

TITLE 1 GENERAL PROVISIONS

Title 1 sets forth the provisions applicable to the City generally and to all sections of the Code.

CHAPTER 1.01 CODE ADOPTION*

*Note to Chapter 1.01: For statutory provisions continuing in force all ordinances passed by a city under its former organization, until altered or repealed by the mayor and council, see [Idaho Code §50--201](#).

1.01.010 Definitions and interpretation of terms

The following words and phrases, whenever used in the ordinances of the city of Rexburg, Idaho, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

For a complete list of the definitions please see [Ord. 562 §1, 1975](#).

1.01.020 Grammatical interpretation of terms

The following grammatical rules shall apply in the ordinances of the city:

- 1) Gender. Designation in the form of any gender includes the masculine, feminine and neuter genders;
- 2) Singular and Plural. The singular number includes the plural and the plural includes the singular;
- 3) Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable;
- 4) Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. ([Ord. 562 §2, 1975](#)).

1.01.030 Prohibited acts include causing, permitting or concealing

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. ([Ord. 562 §3, 1975](#)).

1.01.040 Construction

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to affect their objects and to promote justice. ([Ord. 562 §4, 1975](#)).

1.01.050 Repeal shall not revive any ordinances

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. ([Ord. 562 §5, 1975](#)).

1.01.060 Code not to affect prior offenses, rights, etc.

- 1) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- 2) The adoption of this Code shall not be interpreted as authorizing any use or continuance of any use of a structure or premises in violation of any ordinance of the City in effect on the date of adoption of this Code, except as otherwise provided.

CHAPTER 1.02 PENALTY

1.02.010 Violations and penalty – Municipal infractions

- 1) Unless otherwise provided by resolution of the Mayor and Council, the fine to be imposed for a municipal infraction shall be the maximum allowed by State law for a municipal infraction. Unless otherwise provided, each day a violation continues shall constitute a separate and repeat violation.
- 2) The imposition of a municipal infraction does not prevent license revocation or the imposition of administrative sanctions.

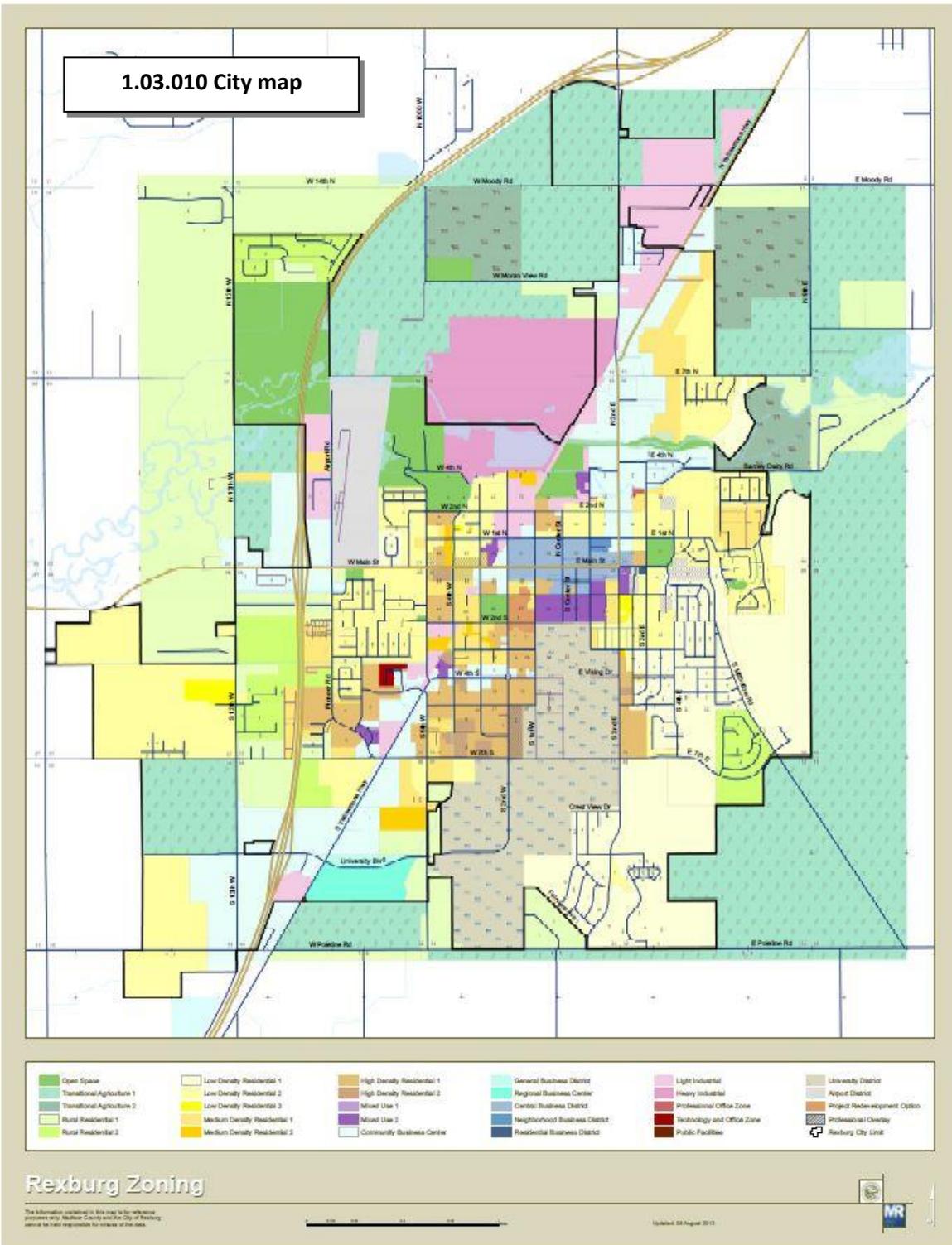
1.02.020 Violations and penalty – Misdemeanors

