



Quick Reference Guide for City Codes



Quick Reference Guide For City Codes

Key words:

Alarms ([1090](#))

Alcohol, substance abuse ([532](#), [639](#), [727](#), [968](#), [1058](#))

Animals ([580](#), [816](#), [841](#), [968](#), [1026](#))

Assault, battery, violence ([2](#), [80](#), [639](#), [727](#))

Cell Phones ([1062](#))

Curfew ([County 1976](#), [801](#))

Custody ([117](#))

Disturbing the peace ([2](#), [80](#), [841](#), [906](#), [968](#))

Dogs ([816](#))

Firearms ([2](#), [80](#), [714](#))

Fires ([1041](#))

Fireworks ([465](#), [480](#), [536](#), [714](#)) State Statute ([39-2604](#); [39-2605](#))

Garage sale ([732](#))

Garbage/debris ([283](#), [405](#), [482](#), [559](#), [706](#), [765](#), [968](#))

Mobile Homes ([548](#))

Noise (Resolution 2014-11 CONSTRUCTION NOISE)

Parking ([523](#), [700](#), [752](#), [911](#), [1026](#), [1038](#), [1094](#)); [Resolution 2008-10](#)

Parks ([759](#), [816](#), [968](#))

Public assembly ([2](#), [810](#))

Sidewalks ([5](#), [559](#), [639](#), [676](#), [1019](#))

Signs ([908](#), [1026](#), [1027](#),)

Smoking ([931](#), [968](#))

Snowballs ([639](#))

Solicitors ([707](#), [1029](#))

Streets ([300](#), [326](#), [382](#), [405](#), [407](#), [482](#), [523](#), [639](#), [648](#), [867](#), [906](#), [1094](#))

Towing/Booting ([911](#))

Trees ([919](#))

Trailers ([548](#))

Trespassing ([80](#), [727](#))

REXBURG CITY ORDINANCES

STATE STATUTES

18-6409: DISTURBING THE PEACE OF ANY NEIGHBORHOOD, FAMILY OR PERSON; DISTURBING DIGNITY OF FUNERAL, MEMORIAL SERVICE, FUNERAL PROCESSION, BURIAL CEREMONY OR VIEWING.

18-6410: REFUSAL TO DISPERSE.

67-7125: NOISE RESTRICTIONS.

COUNTY ORDINANCES

EMERGENCY CURFEW (1976)

ORDINANCE No. 2: DISTURBING THE PEACE; ASSEMBLY

Riots (sec. 2, 3, 5); assembly (sec. 4, 10); exhibition of a deadly weapon (sec. 11); lewd conduct (sec. 13); ring or prize fighting (sec. 6); dog or cock fighting (sec. 7); disturbing the peace (sec. 8, 9, 11); destruction of property (sec. 12).

MUNICIPAL CODE 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).

ORDINANCE No. 5: OBSTRUCTION OF SIDEWALKS

SECTION I: It shall be unlawful for any person or persons to obstruct any part of the sidewalks within the corporate limits of the Village of Rexburg with building material or any other material without permission of the Board of Trustees...

ORDINANCE No. 80 (March 7, 1904): FIREARMS; ASSAULT; BATTERY; TRESPASSING; DISTURBING THE PEACE

DISCHARGING FIREARMS WITHIN THE CITY.

Sec.35. – It shall unlawful for any person to discharge any firearms within the corporate limits of the City of Rexburg, except in necessary defense of life, person or property, or when rendered necessary when causing arrest. Any person convicted of discharging any firearms within the corporate limits of said city shall be fined in a sum not less than five nor more than twenty-five dollars or imprisonment, together with costs of prosecution.

Sec. 42: Carrying concealed weapons.

Sec. 43: Disorderly conduct; abusive, obscene, or profane language; breach of peace.

Sec. 44: Drunkenness; indecent exposure; challenging to fight or threatening bodily harm or injury.

Sec. 52: Quarreling or fighting in any street, alley, lot, building, or public place.

Sec. 54: Assault

Sec. 56: Battery

Sec. 74: Impersonating an Officer

Sec. 75: Petit Larceny or theft.

Sec. 76: Obtaining goods under false pretenses.

Sec. 80: Selling or giving tobacco to person under age 21.

Sec. 97. – Any person who shall willfully disturb any public assembly, congregated for religious worship or other lawful purpose, at any place in this city, by undue or unusual noise, or by unbecoming and indecent behavior, is guilty of a crime, and on conviction thereof may be fined in any sum not exceeding fifty dollars, or be imprisoned in the city jail not exceeding two months, or both.

