

CHAPTER 2

GENERAL POLICE REGULATIONS

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5-2-1.1 ADMISSION FEES, FRAUDULENTLY AVOIDING PAYMENT OF: It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict fee admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

5-2-2 ANIMALS, CRUELTY TO: It shall be unlawful for any person to torture or beat cruelly, starve or otherwise ill-treat any animal in his care or charge, whether belonging to himself or any other person.

5-2-3 ASSEMBLY, UNLAWFUL: It shall be unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act and not to disperse upon the command of an officer.

5-2-4 ELECTRIC FENCES: It shall be unlawful for any person to erect or maintain any electric fence within the City of Shelley.

5-2-5 CONCEALING KNOWLEDGE: It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this Code.

5-2-6 DELINQUENCY, ENCOURAGING: It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

5-2-7 DISORDERLY CONDUCT: It shall be unlawful for any person to engage in conduct which shall result in a breach of the peace or tend towards a breach of the peace. The causing or making of any loud or raucous noise, profanity, shouting or yelling without justifiable cause and with the result of unnecessarily disturbing others, shall be considered disorderly conduct.

5-2-8 DISTURBING THE PEACE: It shall be unlawful for any person willfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct or for any person to threaten, quarrel, fight or provoke an assault or batter or curse or swear or utter any obscene or vulgar or indecent language in the presence of another.

5-2-9 DRUNKENNESS: It shall be unlawful for any person to be found drunk, intoxicated or under the influence of intoxicating liquor upon any public thoroughfare or other public place.

5-2-10 EXPECTORATING ON SIDEWALK OR IN PUBLIC BUILDINGS: It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor of any public building or room used for public assemblies.

5-2-11 FIRE HOSE, CROSSING: It shall be unlawful for any person to drive, lead, haul or propel any vehicle or automobile on or across any fire hose belonging to the Fire Department.

5-2-12 INJURIOUS MATERIAL ON THOROUGHFARES, DEPOSITS OF: It shall be unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property.

5-2-13 JUNK, KEEPING AND STORAGE OF RESTRICTED:

(A) NUISANCE: Unsheltered storage of old, unused, stripped, junked and other automobiles not in good and safe operating condition, and any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is not longer safely usable for the purposes for which it was manufactured, which are hereinafter collectively described as "said personalty", for a period of thirty (30) days or more (except in licensed junk yards) within the Corporate limits of this City, is hereby declared to be a nuisance and dangerous to the public safety.

(B) ABATEMENT OF NUISANCE BY OWNERS: The owner, owners, tenants, lessees, and/or occupants of any lot within the Corporate limits of the City upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said personalty into complete 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 without said Corporate limits.

(C) PENALTY FOR FAILURE OF OWNER TO ABATE SUCH NUISANCE: If said owners allow said nuisance to exist or fail to abate said nuisance they, and each of them, upon conviction thereof shall be fined not less than \$25.00 nor more than \$300.00 for each offense and a separate offense shall be deemed committed on each day during or on which said nuisance is permitted to exist.

(D) ABATEMENT BY CITY: Whenever said owners fail to abate said nuisance then the City shall remove said personalty to a location of its selection, the expenses therefore to be billed to said owners, jointly and severally, said bill to be recoverable in a suit of law.

When said personalty has been removed and placed in storage by the City, as provided for herein, said personalty shall be sold by the City after a lapse of time of not less than 30 days. If the proceeds of such sale are insufficient to pay the costs of abatement said 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, balance shall be paid to said owners or deposited in the City Treasury for their use.

5-2-14 LOTTERY: With the exception of those activities authorized under the State law of the State of Idaho, it shall be unlawful for any person to engage in any lottery or scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or portion of it, or for any share or interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance whether such scheme be called lottery, raffle or gift enterprise or by whatever name the same be known and no person shall contrive, prepare, set up or establish any such scheme or lottery

5-2-15 LOUD SPEAKERS OR SOUND TRUCKS: It shall be unlawful to play, operate, or use any device known as a sound truck loud speaker or sound amplifier, radio or phonograph, with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the City Clerk to operate any such vehicle so equipped.

5-2-16 LUG WHEELS PROHIBITED: It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.

5-2-17 MUFFLERS; UNNECESSARY NOISE: It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it shall be unlawful for any person operating any motor vehicle to use a cutout, by-pass or similar muffler elimination appliance.

5-2-18 NUISANCES DEFINED: Anything which is injurious to the health or morals, or indecent or offensive to the sense or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated.

5-2-19 OBSCENE CONDUCT: It shall be unlawful for any person to urinate or stool in any place open to the public view, or to be guilty of any lewd, lascivious or obscene conduct or to sing any lewd or obscene song, ballad or other words in any public place or any other place where other persons are present or indecently to exhibit any animal.

5-2-20 OBSCENE LITERATURE, DISTRIBUTION OF: It shall be unlawful for any person to exhibit, pass, give, or deliver to another any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, writing, mold, case, or figure.

