and promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg. ([Ord. 931 §1, 2005](#)).

8.10.020 Prohibitions

Within the City Limits of Rexburg, in additions to the facilities identified in Idaho Statute Title 39, Chapter 55 as having smoking prohibitions, no person shall smoke in a bowling alley, or in any part of the structure housing a bowling alley. ([Ord. 931 §2, 2005](#)).

8.10.030 Owner responsibilities

Any employer or other person in charge of a bowling alley or other establishment within a common structure with a bowling alley, shall be responsible for insuring to the best of their ability that no smoking of tobacco products occurs in violation of this Chapter. ([Ord. 931 §3, 2005](#)).

8.10.040 Penalties

- 1) Any person who violates a provision of this chapter shall be guilty of an infraction, and shall be subject to a fine set forth in [here](#).
- 2) Upon a second conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to [Idaho Code, Section 18-113](#), as amended, and be

fined according to Appendix 3, in conjunction with any other sentence or costs deemed appropriate by the Court.

- 3) Upon a third or greater conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to [Idaho Code, Section 18-113](#), as amended, and be fined according to [here](#), in conjunction with any other sentence or costs deemed appropriate by the Court. ([Ord. 931 §4, 2005](#)).

CHAPTER 8.11 COMMUNITY SAFETY LIGHTING

8.11.010 Community Safety Lighting Established

- 1) In the interest of maintaining safe streets for pedestrian use, as well as accommodating public utility functions such as garbage collection, snow removal, and other water and wastewater services during the non-daylight hours, the City of Rexburg hereby establishes a street lighting system intended to create safe travel and protection of property within the corporate limits of the City of Rexburg.
- 2) Projects, shown on the attached and hereby incorporated Community Safety Lighting Resolution, shall be priority projects for purposes of this Chapter. ([Ord. 1025 §1, 2009](#)).

8.11.020 Criteria and Standards

The following streetlight criteria and standards have been applied and shall hereafter apply to provide uniform lighting within each zone sufficient for public safety and the protection of improved real property:

- 1) In the arterial illumination zone, lights shall be placed at all intersections and at all highway overpasses; provided, however, that the placement of such lights shall be determined by the city engineer in conformance with the policies and purposes expressed in this chapter.
- 2) In moderate and high illumination intensity zones lights shall be placed at every intersection where practical. Where blocks are longer than one thousand feet (1,000'), an additional light shall be placed near the middle of the block.
- 3) In the residential illumination intensity zone, lights shall be placed at intersections where practical. Where blocks exceed six hundred feet (600') in length, lights shall, where practical, be placed so that no property frontage is a distance of more than three hundred feet (300') from the nearest light. ([Ord. 1025 §2, 2009](#)).

8.11.030 Costs

- 1) The costs of all street lighting within the City of Rexburg shall be financed by charges assessed to the owners and occupants of improved real property. The charges assessed shall be included in the general utility billing as a separate item and as set forth in this Chapter; provided, however, that the costs of installing lighting to illuminate parks and playfields shall be excluded and paid from the City General Fund.
For additional information please see [Ord. 1025 §3, 2009](#)

- 2) Improved real property, within the meaning of this Chapter, shall include real estate which:
For additional information please see [Ord. 1025 §3, 2009](#)
- 3) Exceptions to the category of improved real property shall include:
For additional information please see [Ord. 1025 §3, 2009](#)
- 4) Street lighting charges provided in this chapter are assessed to the owners and/or occupants of improved real property. ([Ord. 1025 §3, 2009](#)).

8.11.040 Where Minimum Lighting Standards Not Met

In areas where the lighting does not meet the minimum lighting standards as provided in this Chapter, proper lights shall be installed to meet such standards as soon as practicable. ([Ord. 1025 §4, 2009](#)).