Sec. 120: Illegal consumption (ord. No. 727)

Sec. 121: Battery (ord. No. 727)

Sec. 122: Trespass (ord. No. 727)

Sec. 123: Malicious injury to property. (ord. No. 727)

Sec. 124: Insufficient funds check. (ord. 727)

Sec. 183. – No person engaged in the sale of intoxicating liquors by the drink, under the provisions of this Ordinance, shall allow minors to frequent such premises, or keep a disorderly house, or allow boisterous or disorderly conduct therein, or allow the quietude of the neighborhood to be disturbed by loud or unusual noise.

ORDINANCE No. 117: ATTEMPT TO ESCAPE FROM CUSTODY OF A POLICE OFFICER.

ORDINANCE No. 283: OBSTRUCTION OF SIDEWALKS.

SECTION II: It shall be unlawful for any person or persons, firm or corporation owning or occupying any premises within the boundaries hereinafter named to suffer or permit any snow or ice, weeds, or other rubbish or debris of any kind to be or remain on the sidewalk in front of their respective premises for more than one business day after the same falls or is placed or put there, within the following described limits, to wit:

On either side of the following streets; Main Street; Second East Street between First North and First South Streets; First East Street between First North and First South Streets; College Avenue; Center Street between First North and First South Streets; in the City of Rexburg, Madison County, Idaho. It shall be the duty of the Chief of Police to inspect all sidewalks in said district at least once each month and to report all violations of this section to the Mayor.

ORDINANCE No. 300: OBSTRUCTIONS OF CURBS AND GUTTERS.

ORDINANCE No. 326: OPERATOR'S LICENSE

Operator's or chauffeur's license required when operating a motor vehicle within City of Rexburg.

SECTION II: Each licensee shall have his operator's or chauffeur's license in his possession at all times when operating a motor vehicle within the City of Rexburg...

ORDINANCE No. 382: ROAD-DAMAGING VEHICLES OR EQUIPMENT ON PUBLIC STREETS.

Section II: No metal tired vehicle shall be operated over a public street if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt, or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the public street is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the streets..

ORDINANCE No. 405: DEPOSITING ON STREETS OR PUBLIC ALLEYS.

(Update of Ordinance No. 348)

SECTION I: It is unlawful for any individual or company to pile or deposit waste or debris material of any kind onto any street or public alley in Rexburg. The only materials permitted to be deposited are those which are for the immediate use of improving said streets or those which assist in construction of a building. In these allowable cases, a permit from the Chief of Police must be obtained.

ORDINANCE No. 407: REPAIRING VEHICLE ON STREET.

SECTION I: It shall be unlawful for any person to use any street in the City of Rexburg for the purpose of repairing any vehicle, except in the case of emergency, and it shall be unlawful for any person to store any automobile, truck, wagon, or other conveyance, machine, implement or other item of personal property upon any of the streets of the City of Rexburg.

ORDINANCE No. 465: FIREWORKS.

(Ordinance No. 480 repealed by Ordinance No. 465.)

Dangerous fireworks defined (sec. 2); safe and sane fireworks defined (sec. 3); license to sell fireworks required (sec. 4); June 15- July 26 dates of sale (sec. 7); possession of dangerous fireworks is a misdemeanor (sec. 12).

ORDINANCE No. 482: DEPOSITING GLASS OR DEBRIS ON STREETS

- 1) It is prohibited for anyone to deposit any substance likely to injure a person, animal, or vehicle on a street or highway.
- 2) Anyone who drops potentially hazardous material onto the road is responsible for removing it.
- 3) Any person removing a wrecked or damaged vehicle from a street or roadway shall remove any glass or other injurious substance dropped upon the highway, street or thoroughfare, from such vehicle.

ORDINANCE No. 523: NIGHT PARKING

"It shall be unlawful for any person to leave or store any automobile, truck, bicycle, wagon or other conveyance or vehicle, machine, implement or other item of personal property at any time on either side of West Fourth South Street in the City of Rexburg, Idaho, going East from the intersection of 2nd West to 1st West Street, and going West from the intersection of 2nd West Street a distance of 500 feet on the South side thereof and a distance of 400 feet on the North side thereof.

Ord. 1030 Amend SECTION II: "It shall be unlawful for any person to leave or store any automobile, truck, bicycle, wagon or other conveyance or vehicle, machine, implement or other item of personal property **between the fifteenth (15) day of December of each year and the first (1st) day of March** of the following year upon any street or alley in the City of Rexburg, Idaho, **between the hours of 2:00 A.M. and 7:00 A.M.**"

ORDINANCE No. 532: CHEMICAL SUBSTANCES; SUBSTANCE ABUSE

SECTION I: 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.

ORDINANCE No. 536: ADOPTING IDAHO STATE FIREWORKS LAW

(Repealing Ordinances 436 and 479).

ORDINANCE No. 548: MOBILE HOMES.