5-2-21 OFFENSE, AID TO AN: It shall be unlawful for any person, in any way

or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission or such offense hereby defined.

5-2-22 **PLAYING BALL ON STREETS PROHIBITED:** It shall be unlawful for any person to play ball or throw any ball to and fro upon any public thoroughfare in the Municipality.

5-2-23 **POLICE OFFICERS, ASSISTANCE TO:** It shall be unlawful for any male citizen over the age of eighteen (18) years to refuse or neglect to render assistance to any police officer when called upon for such assistance or aid in the suppression of riot or other unlawful assemblage or in the arrest of any person who has committed an offense when there is no immediate danger or threat of harm to himself.

5-2-24 **VAGRANCY:**

(A) **UNLAWFUL TO LOITER OR WANDER ABOUT STREETS:** It shall be unlawful for any person or persons, whether as a pedestrian or as an occupant of a vehicle, to wander about the streets or public ways of the City of Shelley in such a way as to arouse in others a reasonable suspicion of criminal behavior or intentions, or for any person or persons, whether as a pedestrian or as an occupant of a vehicle, to wander about the streets or other public ways of the City of Shelley at late or unusual hours in the night without any visible or lawful business and without satisfactory explanation for such activity.

(B) **LOITERING IN VICINITY OF CHILDREN:** It shall be unlawful for any person or persons without lawful business or other explainable purposes, to loiter about any school, playground, swimming pool, recreational center, or other place of assemblage of children within the City of Shelley.

(C) **PERSONS WITHOUT VISIBLE MEANS OF SUPPORT:** It shall be unlawful for any person or persons without visible means of support and the physical ability to work not to seek out employment or labor or refuse to work when employment is offered; or for any person to beg or seek alms as a means of his subsistence; or to lodge in any other place than is kept for lodging purposes without permission of the other person in possession thereof; or for any person to consort habitually with known drunkards or with users of narcotic drugs.

(D) **UNLAWFUL TO ASSEMBLE A CONGREGATION FOR THE PURPOSE OF INCITING RIOTS OR CIVIL DISOBEDIENCE:** It shall be unlawful for any person or persons to assemble a congregation for the purposes of inciting any other person or persons to riot, to civil disobedience, or to disrupt the orderly processes of government.

(E) **UNLAWFUL TO CAUSE, CREATE OR ENCOURAGE DISTURBANCE OF THE**

PEACE: It shall be unlawful for any person willfully, maliciously, intentionally or unnecessarily to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct or for any person to threaten, quarrel, fight or provoke an assault or battery or curse or swear or utter any obscene or vulgar or indecent language in the presence of another.

- (F) VIOLATION THEREOF SHALL BE MISDEMEANOR; PENALTY: A violation of this ordinance or any part thereof shall be deemed a misdemeanor and upon conviction thereof the person found guilty shall be subject to a fine of not to exceed \$300.00 or a jail sentence not to exceed six months, or by both such fine and imprisonment.

5-2-25 WATER FLOWING UPON STREET: It shall be unlawful for any unauthorized person to allow any water to flow into or upon a thoroughfare except in the gutter or drainage outlet that is located on or near the side of said thoroughfare.

5-2-26 WINDOW SILLS TO BE KEPT CLEAR: It shall be unlawful for any person to place or keep on any window sill, porch or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said article be securely fastened or protected by screens.

5-2-27 DAMAGING TELEVISION COMMUNITY ANTENNA SYSTEM: Whoever, without the consent of the owner thereof, willfully destroys, damages or in any way injures any television community antenna system within the City of Shelley, Idaho, such system also known as a CATV system, and as Cable TV system, or its poles, cables, wires, fixtures, antennas, amplifiers or other apparatus, equipment or appliances or who willfully obstructs, impedes or impairs the service of any such system therein, or any of its lines, or the transmission of television signals thereover; or whoever, without such consent, attaches within said City any device or equipment to such system, or any line, antenna, pole, cable, wire, fixture, amplifier or other apparatus, instrument, equipment or appliance thereof; or who taps, or connects, directly or indirectly, by wire or any other means whatsoever, to or with any Cable TV system line so as to hear, or see, or be in a position to hear or see, for any use or purpose whatsoever, any signal going over said Cable TV system line, or who makes said tapping or connection for the purpose of receiving or enabling any other person to receive, any service over said line or lines; or whoever uses or attempts to use, in any manner or for any purpose, any information so obtained, or communicates the same in any way or for any purpose or attempts to so communicate the same; or whoever aids, agrees with, employs or conspires with any person to do or cause to be done any of the acts hereinbefore set forth; shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding one hundred dollars (\$100.00) and each day that such violation exists shall constitute a separate offense.

In all prosecutions of this Ordinance, proof that any of the acts herein forbidden were done on or about the premises owned or occupied by the defendant charged with the

commission of such offense, or that the defendant unlawfully received the benefit of the transmission of television signals from any television community antenna system or Cable TV system on account of the commission of such acts, shall be prima facie evidence of the guilt of the defendant.

