

TITLE 9 PUBLIC PEACE, MORALS AND WELFARE

Title 9 sets forth the provisions regulating activities that jeopardize the public peace and welfare.

For statutory provisions authorizing a city to pass all ordinances necessary to maintain the peace, and to enforce same, see [Idaho Code §50-302](#). For constitutional provisions allowing municipal corporations to make and enforce local police regulations, see [Idaho Const. Art. 12 §2](#). For statutory provisions regarding gambling, see [Idaho Code §18-3801](#) et seq. For statutory provisions concerning the escape or rescue of prisoners, see [Idaho Code §18-2501](#) et seq.

CHAPTER 9.01 SNOWBALLS AND OTHER OBJECTS THROWN

9.01.010 Objects thrown – Prohibited

It is unlawful for any person within the city limits of Rexburg, Idaho, to willfully or carelessly throw any stone, stick, snowball, egg, bomb, missile, or other substance whereby any person is hit, or any window broken or any property injured or destroyed. ([Ord. 639 §2, 1981](#)).

9.01.020 Obstructing streets and sidewalks – Prohibited

It is unlawful for a person within the city limits of Rexburg, Idaho, to stand, obstruct, place or cause to be placed, any obstruction or to cause any object to be thrown or placed upon any street or sidewalk in such a manner as to render travel upon the public streets, sidewalks, parking lots or public places of Rexburg, Idaho, hazardous, dangerous, frightening or annoying to any pedestrian or traveler. ([Ord. 639 §2, 1981](#)).

9.01.030 Violation of Sections 9.01.010-9.01.020 – Penalty

The violation of Section 9.01.010 constitutes a misdemeanor. ([Ord. 639 §2, 1981](#)).

CHAPTER 9.02 WEAPONS

9.02.010 Discharging explosives prohibited

It shall be unlawful for any person to discharge any fire cracker, 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 of Rexburg, Idaho. ([Ord. 714 §1, 1991](#)).

9.02.020 Discharging fireworks allowed on Fourth of July

That it shall be unlawful for any person to discharge any fire crackers, cannon crackers, torpedoes, fire arms, air guns, within corporate limits of the City of Rexburg, Idaho; provided that fireworks may be discharged on the Fourth of July and such other occasion under such

regulations and restrictions as the Mayor may prescribe by proclamation. ([Ord. 66 §1, 1903](#), amended by [Ord. 714](#)).

9.02.030 Possessing or producing explosives prohibited

It shall be 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 of Rexburg, Idaho. ([Ord. 714 §2, 1991](#)).

9.02.040 Prohibited explosives – special permit

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](#)).

9.02.050 Violation – Penalty

Any person violating any provision of this chapter shall be guilty of a misdemeanor, punishable by imprisonment, in the county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300), or by both. ([Ord. 714 §4\(part\), 1991](#)).

CHAPTER 9.03 JUVENILE CURFEW

9.03.010 Purpose

The purposes of this chapter are:

- 1) To regulate and prohibit minors from remaining in public places during certain hours of the day;
- 2) To protect minors from each other and from other adult perpetrators of crime;
- 3) To reduce nocturnal juvenile crime and juvenile delinquency;
- 4) To promote family responsibility and parental control over their children; and
- 5) To protect and promote the peace, health, safety, welfare and tranquility of the community and citizens of the city of Rexburg. ([Ord. 801 §1, 1997](#); [Ord. 789 §1, 1996](#)).

9.03.020 Definitions

For additional information on this section please see [Ord. 801 §2, 1997](#) (History: [Ord. 789 §2, 1996](#)).

9.03.030 Juvenile curfew

Any minor who is found in any public place or on the premises of any establishment within the city during curfew hours is guilty of a misdemeanor. ([Ord. 801 §3, 1997](#); [Ord. 789 §3, 1996](#)).

9.03.040 Parental violation of curfew hours

Any parent or guardian of a minor is guilty of a misdemeanor if he or she knowingly permits, or by culpable indifference allows, such minor to be found in any public place or on the premises of any establishment within the city during curfew hours. ([Ord. 801 §4, 1997](#); [Ord. 789 §4, 1996](#)).

9.03.050 Violation of curfew hours by business establishment

Any owner, operator or any employee or other person in control of an establishment is guilty of a misdemeanor if he or she knowingly or willingly allows any minor to be upon the premises of the establishment during curfew hours. ([Ord. 801 §5, 1997](#); [Ord. 789 §5, 1996](#)).

9.03.060 Defenses

The following shall be a defense to prosecution under this chapter:

- 1) It is a defense to prosecution if the offending minor was:

For a complete list of requirements please see [Ord. 801 §6, 1997](#); [Ord. 789 §6, 1996](#)

- 2) It is a defense to prosecution under Section 9.03.050 that the owner, operator or employee of an establishment asked the minor to leave the premises and promptly notified the police department that a minor is present on the premises of the establishment during curfew hours and refuses to leave. ([Ord. 801 §6, 1997](#); [Ord. 789 §6, 1996](#)).