SECTION IV: It shall be unlawful to maintain a mobile home trailer for residential purposes outside a mobile home park or a mobile home subdivision district. Such prohibition shall apply regardless of where other parking sites shall be on private or public premises, streets, alleys, or highways. Exceptions to the foregoing requirements: Mobile homes used for residential quarters for watchmen or caretakers and located on the premises of an industrial establishment in any industrial zone shall be permitted.

ORDINANCE No. 559: ACCUMULATION OF REFUSE; DISPOSAL.

SECTION VI: It is unlawful for anyone to accumulate waste or rubbish in any yard, sidewalk, or public street that is unsightly, attracts insects or rodents, produces offensive odors, creates public health hazards, or is a public nuisance.

ORDINANCE No. 580: ANIMALS AT LARGE AT DEFINED AREAS.

SECTION I: It is hereby declared unlawful for any person, firm, corporation or business entity, except as duly authorized by the Rexburg-Madison County Airport Board or its manager, to drive a motor vehicle or vehicles, animal or animals, ride or walk upon or across any airport runway or taxi area located upon the premises occupied by the Rexburg-Madison County Airport, **or to permit animals to run at large on the premises occupied by the Rexburg-Madison County Airport and/or upon the premises occupied by the Rexburg Municipal Golf Course.**

ORDINANCE No. 639: ALCOHOL; MISSILES; STREET OBSTRUCTION.

SECTION I: It shall be unlawful for any person to transport or have in his physical possession or control any alcoholic liquor or beer in an open or unsealed container of any kind while being upon the streets, parking lots or sidewalks of the City of Rexburg, Idaho.

SECTION II:

- A. It shall be 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.
- B. It shall be 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.

ORDINANCE No. 648: AMENDING SUBSECTION 12 OF THE PARAGRAPH OF ORDINANCE NO. 482

ORDINANCE No. 676: STORE FRONTS; SIGNS.

SECTION I: It shall be unlawful for any person to obstruct any street, alley or public sidewalk within the City of Rexburg.

SECTION II: It shall be unlawful for any person to store, install, maintain or operate any material, vehicle, structure, fixture or business upon any public sidewalk within the City, except as permitted by Section IV below.

SECTION III: It shall be unlawful to sell, display or advertise the sale of any goods, wares, merchandise, food or beverage upon or from any cart, rack, structure or vehicle situated upon any public sidewalk within the City, except as permitted by Section IV below.

The merchandise so displayed shall be confined within an area extending not more than four feet from the store front and the display shall not cover more than one-half of the store front and shall not extend within a distance of five feet from each side of the store front. There shall be no signs or advertising on the curbs, no outside food services and no tables and chairs for that purpose shall be permitted. **The passageway for pedestrians shall not be reduced to less than six feet** from the inside of the curb and such pedestrian passageway shall not be obstructed in any manner.

ORDINANCE No. 700: PARKING IN A FIRE LANE; NO-PARKING ZONES.

SECTION I: No person shall stand or park a vehicle within any designated fire apparatus access roadway (fire lane) located near a building as required in Section 10.207 (b) of the Uniform Fire Code, as heretofore adopted.

Amended by Ordinance 752

SECTION II: There shall be no standing, sitting, parking or otherwise obstructing the use of public or private property when such property has been prominently posted. The Rexburg Police Department, after receiving written authorization from the property owner or its (his/her) designated agent, shall enforce the foregoing provision.

ORDINANCE No. 706: NUISANCE IN OUTDOOR RESIDENTIAL AREAS.

SECTION I: Definition of Nuisance

- (a) Lumber, junk, trash, or debris;
- (b) Abandoned, inoperable, discarded or unused objects or equipment such as automobiles, implements, and/or equipment or machinery and personal property of any kind...
- (c) Any compost pile that harbors disease, emits unpleasant odor or gas, or attracts rodents and diseased animals is considered junk or trash. Earthworms in a compost pile are NOT considered a nuisance.
- (d) It is illegal for anyone to keep septic material upon any premises unless it is retained in a vessel that is completely inaccessible to all living creatures.

ORDINANCE No. 707: SOLICITORS.

(Update of Ordinance No. 329)

Definition of peddler, solicitor, transient merchant (sec. 1); license (sec. 2); license exceptions (sec. 3); location restrictions for licensees (sec. 9); unlawful conduct of licensee (sec. 10).

ORDINANCE No. 714: FIREWORKS; DISCHARGE OF FIREARMS.

(Amending Ordinance No. 66)

SECTION I: 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.

SECTION II: PROPOSED REVISION OF SECTION II: It is illegal for anyone to possess, make, or manufacture any firework not classified as "safe and sane." These prohibited firework-related products are noted specifically in section I.

SECTION III: 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.

TITLE 39 – HEALTH AND SAFETY

CHAPTER 26 (FIREWORKS)

39-2604. Permit required for retail sales. (1) The local authority having jurisdiction may require a **permit for the retail sale of non-aerial common fireworks**.