5-2-28 CURFEW:

(A) PURPOSE: It is hereby declared that the provisions and prohibitions hereinafter contained and enacted are in the necessity of the public interest, and the said provisions and prohibitions are enacted in pursuance of, and for the purpose of securing the public health, comfort, convenience, safety, and welfare, and the peace and quiet of the City and of its inhabitants.

(B) DEFINITIONS: Certain words and phrases used in this Chapter are defined as follows:

CHILD: Any unemancipated person, male or female, under the age of 18 years.

CURFEW: The hours during which it is unlawful for any child to be found in the places and/or circumstances as herein specified.

EMANCIPATED: Any person either 18 years of age or older, or if under the age of 18, any person who is married or has been married, or any person who is in active military service, or any person who is both self-supporting and neither resides with nor is subject to parental control.

PARENT: The mother, father, or both (both being referred to in the singular as "parent"), guardian, or other adult person having the legal care, custody, or control of a child.

SELF-SUPPORTING: Being able to take care of and provide for one's self and having control of one's earnings, belongings, and residence.

(C) CURFEW: No parent or other person who is a guardian or having the legal care, custody, or control of a child shall allow any such child under his or her control, nor shall any such child remain in, on, or occupy any area of the public streets, roads, alleys, parks, playgrounds, any other public grounds, places of amusement, places of entertainment, commercial establishments, or any unsupervised area between the hours of 12:30 a.m. and 5:00 a.m. except as hereinafter allowed.

(D) EXEMPTIONS: The following circumstances shall be deemed exceptions to the curfew hours required hereinabove:

- (1) A child accompanied by his parent or any other guardian or adult person having the legal care, custody, or control of the child.
 - (2) A child engaged in lawful employment or in going directly to or from such employment.
 - (3) A child on an errand or on legitimate business pursuant to instructions from his parent.
 - (4) A child involved in an emergency concerning the person or property of himself or another.
 - (5) A child engaged in or returning home from school, church, or youth-group sponsored activities, or from other activities supervised by an adult and approved by the child's parent or person having the custody and care of such child, or from any public social activity authorized by such parent or person having the custody and care of such child, or from any public social activity authorized by such parent or person, such as a movie, play, hay-ride, or other similar public social activity, providing that such "returning home" shall be construed to mean that the child is proceeding immediately and directly after participation in such activity by the most direct route and in the most expeditious manner legally possible to his residence or such other place as shall be authorized by his parents.
- (E) **AUTHORITY TO ENFORCE:** Law enforcement officers of the City shall have authority to stop and detain a child, or one who appears to him to be a child as defined herein, during the hours of curfew set forth herein, to obtain his name, age, and address, as well as the name and address of his parent or person having the care, custody, and control of such child whenever the law enforcement officer shall have reasonable suspicion that the child and his parents are violating the provisions of this chapter. Upon the determination that the child and/or his parent or person having legal custody and control are in violation of the curfew provisions, the law enforcement officer shall direct or deliver the child to the residence of his parent in addition to issuing any violation, notices, citations, or juvenile violation reports as may be appropriate under the provisions of this chapter.
- (F) **VIOLATION -- PENALTY:** Upon a first violation for any child, the officer shall issue a juvenile violation report to the child and provide a written warning notice to the parent or person having the legal care, custody and control, which notice shall clearly state the possible penalties set forth in this section which may be imposed for subsequent violations. Upon the second or subsequent violation for any such child, the child shall be issued a juvenile violation report for a second or subsequent curfew violation, and the parent or person having the legal care, custody and control

shall be issued a citation for allowing a second or subsequent violation of curfew provisions. Upon a determination by the Court that the second or subsequent violation involving the child has occurred, the parent or person having the legal care, custody or control shall be fined in an amount not to exceed \$300.00.

5-2-29 INJURY TO PROPERTY:

- (A) It shall be unlawful for any person willfully and maliciously to injure, deface, mutilate, remove, pull down, break or in any manner interfere with or molest or secrete or destroy or deface any real or personal property, either public or private, within the City of Shelley.
- (B) No person shall place or put, by any means, any drawing, writing, inscription, figure, symbol or mark of any type on any surface or any public or private property without the permission of the owner of the premises on which the surface is located or on any natural surface such as rocks, trees or any other surfaces. This conduct shall be deemed malicious destruction of property.
- (C) Penalty. Any person who violates the provisions of this section of this chapter shall be guilty of a misdemeanor and subject to a fine of not to exceed \$300.00 or to imprisonment for 30 days, or both, by both such fine and imprisonment.

5-2-30: GENERAL OFFENSE: It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to municipal government.

5-2-31: IMPROPER USE OF CITY TENNIS COURTS: It shall be unlawful for any person to roller skate, roller blade, ride a bicycle, ride a motorcycle, upon the city's tennis courts or to use the city tennis courts in any manner that could damage the physical facilities making up the tennis court, i.e., the surfacing, the nets, the fencing, or other improvements.