9.03.070 Enforcement

Before taking any enforcement action under this chapter, a peace officer shall ask the apparent offending minor's age and reason for being in the public place or establishment. The peace officer shall not issue a citation or make an arrest 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. Any peace officer who arrests a minor under this chapter shall immediately take the minor to the police station and summon his or her parent or guardian. If the minor's parent or guardian arrives within a reasonable period of time, the minor shall be released upon the recognizance of his or her parent or guardian. If the parent or guardian cannot be located or does not appear at the police station within a reasonable period of time, the minor shall be kept in the custody of the police department or shall be turned over to juvenile authorities and thereafter shall remain in their custody in the manner provided by law. ([Ord. 801 §7, 1997](#); [Ord. 789 §7, 1996](#)).

9.03.080 Penalties

Any person who violates a provision of this chapter shall be guilty of a misdemeanor and punished pursuant to [Idaho Code, Section 18-113](#), as amended, and with the following qualifications:

- 1) Upon a second conviction within a three-year period, of a parent or guardian for a violation of Section 9.03.040 of this chapter, the parent or guardian shall be fined no less than one hundred dollars in conjunction with any other sentence or costs deemed appropriate, by the court.

- 2) Upon a third or greater conviction within a three year period, of a parent or guardian for a violation of Section 9.03.040 of this chapter, the parent or guardian shall be fined no less than two hundred fifty dollars in conjunction with any other sentence or costs deemed appropriate by the court. ([Ord. 801 §8, 1997](#); [Ord. 789 §8, 1996](#)).

CHAPTER 9.04 HOUSE OF ILL-FAME

9.04.010 Prostitution prohibited

If any person shall within the corporate limits of the City of Rexburg, or within three miles from the outer boundary thereof, keep a house of ill-fame, bawdy house or other disorderly house or place resorted for the 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 at the discretion of the court. Or to both such fine and imprisonment. Every person having charge care or control or any of the house named in this shall for the purpose of prosecution be deemed the keeper thereof. ([Ord. 134 §1\(part\), 1909](#)).

9.04.020 Enforcement

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. ([Ord. 80 §69, 1904](#)).

9.04.030 Violation – Penalty

It shall be unlawful for any person or persons to ply the vocation of prostitutes or for any person or persons to have illicit sexual intercourse with any person plying the vocation of prostitution whether the same be for sexual gratification or for hire, or for any person or persons to have illicit sexual intercourse, at any place within the corporate limits of the City of Rexburg. Every person violating any of the provisions of this section shall be guilty of a misdemeanor. ([Ord. 134 §1\(part\), 1909](#)).

CHAPTER 9.05 GAMBLING

9.05.010 Gambling prohibited

Any person by who shall within the City of Rexburg, deal, play, or carry on, or shall open, or cause to be opened or shall suffer or permit to be opened or carried on in any premises under his control or management, or shall conduct either as owner, employee, or lessee, whether for hire or not any game of faro, monte, roulette, lausgrenet, rouge et noir, rondo or any game played with

cards, dice, or any other device, for money, checks, credit or any other representative of values; or who runs, operates , or suffers to be run or operated upon any premises under his control or management, any slot machine, shall upon conviction thereof, be fined in any sum not less than twenty-five (\$25) dollars. ([Ord. 71, §1, 1903](#)).

9.05.020 Enforcement

Whenever any police judge or justice of the peace shall have knowledge or shall receive satisfactory information that there is any gambling table or gambling device adopted or devised and designated for the purpose of playing any of the games of chance prohibited in section 9.05.010, within his jurisdiction, it shall bear his duty to forthwith issue his warrant directed to the chief of police or any peace officer, to seize and bring before him such gambling table or other device, and cause the same to be publically destroyed, by burning or otherwise. ([Ord. 71 §2, 1903](#)).

CHAPTER 9.06 PUBLIC INTOXICATION

9.06.010 Public drunkenness

Any person who shall be in the streets, or alleys, or other public places, within the corporate limits of the City of Rexburg, or in view of the public gaze, in a state of drunkenness, or shall expose his or her person indecently, or obscenely, or who shall, in any such public place of said City of 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, or offend the senses of any person or persons or whereby the peace and quiet of the inhabitants of said City of Rexburg may be deemed guilty of a misdemeanor. ([Ord. 72 §4, 1903](#)).

CHAPTER 9.07 NOISE*

*Note to Chapter 9.07: For provisions regarding vehicular noise, see [Idaho Code §67-7125](#).

9.07.010 Disturbing the peace

Any person who maliciously and willfully disturbs the peace of any neighborhood, family, person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence of hearing of children, in a loud and boisterous manner, is guilty of a misdemeanor. ([Idaho Code §18-6409](#)).

9.07.020 Unlawful use of engine brakes and compression brakes

It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the corporate city limits of the City of Rexburg, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle. ([Ord. 906 §1, 2003](#)).

9.07.030 Engine brakes – Severability

If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional. ([Ord. 906 §2, 2003](#)).

9.07.040 Engine brakes – Penalty

Violation of this chapter shall be deemed an infraction. The scheduled fine for a violation of this section 9.07.020 shall be set forth in [here](#). ([Ord. 906 §3, 2003](#)).

CHAPTER 9.08 VAGRANCY

9.08.010 Vagrancy prohibited – Penalty

Persons within the limits of the city, who have the physical ability to work, not having visible means of support, living idly, or who are found loitering about the streets and public places, or lodging in the nighttime upon the premises of others and not giving a satisfactory account of themselves and 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. ([Ord. 72 §7, 1903](#)).