(2) If a permit is required the applications shall be on a form approved by the authority having jurisdiction and shall include the name and address of the applicant (or the names of all partners, if a partnership, the name of the corporation and the corporate officers if a corporation, or the name of the limited liability company and all of its members, if a limited liability company) the primary location of the business, each location at which fireworks are to be stored and the applicant's **Idaho sales tax seller's permit number**, if applicable.

(3) A **bond** or valid certificate of public liability and property-casualty insurance providing coverage of up to one hundred thousand dollars (\$100,000) for personal injury and property damage may be required at the time of application.

(4) The authority having jurisdiction may assess a fee for issuing a permit under this section which shall not exceed twenty-five dollars (\$25.00).

(5) The permit shall be issued if the application is complete and in compliance with applicable law, shall be valid for twelve (12) months from the date of issuance and shall be nontransferable.

(6) The permit required under this section may be revoked if the permit owner violates any provisions of this chapter. A permit revocation proceeding shall comply with the provisions of [chapter 52, title 67](#), Idaho Code.

(7) The permit shall be displayed in public view at the location listed on the permit.

History:

[39-2604, added 1997, ch. 246, sec. 2, p. 711.]

TITLE 39 HEALTH AND SAFETY

CHAPTER 26 (FIREWORKS)

- 39-2605.** Permit required for public display or other event using fireworks. (1) The authority having jurisdiction may, at its discretion, issue a permit for public display or other events in the following circumstances: (a) After determining that the public display will be supervised by a qualified person and will not constitute an unreasonable hazard to persons or property. **Appropriate national fire protection association or international fire code provisions** may be used as guidance for this determination.
- (b) After determining that sales and use of fireworks outside the normal sales period provided in section [39-2606](#), Idaho Code, or proposing the use of fireworks in addition to non-aerial common fireworks will not constitute an unreasonable hazard to persons or property.
- (2) An application for a permit for public display or other event shall be on a form approved by, and contain the information reasonably requested by, the authority having jurisdiction.
- (3) The permit shall be nontransferable, shall list the specific date or dates upon which the display or event shall occur and the types of fireworks and uses that will be allowed.
- (4) A bond or valid certificate of public liability and property-casualty insurance providing coverage of up to one million dollars (\$1,000,000) for personal injury and property damage may be required at the time of application for public display of special fireworks.
- (5) The authority having jurisdiction may assess a fee for issuing a permit for public display under this section which shall not exceed one hundred twenty-five dollars (\$125). There shall be no fee for the issuance of a permit for any event other than a public display event.
- (6) Alteration of fireworks may be performed by a person in possession of a **valid public display permit**.

ORDINANCE No. 727: ALCOHOL; BATTERY; TRESPASSING.

(Amending Ordinances No. 80 and 118).

Illegal consumption of alcohol (sec. 120); definition of battery (sec. 121); definition of trespassing (sec. 122); malicious injury to property (sec. 123).

ORDINANCE No. 732: Garage sale.

ORDINANCE No. 759: REGULATION OF PUBLIC AREAS.

SECTION I: Anyone who violates regulations which are adopted by management to regulate safety of any publicly-accessible building, facility, or park owned by a public or private entity is guilty of a misdemeanor.

SECTION II: An owner of any publicly accessible facility or grounds must adopt regulations to ensure public safety if they wish to bring themselves under provisions of this section. They must keep printed, “plain English” copies of these rules and regulations posted in conspicuous locations on or within the relevant facility or grounds.

SECTION III: Unless a person has had a reasonable opportunity to observe or has been verbally advised by an owner, manager or authorized agent of said rules and regulations and given a reasonable opportunity to comply, no conviction shall be had under the provisions of this ordinance.

ORDINANCE No. 765: ACCUMULATION OF REFUSE.

SECTION I: Unauthorized depositing of refuse. No person shall deposit any litter, refuse or garbage or cause or permit such to be deposited in or around the garbage containers of another without the containers owner's consent. The identification of mail or other material bearing the name(s) of a person identifying such person or entity shall constitute prima facie evidence of ownership.

ORDINANCE No. 801: JUVENILE CURFEW

(Amending Ordinance No. 789)

Curfew Hours - The hours between 11:00 p.m. and 5:00 a.m. the next day, beginning on Sundays and running until Thursdays of each week, and, and from 12:30 a.m. to 5:00 a.m. the next day on Saturday and Sunday mornings (Friday and Saturday night).

ORDINANCE No. 810: PARADES; PUBLIC ASSEMBLY PERMITS.

Applying for parade or public assembly permit (sec. 2); standards for issuance (sec. 4); alternative permits (sec. 6); regulations (sec. 10).

