

## **Title 9 PUBLIC PEACE AND WELFARE**

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## **Chapter 9.02 GENERAL PROVISIONS**

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### **9.02.010 Misdemeanor and infraction defined.**

An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one thousand dollars (\$1,000.00) and for which no period of incarceration may be imposed. Every other crime in this code is a misdemeanor.

(Ord. 01-214 (part); Ord. 05-223 § 4 (part))

### **9.02.020 Punishment for infractions.**

Except where in cases where a different punishment is prescribed in this code, every offense that is an infraction is punishable by a fine not exceeding one hundred dollars (\$100.00) and no imprisonment.

(Ord. 01-214 (part))

**9.02.030 Punishment for misdemeanors.**

Except in cases where a different punishment is prescribed in this code, every other offense is a misdemeanor and is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000.00), or by the maximum amount permitted for misdemeanors by Idaho state law as it may be amended in the future, or by both the fine and the imprisonment.

(Ord. 01-214 (part); Ord. 05-223 § 4 (part))

**Chapter 9.04 OFFENSES AGAINST GOVERNMENT**

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**9.04.010 Resist, delay or obstruct.**

It is unlawful for any person to wilfully resist, delay or obstruct any public officer in the discharge, or attempted discharge of any duty of his office.

(Prior code § 6-801)

**9.04.020 Attempt by threats or violence to deter.**

It is unlawful for any person to attempt by means of any threat or violence to deter or prevent any police officer from performing any duty imposed upon such officer by the law.

(Prior code § 6-802)

**9.04.030 Resist by force or violence.**

It is unlawful for any person to resist by force or violence any police officer or other official or employee of the city of Inkom while in the discharge of his official duties.

(Prior code § 6-803)

**9.04.040 Aiding in misdemeanors.**

Whenever an act is declared to be a misdemeanor, and no punishment for counseling, aiding in, soliciting or inciting the commission of such acts is expressly prescribed by law, every person who counsels, aids, solicits or incites another in the commission of such act is deemed guilty of a misdemeanor.

(Ord. 01-214 (part))

**9.04.050 Concealing knowledge of a crime.**

Every person who knowingly and intentionally conceals or withholds knowledge of the commission of, or attempt to commit, a felony in the city of Inkom shall be guilty of a misdemeanor.

(Ord. 01-214 (part))

**9.04.060 False representation.**

It is unlawful for any person to falsely represent himself to be a public officer, official or agent of the city of Inkom or to attempt to impersonate any such public officer, official or agent or to perform any official act therein on behalf of any such public officer, official or agent without authority. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.04.070 False reports to the police.**

Every person who wilfully and intentionally makes, or causes to be made, a false report to any police officer that a crime has been committed or attempted in the city of Inkom shall be guilty of a misdemeanor.

(Ord. 01-214 (part))

**9.04.080 Giving assistance to police officers.**

Any police officer is empowered to call to his aid in suppression of a riot or other tumultuous and unlawful assemblage, or when necessary to effect an arrest of any person who has committed an offense in the presence of an officer or for whose arrest such officer holds a warrant issued by a court of competent jurisdiction, any number of citizens over the age of eighteen (18) years that he may deem necessary, and it is unlawful for any such person when called upon for such assistance to refuse or neglect to render the same. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.04.090 Resisting an officer.**

- A. Interfering with an officer. Every person who wilfully resists, delays or obstructs any public or police officer, official or agent of the city of Inkom in the discharge, or attempt to discharge, any duty of his or her office, is guilty of a misdemeanor.
- B. Threatening an officer. Every person who wilfully threatens any public or police officer, official or agent of the city of Inkom, shall be guilty of a misdemeanor.

(Ord. 01-214 (part))

**9.04.100 Providing false information to law enforcement officers, government agencies, or specified professionals.**

A person is guilty of a misdemeanor if he knowingly gives or causes to be given false information to any law enforcement officer, or to any city official or officer, concerning the commission of an offense or a dangerous situation, knowing that the offense did not occur or knowing that he has no information relating to the offense or dangerous situation. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.04.110 Escapes.**

It is unlawful for any person convicted of any offense or under arrest for the commission of any offense against the regulations of this code, or in lawful custody, to escape or attempt to escape from custody. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.04.120 Aid in escape.**

It is unlawful for any person to aid or assist any person to escape from lawful confinement or to assist any person to escape from the custody of any peace officer. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.04.130 Furnishing weapons and other articles to prisoners.**

It is unlawful for any person to furnish or attempt to furnish or to deliver or attempt to deliver to any prisoner in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.04.140 False alarms.**

- A. False Fire Alarms. It is unlawful for any person to sound or cause to be sounded any fire alarm when there is not a fire, or when there is no necessity for the sounding of the alarm, or to falsely alarm or unnecessarily call out the fire department. Violation of this section shall be a misdemeanor.