8.11.050 Service Charges Assessment

- 1) The owners and occupants of all improved real property within the City of Rexburg are assessed service charges for street lighting in an amount consistent with the attached and hereby incorporated Resolution of Community Safety Lighting Fee.
- 2) For the purposes of this Chapter, residential property shall include property having one or two single family occupancy of living accommodations on a permanent or semi-permanent basis, but shall exclude institutional living arrangements involving special types of care or forced residence and also excluding more than two living units, dormitory style accommodations or hotel/motel type living accommodations.
- 3) Where improved real property with only one water service is used, both as residential property and nonresidential property, the property shall be considered nonresidential improved real property.
- 4) Such service charges are assessed, effective [June 04, 2009](#). The owners and occupants of improved real property shall be jointly and severally liable for such charges and the charges shall become a lien upon and against the property against which the charge is levied to the extent permitted by the laws of the State of Idaho and the ordinances of the City of Rexburg and may be collected in any manner permitted or hereafter permitted by such laws and ordinances.
- 5) The foregoing charges are fixed and determined in amounts determined sufficient to pay the costs of street lighting within the City of Rexburg. Such charges shall be changed or amended by the City Council from time to time, as determined necessary to finance such street lighting costs. Any changes or amendments to such service charges may be made and fixed by the City Council by resolution. Three (3) copies of such resolution, duly certified by the City Clerk, shall be kept on file in the office of the City Clerk for the use of and examination by the public. ([Ord. 1025 §5, 2009](#)).

8.11.060 Computation of Charges

Street lighting service charges shall from time to time be amended, in accordance with all applicable rules and regulations, and set forth in the form of a fee resolution established by the City in their capacity of providing for safe streets within the City of Rexburg. ([Ord. 1025 §6, 2009](#)).

CHAPTER 8.12 SECURITY ALARMS OF BUSINESSES AND HOMES

8.12.010 Purpose

The purpose of this Chapter is to reduce the number of false security alarms, thereby reducing the costs to the City and the burden on police services arising from an increasing number of false security alarms, and diminishing the risk of harm to officers and the public. By regulating security alarm businesses and systems, the City seeks to encourage well-maintained and accurate security alarms while improving the ability of police to respond quickly to critical calls. ([Ord. 1090 §1, 2009](#)).

8.12.020 Definitions

For the purposes of this Chapter, the following terms, phrases, and words, and derivations thereof, shall have the meanings given in this section.

ALARM COMPANY: Any persons engaged in the business of selling, installing, maintaining, servicing, repairing, altering, replacing, or moving an Alarm System in businesses or residences located within the City, as well as any persons engaged in the business of monitoring alarm systems located within the City and summoning police response to activations thereof.

ALARM OFFICER: The Chief of the Rexburg Police Department or his or her designee.

ALARM SYSTEM: Any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by local or audible alarm or by silent or remote alarm.

ALARM USER: Any person who owns and renders operable any alarm system or who contracts for the servicing or maintenance of an alarm system within any building, structure, or property located within the City.

AUDIBLE ALARM: An alarm system which when activated generates sound or signal that is audible from the immediate vicinity of the premises where the alarm system is located.

AUTOMATIC DIALING DEVICE: An alarm system which automatically contacts the City of Rexburg or any law enforcement dispatch service thereof by sending, over a telephone line, by direct connection, internet, or otherwise, a pre-recorded voice message or coded signal indicating the existence of an emergency situation.

CALENDAR YEAR: The period between and including January 1 and December 31 of any

given year.

CITY: The City of Rexburg, Idaho.

EMERGENCY: Any condition, including but not limited to fire, smoke, or the commission or attempted commission of a robbery, burglary, or other criminal action, which requires or is expected to require a response from police or public safety personnel.

FALSE ALARM: The activation of an alarm system under conditions which the responding officer cannot reasonably determine to have been an emergency. False alarms include, but are not limited to: alarms resulting from user error of any kind, alarms caused by faulty, inappropriately selected, or poorly installed equipment, and alarms set off by conditions of nature which are normal for the area. False alarms shall not include alarms caused by unusual natural occurrences such as hurricanes, tornadoes, earthquakes, or by other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm user.

PERSON: Any individual, partnership, association, corporation, limited liability company, trust, or organization of any kind, including a government entity or political subdivision thereof. ([Ord. 1090 §2, 2009](#)).

8.12.030 Duties of Alarm Companies

For the complete list of the Alarm Companies Duties please see [Ord. 1090 §3, 2009](#).

8.12.40 Duties of Alarm Users

For the complete list of the Alarm Users Duties please see [Ord. 1090 §4, 2009](#).

8.12.050 False Alarms; Penalties

Following a police visit to any structure or property in the City in response to a false alarm, the City shall be authorized to impose the following penalties and requirements on the alarm user responsible for the alarm system that triggered the false alarm. For the complete list of the penalties please see [\(Ord. 1090 §5, 2009\)](#).

8.12.060 Violations

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. ([Ord. 1090 §6, 2009](#)).