ORDINANCE No. 816: CITY PARKS, DOGS

(Amending Ordinance No. 564)

SECTION VI: (C) Animals: It shall be unlawful for any person to bring or harbor any animal in the parks, unless upon a leash or under the control of a handler at all times.

It is unlawful for the owner or person having charge, custody or control of any dog to fail to immediately remove any feces deposited by such dog upon public or private property or right-of-way and dispose of the feces in a sanitary manner and depositing the same in a trash receptacle.

The provision of this section shall not apply to any fecal matter deposited by a dog on the property of a dog's owner, custodian, controller, or to a blind person being accompanied by a guide dog.

ORDINANCE No. 841: DOG LICENSING

(Repealed Ordinances No. 411 and 581)

SECTION I: LICENSING OF DOGS. It shall be unlawful for any person or persons to own, keep or harbor, any dog, male or female over 3 months of age within the City of Rexburg without obtaining a license.

SECTION V: UNLICENSED DOGS - IMPOUNDMENT. All dogs not licensed and collared, as provided in Sections I, II, and III above, are declared to be a public nuisance, and it is the duty of all police officers and the pound master to take up and impound any dog not so licensed and collared.

SECTION VI: DISTURBING THE PEACE UNLAWFUL. It is unlawful for any person to own, keep or harbor within the limits of the City, where tethered, caged or otherwise, any dog which by barking howling, yelping, whimpering or whining, or by the making of other noises, disturbs the quiet of any neighborhood or person. Disturbing the peace determination will be made by a law enforcement officer after an investigation of said complaint. Violation of this section of the Ordinance will be punishable by a fine of \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for the third offense.

SECTION VII: RUNNING LARGE - UNLAWFUL WHEN. Except as provided by Section VIII, it is unlawful for any person to cause, permit or allow any dog, whether licensed or not, to roam, run or stray away from the

premises of the owner, unless:

- A. Such dog be in the charge of the owner or some duly authorized and competent person while controlled by a leash or chain not exceeding ten feet in length.
- B. Such dog is safely and securely confined or completely controlled while in any motor vehicle.
- C. Such dog is on any other premises with the consent of the person in possession of such premises.

ORDINANCE No. 867: JAYWALKING

The purposes of this Ordinance are;

- (A) To regulate and prohibit random or uncontrolled access to public roadways by pedestrians;
- (B) To protect public roadways from being impeded by pedestrians;
- (C) To reduce accidents associated with pedestrian and vehicle conflicts; and
- (D) To protect and promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg.

ORDINANCE No. 906: VEHICLES DISTURBING THE PEACE.

SECTION I: 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.

ORDINANCE No. 908: THE REGULATION OF “ON” AND “OFF” PREMISE SIGNS IN REXBURG. (Replaced by Ord. 1027)

ORDINANCE No. 911: TOWING AND BOOTING

9. (D) Any towing or parking enforcement company desiring to operate within the City of Rexburg under the provisions of this section shall:

- (1) Obtain a business license pursuant to the requirements of this Ordinance.
- (2) Register its business name, address, telephone number, and fee schedules with the Rexburg Police Department. In the event of a change in business name, address, telephone number, or fee schedules, such company shall register such information with the Rexburg Police

Department and City offices within ten (10) days. It shall be unlawful for any towing or parking Enforcement Company to operate within the City of Rexburg without obtaining the required business license and providing the information required herein to the Rexburg Police Department.

(E) No person shall have the right to boot or tow a motor vehicle from a private parking lot having four (4) or more parking spaces, other than a vehicle which has been continuously parked in such a lot for more than seventy-two (72) hours, unless a conspicuous sign posted on, or immediately adjacent to, the property provides notice that vehicles will be booted or towed from the parking lot if not authorized to be parked in the parking lot. Such signs shall:

[ORDINANCE No. 919: TREES; REMOVAL; NUISANCES](#)

SECTION III: 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.

[ORDINANCE No. 931:](#)

WHEREAS, the City Council for the City of Rexburg has determined that a significant community-wide health issue will be addressed by Idaho Statute Title 39, Chapter 55, within the City Limits; and

WHEREAS, the aforementioned statute allows cities to expand upon the protections set forth in the Clean Indoor Air statute; and

WHEREAS, the City desires to provide for the additional protection of individuals within Bowling Alleys within the City Limits of Rexburg; and

WHEREAS, it appears to the Mayor and City Council of the City of Rexburg, Idaho, that a prohibitions of smoking in bowling alleys consistent with the other terms of the Clean Indoor Air statute would be in the best interests of the community and the citizens of the City of Rexburg;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Rexburg, as follows:

SECTION I: Purpose. The purpose of this Ordinance is to protect and promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg.

SECTION II: 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.

SECTION III: Owner Responsibility. 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 Ordinance.

SECTION IV: Penalties.