B. False Burglary—Robbery Alarms.

1. For the purposes of this subsection, the term "false alarm" means the activation of a burglary and/or robbery alarm by other than forced entry or attempted forced entry to the premises and at a time when no burglary or robbery is being committed or attempted on the premises. When the police have been notified that an alarm system is being worked on and that they should not respond to alarms on that system, such an activation shall not be considered a false alarm. This subsection shall apply to the following:

- a. Alarm systems directly connected to, and monitored by, the city of Inkom police department;
- b. Audible alarms;
- c. Alarms connected to any central station.

An "audible alarm" means a device which generates an audible sound on the premises when it is activated. A "central station" means a system, or group of systems operated for its customers by a person, in which the operations of electrical protection circuits and devices are transmitted, recorded in and supervised from a central station.

2. For any police response to any false alarm, the city clerk, upon verification by the chief of police shall charge and collect from the person owning, having or maintaining an alarm system on premises owned or occupied by him, a fee of twenty five dollars (\$25.00) per false alarm. However, this fee shall not apply to the first three alarms occurring during each six month period.

(Ord. 01-214 (part))

**9.04.150 Automatic dialing device interconnections prohibited.**

It is unlawful for any person to program an automatic dialing device from an alarm system to select any telephone line assigned to the city of Inkom police department; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the police department that an automatic dialing device so programmed, must be disconnected. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**Chapter 9.06 OFFENSES AGAINST THE PERSON**

**Sections:**

[9.06.010 Assault.](#)

[9.06.020 Battery.](#)

[9.06.030 Petit theft.](#)

[9.06.040 Misuse of laser pointer devices.](#)

**9.06.010 Assault.**

An "assault" is an unlawful attempt, coupled with a present ability, to commit a violent injury upon the person of another. Such an assault is a misdemeanor.

(Ord. 01-214 (part))

**9.06.020 Battery.**

A "battery" is any wilful and unlawful use of force or violence upon the person of another. Any person who shall commit a battery shall be guilty of a misdemeanor.

(Ord. 01-214 (part))

**9.06.030 Petit theft.**

It is unlawful for any person to steal, take, carry, lead or drive away the property of another when the property taken is of a value not exceeding one thousand dollars (\$1,000.00). Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.06.040 Misuse of laser pointer devices.**

It shall be unlawful for any person to direct light emitted from a laser pointer towards another person or animal, or to direct such light in any manner except at a screen, wall, board, or other similar surface being used as a visual aid in an educational, instructional or employment presentation. For purposes of this section, the term "laser pointer" means any device which emits light or projects a beam or point of light amplified by the stimulated emission of radiation that is visible to the human eye, or any device which emits or projects light which simulates the appearance of such light. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**Chapter 9.08 OFFENSES AGAINST PROPERTY**

**Sections:**

[9.08.010 Malicious injury to property.](#)

[9.08.020 Trespassing.](#)

[9.08.030 Water flowing upon streets.](#)

[9.08.040 Littering.](#)

[9.08.050 Deposits of injurious material on thoroughfares.](#)

[9.08.060 Concealing goods.](#)

[9.08.070 Fraudulently avoiding payment of admission fees.](#)

**9.08.010 Malicious injury to property.**

It is unlawful for any person to wilfully and maliciously injure, deface, mutilate, remove, pull down, break or in any manner interfere with or molest, or secrete, or destroy any real or personal property

belonging to or under the control of any private person, firm or corporation or to the city or any other public property.

(Ord. 84-157 § 1)

**9.08.020 Trespassing.**

It is unlawful for any person to take down any fence or to let down any bars, or to open any gate so as to expose any enclosure, or to ride, drive, walk, lodge, camp or sleep in or on the property of another without the consent of the owner, occupant or person in charge thereof.

(Ord. 84-157 § 2)

**9.08.030 Water flowing upon streets.**

It is unlawful for any person to suffer or allow or cause any water used by them for irrigation or any other purpose to flow into or upon any public thoroughfare.