Except as otherwise provided by ordinance of the Mayor and Council, any person found guilty of violating any provision of this Code shall be guilty of a misdemeanor and shall be subject to a fine not exceeding three hundred (\$300), or by imprisonment in a county jail not exceeding six (6) months, or by both. Each day a violation continues shall constitute a separate offense. In addition to any other punishment prescribed for misdemeanors in specific statutes of the Idaho Code, the court may also impose a fine of up to three hundred dollars (\$300). This paragraph shall not apply if the specific misdemeanor statute provides for the imposition of a fine. The imposition of a penalty pursuant to this section does not prevent license revocation or the imposition of administrative sanctions.

1.02.030 Severability

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and words of this Code are severable, and if any word, clause, sentence, paragraph or section of the Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, because the same would have been enacted by the Council without the incorporation of this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

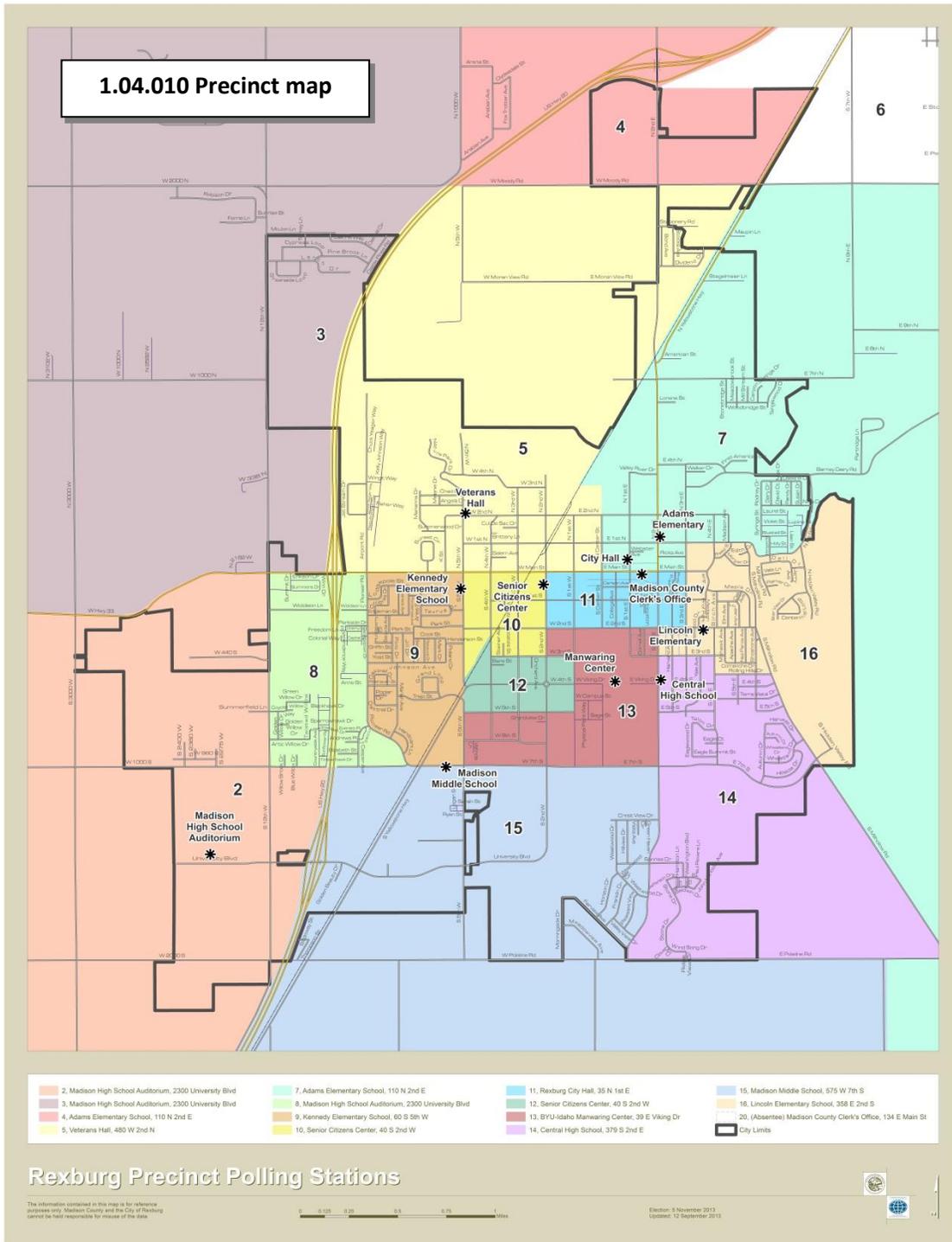
Chapter 1.03 city limits



current **Rexburg Maps** can be found at the follow web address: <http://rexburg.org/pages/Maps>

The

Chapter 1.04 Elections



The

current **Rexburg Maps** can be found at the follow web address: <http://rexburg.org/pages/Maps>

1.04.020 Election precincts

The City of Rexburg shall be divided into Twelve (12) precincts which shall each and respectively comprise that portion of the City set forth as follows:

- 1) **Third Precinct:** shall comprise and include all of that part of the City described as follows:
 - a. North of West Main Street and West of U.S. Hwy 20; See attached Precinct map dated November 04, 2003.
- 2) **Fifth Precinct:** shall comprise and include all of that part of the City of Rexburg described as follows:
 - a. North of Main Street and west of Center Street; Also those areas that are part of the City of Rexburg north of the Eastern Idaho Rail Road tracks and west of Second East; See attached Precinct map dated November 04, 2003.
- 3) **Seventh Precinct:** shall comprise and include all of that part of the City described as follows:
 - a. Those areas south of the Eastern Idaho Rail Road and North of Main Street following an easterly direction to North 4th East then to Reed Street then to Morgan Drive then north on Millhollow Road to East 1st North then east on North Hill Road to Barney Dairy Road. Also, those areas that are part of the City east of 2nd East and north of Eastern Idaho Rail Road; See attached Precinct map dated November 04, 2003.
- 4) **Eighth Precinct:** shall comprise and include all of that part of the City described as follows:
 - a. The area that is located south of Main Street, east of 12th West, north of 7th South and the South Yellowstone Hwy, and west of South 5th West; See attached Precinct map dated November 04, 2003.
- 5) **Ninth Precinct:** shall comprise and include all of that part of the City described as follows:
 - a. The area south of Main Street, east of South 5th West, north of West 4th South and west of South 2nd West; See attached Precinct map dated November 04, 2003.
- 6) **Tenth Precinct:** shall comprise and include all of that part of the City described as follows:
 - a. The area south of West 4th South, east of the South Yellowstone Hwy, north of West 7th South, and west of South 2nd West; See attached Precinct map dated November 04, 2003.
- 7) **Eleventh Precinct:** shall comprise and include all of that part of the City described as follows:
 - a. The area south of Main Street, East of South 2nd west, north of West 2nd South, and west of South Center Street; See attached Precinct map dated November 04, 2003.
- 8) **Twelfth Precinct:** shall comprise and include all of that part of the City described as follows:

- a. The area south of West 2nd South, east of South 2nd West, north of West 4th South, and west of South 1st West; See attached Precinct map dated November 04, 2003.
- 9) **Thirteenth Precinct:** shall comprise and include all of that part of the City described as follows:
- a. The area south of West 4th South, West Viking Street, and East Viking Street; East of South 2nd West, north of East and West 7th South, and west of South 2nd East; See attached Precinct map dated November 04, 2003.
- 10) **Fourteenth Precinct:** shall comprise and include all of that part of the City described as follows:
- a. The area south of Main Street between South Center Street and South 2nd East, then the area south of 2nd South between South 1st West and South 2nd East going south to West and East Viking Street. See attached Precinct map dated November 04, 2003.
- 11) **Fifteenth Precinct:** shall comprise and include all of that part of the City described as follows:
- a. The area south of 7th South; also those parts of the City that are south of East 5th South, and Terra Vista Drive; also, the area south of Rolling Hills Drive between Shoshone Avenue and South Millhollow Road; See attached Precinct map dated November 04, 2003.
- 12) **Sixteenth Precinct:** shall comprise and include all of that part of the City described as follows:
- a. The area east of 2nd East between East Main Street and East 5th South going in an easterly direction on East 5th South to South 4th East; then north to TerraVista Drive going east to Shoshone Avenue; then north and east on Rolling Hills Drive to South Millhollow Road; then south on South Millhollow Road to the City Limits. The north boundary goes east on East Main Street to North 4th East, then to Reed Street, then to Morgan Drive, then north on Millhollow Road to East 1st North, then east on North Hill Road to the City Limits on Barney Dairy Road. See attached Precinct map dated November 04, 2003. ([Ord. 905, §2, 2003](#))

1.04.030 Election poll hours

The polls for all general and special city elections shall be opened from 8:00 A.M., and remain open until all registered electors of that precinct have voted or until 8:00 P.M., whichever comes first. ([Ord. 773 §1, 1995](#)).

CHAPTER 1.05 INITIATIVE AND REFERENDUM*

*Note to Chapter 1.05: For provisions regarding the requirements for initiative and/or referendum guidelines, see [Idaho Code §34-18](#).

1.05.010 Submissions

Initiative and referendum petitions with the requisite number of signatures attached shall be filed with the secretary of state in accordance to their respective gathering and filing times. ([Idaho Code §§34-1802](#) and [34-1803](#)).

CHAPTER 1.06 CITY SEAL*

*Note to Chapter 1.06: For further detail on powers and duties of the city clerk see [§2.03.080](#) of this code.

1.06.010 Use of City Seal

The city clerk shall be the keeper of the common seal of the city, and shall affix it to all public instruments or official acts of the council, which by the law or Ordinance are required to be attested by the City seal; and in the meantime preserve said seal in a secure place and secure from interference. ([Ord. 116 §2 1904](#); [Ord. 58 §2\(part\), 1903](#)).

1.06.020 Previous City Seal



1.06.030 Redesigned City Seal and Logotype



CITY OF
REXBURG
America's Family Community

CHAPTER 1.07 OFFICIAL NEWSPAPER*

*Note to Chapter 1.07: For statutory provisions regarding the designation of an official newspaper, see [Idaho Code §50-213](#). For provisions concerning the qualifications of such a newspaper, see [Idaho Code §60-106](#).

1.07.010 Official newspapers designated

The Rexburg Standard-Journal Newspapers, printed and published in the city, are designated the official newspapers of the city and such ordinances, notices and publications as are required by

law to be published in a newspaper shall be published in the Rexburg Standard-Journal Newspapers. ([Ord. 472 §1, 1968](#)).

CHAPTER 1.08 CEMETERY

1.08.010 Administration

Managed through own county or taxing district.

CHAPTER 1.09 LIBRARY

1.09.010 Administration

Managed through own county or taxing district.

CHAPTER 1.10 DEPOSITORIES*

*Note to Chapter 1.10: For provisions regarding the requirements for official depositories, see [Idaho Code Ch. §57-1](#).

1.10.010 Depositories designated

All official depositories for the City of Rexburg shall be designated by resolution as an official depository for the funds of the City of Rexburg, Idaho. The City Treasurer is hereby ordered, required and directed to keep moneys belonging to, or in the care of, the City Treasurer in any so designated depository; provided, however, that when so authorized by the Mayor and Council, city funds may be, by the Treasurer, invested in securities authorized by law. ([Ord. 1009 §1, 2008](#)).

CHAPTER 1.11 RIGHT OF ENTRY FOR INSPECTION

1.11.010 Inspection authorization – Procedures required

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. ([Ord. 563 §1, 1975](#)).