(A) Any person who violates a provision of this chapter shall be guilty of an infraction, and shall be subject to a fine not to exceed one hundred (\$100.00).

(B) 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 no less than One Hundred Dollars (\$100.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

(C) 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 no less than Two Hundred and Fifty Dollars (\$250.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

SECTION V: This ordinance shall be in full force and effect from and after its passage, approval and due publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
this 16th day of February, 2005.

ORDINANCE No. 968: CITY PARK REGULATIONS.

SECTION I: Requirements concerning use of grounds and facilities.

Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

SECTION II: Prohibited acts:

It shall be unlawful for any person, firm or corporation using such Parks to either perform or permit to be performed any of the following acts:

A. Willingly deface, or violate any city property or utilities within city parks. This includes tables, benches, bridges, signs, structures or appurtenances thereof, unless specifically granted permission by the appropriate agent of the City of Rexburg.

B. Deposit or cause to be placed in the waters of any body of water in or adjacent to any Park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, may result in the pollution of said waters.

C. To litter in a city park. The individuals using the park are responsible to properly dispose of any materials they brought with them into the park. Leaving any trash, waste, or debris behind is prohibited. Park users are responsible to dispose of waste in trash receptacles. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park by the person responsible for its presence, and properly disposed of elsewhere.

D. Disturb the peace, or use any profane, obscene or blasphemous language.

E. Endanger the safety of any person by any conduct or act.

F. Commit any assault, battery, or engage in fighting.

G. Carry, possess, or drink any alcoholic beverage in any Park.

H. Violate any rule for the use of the Park, made or approved by the City Council or designated agent of the City of Rexburg relating to management of the Parks.

I. Prevent any person from using any Park, or any of its facilities, or

interfere with such use in compliance with this ordinance and the rules applicable to such use.

SECTION III: Hours of Operation:

The Parks shall be opened daily to the public between the hours of 5 A.M. to 11:30 P.M. every day; and it shall be unlawful for any person, or persons (other than city personnel conducting city business therein), to occupy or be present in said Park during any hours in which the Park is not open to the public.

Any section, or part of the Park, may be declared closed to the public by the City Council or designated agent of the City of Rexburg relative to Parks, at any time and for any purpose and for any interval of time, either temporarily or at regular or stated intervals.

SECTION VI: Other regulations:

- A. Special activities.** It shall be unlawful to engage in special activities including flying model airplanes, golf practice, games except at locations specifically designated for such activities by the City Council or designated agent of the City of Rexburg relative to Parks. Areas for such activities may be reserved by groups for use at specified times.
- B. Motor Vehicles.** It shall be unlawful to drive or park any motor-driven vehicle except on a street, driveway or parking lot in any Park; or to park or leave any such vehicle in any place other than established for public parking, without a written permit from the City Council or designated agent of the City of Rexburg relative to Parks.
- C. Animals.** It shall be unlawful for any person to bring or harbor any animal in the Parks, except as may be allowed pursuant to established leash laws for the City of Rexburg.
- D. Sales.** It shall be unlawful for any person other than those designated by the City Council or designated agent of the City of Rexburg relative to Parks, to vend, sell, peddle, or offer for sale any commodity or article within any Park.
- E. Smoking.** It shall be unlawful for any person to smoke within fifty feet (50) of any structure, bleacher, playground equipment or water facility within the Park.

F. Alcoholic beverages. It shall be unlawful for any person to have in his or her possession, custody or control any alcoholic beverages of any kind whatsoever.

G. Signs. It shall be unlawful for anyone to paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, or for any person to erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a Park without first having obtained permission from the City Council or designated agent of the City of Rexburg relative to Parks.

Provided that these provisions shall not apply to any properly authorized government official in pursuit of any official duty.

SECTION VII: Violation a misdemeanor:

Any person, firm or corporation who fails, neglects, or refuses to comply with the provisions of this ordinance shall be deemed to be in violation thereof and guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than twenty-five dollars and not more than three hundred dollars, or may be confined in jail for a period of not more than thirty days, either or both such fine and imprisonment may be imposed, and in addition thereto, any person so convicted shall pay such costs as the Court may assess.

ORDINANCE No. 1019: TO PROMOTE THE GENERAL HEALTH, WELFARE AND SAFETY OF ALL PERSONS TRAVELING OVER OR UPON, OR OTHERWISE USING THE PUBLIC SIDEWALKS

SECTION A: All persons, firms, or corporations owning or occupying premises within the corporate limits of the City of Rexburg shall maintain safe and traversable sidewalks adjacent to said premises consistent with the applicable standards set forth by the City of Rexburg.

SECTION B: It shall be unlawful for any person to obstruct any street, alley or public sidewalk within the corporate limits of the City of Rexburg.

SECTION C: (1) It shall be unlawful for any person or persons, firm or corporation owning or occupying premises within the corporate limits of the City of Rexburg, to suffer or permit rubbish or debris to be or remain on the

sidewalks adjacent to their respective premises.

(2) Any person or persons, firm or corporation owning or occupying premises within the corporate limits of the City of Rexburg, shall be responsible for the removal of snow from any sidewalks adjacent to their premises. It shall be unlawful to fail to remove snow from designated sidewalks within (24) hours after being notified by the City of a declaration by the Mayor or the Public Works Director of a “Pedestrian Safety Snow Emergency” in accordance with the then existing policies of the city. If the responsible party fails to remove the snow, or notifies the City of an inability to remove the snow, the City shall have the right, but not the obligation, to cause the snow to be removed at the owner’s expense, as part of the public utility function provided by the City. The occupant or owner of the property who has been assessed a snow removal fee can appeal the assessment to the City Council.

SECTION D: It shall be unlawful for any person to store, install, maintain or operate any material, vehicle, structure, fixture or business upon any public sidewalk within the City of Rexburg, except as permitted by Section F below.

SECTION E: It shall be unlawful to sell, display or advertise the sale of any goods, wares, merchandise, food or beverage upon or from any cart, rack, structure or vehicle situated upon any public sidewalk within the City of Rexburg, except as permitted by Section F or G below or as allowed in any subsequently approved sign ordinance, or upon fulfilling the requirements set forth by the City of Rexburg with respect to such placement.

SECTION F: Notwithstanding Sections A, B, C, D and E above, the City Council may by resolution duly passed and adopted, declare a day or days in the commercial areas of the City of Rexburg during which licensed merchants may display and sell goods, wares and merchandise in front of their respective places of business. The merchandise so displayed shall be confined within an area extending from the store front toward the street line no more than ½ the total width, and under no circumstance shall the display area extend any closer than five (5) feet from the street line, and shall not cover any more than a total of one half (1/2) of the total area of sidewalk in front of the business. Nothing herein contained shall allow for placement of merchandise in such a manner as to require, or encourage pedestrians to walk upon the street.

SECTION G: Any licensed merchant or other person conducting a lawful business in the commercial area, may for the purpose of displaying goods, wares and merchandise, petition the City of Rexburg for permission to engage

in such conduct on a regular basis provided that said merchant, shall first be required to indemnify the City of Rexburg from any and all liability by reason thereof to the extent of \$500,000.00 for any one accident and to file proof with the City of such liability insurance indemnifying the City of Rexburg, and the same restrictions as set forth above in Section E shall apply as to placement. Provided that any such display of merchandise shall be removed at the end of each business day or during any period when the adjacent business is not open for business.

ORDINANCE No. 1026: CITY OF REXBURG DEVELOPMENT CODE

Household pets; building guidelines; fences; signs; parking areas.

(Repealed Ordinance No. 926)

Household Pet: Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, canaries, parrots, parakeets, or goldfish. **Under no circumstance shall more than 5 mammals or reptiles be allowed at one time**, except that direct offspring shall be allowed for up to 3 months.

ORDINANCE No. 1027: SIGN REGULATION

(Repealed Ordinance No. 908)

A) **Permits Required.** Except as otherwise provided in this Code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in this City, or cause the same to be done, without first obtaining a sign permit. A permit shall not be required for a change of copy of any sign, nor for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this Code, provided that the sign or sign structure is not altered in any way.

B) **Permission to Install.** No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or authorized representative of the owner.

ORDINANCE No. 1028: RESIDENTIAL AND UNIVERSITY ON-STREET PARKING.

(Replaced By Ordinance 1094)

ORDINANCE No. 1029: BUSINESS LICENSES

ORDINANCE No. 1041: OPEN BURNING.

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

-Register with the Rexburg-Madison County Emergency Services online at www.fdmadison.org, or by calling the station at 208-359-3010, or personally visiting the station at 26 N. Center Street in Rexburg, Idaho.

-Follow the Idaho Statute #38-115 “Closed season for fires – Permits – Regulations – Extension of closed season – Suspension of permits – Penalty.”

-Idaho Department of Environmental Quality (DEQ) standards for Crop Residue Burning are followed and needed permits procured.

ORDINANCE No. 1058: SUBSTANCE ABUSE, CHEMICAL SUBSTANCES

SECTION II: Abuse of an intoxicating chemical substance:

1. A person is guilty of abuse of intoxicating chemical substances if:
 - (a) that person intentionally ingests, injects into the bloodstream, inhales the fumes of while being eighteen (18) years of age or older, or otherwise introduces into the body an intoxicating chemical substance, or attempts any of the same; OR
 - (b) that person is under the influence of an intoxicating chemical substance; OR
 - (c) that person possesses, purchases, or attempts to possess or purchase an intoxicating chemical substance; OR
 - (d) that person uses, or possesses with intent to use, paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body, an intoxicating chemical substance.

SECTION III + IV: SECTION III & IV: Delivery and manufacture of an intoxicating chemical substance:

1. 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. A person is guilty of manufacture of said substance if they create, cultivate, transport or produce an intoxicating chemical substance.

ORDINANCE No. 1062: CELLULAR PHONE RESTRICTED USE IN PEDESTRIAN ZONES

SECTION I: MOTOR VEHICLE OPERATORS

Drivers: While operating a motor vehicle within the City of Rexburg, no person shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting.

SECTION II: PEDESTRIANS

Pedestrians: No pedestrian shall use a hand-held wireless telephone, cellular telephone, or any other wireless device for texting while crossing a public right-of-way in the City of Rexburg.

ORDINANCE No. 1090: SECURITY ALARMS OF BUSINESSES AND HOMES

SECTION I: 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.

ORDINANCE No. 1094: STANDING, STOPPING AND PARKING
ORDINANCE – REPLACING ORDINANCE 818A AND ORDINANCE 1028

City And County Employee Parking-Areas Designated:

Certain areas of the City have been designated for parking by employees and officials of the City of Rexburg.

Parking for certain purposes prohibited.

No person shall park or operate a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Greasing or repairing such vehicle, except repairs necessitated by an emergency;
- C. Displaying advertising; or
- D. The sale of food or other merchandise in any business district.

48. Using streets for storage prohibited.

No person shall park a vehicle, boat, trailer or other item upon any street for a period of time longer than forty-eight hours.

49. Using streets for storage of motor homes, boats and trailers prohibited.

No person shall park a motor home, boat, trailer or other item upon any street for a **period of time longer than forty-eight hours**. Motor homes, boats and trailers which are moved from a parking spot and then re-parked on the same street block face within twenty-four hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section. "Block face" means the side of the street where the vehicle was parked between two intersecting streets.

RESOLUTION 2008-10: TOWING POLICY RELATING TO SNOW REMOVAL

NOW THEREFORE, by resolution duly adopted on the date first above written, be it resolved by the Mayor and the City Council the following:

Any motor vehicle, motorcycle or trailer parked upon any public street or publicly controlled parking lot **in violation of any parking restrictions currently in force in the City of Rexburg may be removed at any time at the direction of the City Police Department and may be towed** to another public street or publicly controlled parking lot, provided such towing and parking of the vehicle on such other public facility does not interfere with the efficient and authorized removal of snow from such public facility. The vehicle may also be removed and stored in such other storage facility as may be appropriate, without prior notice to the owner or operator of the vehicle. Nothing herein shall preclude the issuance of a subsequent citation, nor the subsequent removal of the vehicle if it remains parked in violation of current parking restrictions 24 hours after being moved.

The owner or operator of any motor vehicle, motorcycle or trailer towed to or stored as a result of this resolution shall be financially responsible for all costs associated with such removal. If the vehicle is removed to another public street, lot or storage facility, the cost of towing shall be remitted to the City and may be collected by issuance of a parking ticket in the amount equal to the cost of removal. If removed to a private storage or impound lot, the cost of removal and storage shall be collected directly by the towing agency.

ORDINANCE No. 1101: STANDING, STOPPING AND PARKING

ORDINANCE – AMENDING ORDINANCE 1094

“SECTION III” of Ordinance 1094 shall be amended to read as follows:

(A) Every vehicle at all times while being driven, stopped or parked upon the streets or alleys or publicly managed parking lots of the City of Rexburg, shall

(1) be registered in the name of the owner thereof in accordance with the laws of the State of Idaho, unless such vehicle is not required by the laws of Idaho to be registered;

(2) display in proper location and position, valid registration plates for the state from which the same are issued;

(3) not constitute an obstruction to the free flow of traffic in accordance with the designed intent of the streets or alleys or publicly managed parking lots of the City of Rexburg;

(4) not constitute a nuisance, defined for purposes of this Ordinance as any vehicle having four (4) or more unresolved violations of any provisions of this Ordinance or Parking Ordinance 1094.

(B) Any vehicle in violation of any of the above cited requirements of this Section, may be towed from the streets or alleys or publicly managed parking lots of the City of Rexburg at the owner’s expense, and held until all unresolved violations pertaining to the nuisance vehicle have been fully resolved.

RESOLUTION 2014-11 CONSTRUCTION NOISE

LET IT BE KNOWN TO ALL PERSONS OF the City of Rexburg that Construction Noise and other noises including snow removal equipment are allowed by the city of Rexburg’s noise policy. A noise variance for construction outside the regular hours may be granted for short periods of time, following Staff review. Certain types of construction – including some interior work – are allowed at any time.