(Ord. 84-157 § 3)

**9.08.040 Littering.**

It is unlawful and punishable as a misdemeanor for any person to wilfully or negligently throw from any vehicle, or to place or deposit upon or along any street, alley, public thoroughfare or public property, except in containers provided therefor, any debris, paper, litter, glass, can, nail, tack, wire, trash or garbage, lighted material, or other waste substance.

(Ord. 84-157 § 4)

**9.08.050 Deposits of injurious material on thoroughfares.**

It is 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.

(Ord. 84-157 § 5)

**9.08.060 Concealing goods.**

Whoever, without authority, wilfully conceals the goods, wares or merchandise of any store or merchant, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment. Goods, wares or merchandise found concealed upon the person shall be prima facie evidence of a wilful concealment.

(Ord. 84-157 § 6; Ord. 05-223 § 4 (part))

**9.08.070 Fraudulently avoiding payment of admission fees.**

It is unlawful for any person to fraudulently enter without the payment of the proper admission fee any theater, ballroom, lecture, concert or other place where admission fees are charged.

(Ord. 84-157 § 7)

**Chapter 9.11 OFFENSES AGAINST PUBLIC DECENCY**

**Sections:**

[9.11.010 Cruelty to animals.](#)

[9.11.020 Indecent exposure.](#)

[9.11.030 Possession, consumption and transportation of open alcoholic beverages and intoxicating inhalants.](#)

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[9.11.060 Trapping of domestic animals prohibited.](#)

**9.11.010 Cruelty to animals.**

It is unlawful for any person to torture or cruelly beat, starve or otherwise ill-treat any animal in his care or charge, whether belonging to himself or to any other person. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.11.020 Indecent exposure.**

It is unlawful for any person to expose his or her sexual or genital area or the sexual or genital area of another, in any public place or in any place exposed to public view. For the purposes of this section, "sexual or genital area" includes any portion of the pubic hair, pubic area, genitals, cleft of the buttocks, anus or perineum of any person, or the vulva, or any portion of the female breast below the top of the areola. Persons so exposing themselves or another person in violation of this section shall be deemed guilty of a misdemeanor.

(Ord. 01-214 (part))

**9.11.030 Possession, consumption and transportation of open alcoholic beverages and intoxicating inhalants.**

Possession, consumption and transportation of open alcoholic beverages and intoxicating inhalants is prohibited on the public areas and rights of way within the city of Inkom.

- A. It is unlawful for any person to consume any of the following: beer, wine, other alcoholic beverage or liquor, or any liquid or solid, patented or not, containing alcohol, spirits, or wine, and susceptible of being consumed by human beings for beverage purposes, while present,



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either on foot or by other means of locomotion, on any of the public rights of way or public areas of the city of Inkom. Public areas shall include parking areas and lots, sidewalks, building traffic areas, loading and unloading areas, alleys, public easements, roadways along canals, rivers and ditches, rights of way for public utilities and railroads, school grounds, parking areas along and adjacent to public streets and similar such areas of public use.

- B. It is unlawful for any person to breathe, inhale or drink any compound, liquid, chemical or other substance containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, methylethyl ketone, trichloathane, isopropanol methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, pentachlorophenol, petroleum ether, benzene, ethylene dichloride, or any other toxic or intoxicating substance while present on the public areas or public rights of way within the city of Inkom, as the same are set out hereinabove, whether on foot or by other means of locomotion.
- C. It is unlawful for any person to break open, or allow to be broken or opened, any container of beer, wine or other alcoholic beverage; or to possess any container of beer, wine or alcoholic beverage whose lid or cap is not securely fastened or, in the case of canned beverages, whose top has been popped open, while the person is present, either on foot or by other means of locomotion, upon the public streets or public areas of the city of Inkom as the same are set out hereinabove.
- D. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

### **9.11.040 Expectorating on sidewalks or in public buildings.**

It is unlawful for any person to expectorate or spit upon any of the sidewalks or upon the floor of any theater, public building, church or room used for public assemblies. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

### **9.11.050 Gambling.**

It is unlawful for any person to deal, play, carry on, open or cause to be opened or conduct, either as owner, employee or lessee, whether for hire or not, any game of faro, monte, roulette, lausquenet, rouge et noire, rondo, Indian stick game or any game played with cards, dice or any other device, for money, checks, credit or any other representative of value. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

### **9.11.060 Trapping of domestic animals prohibited.**

It shall be unlawful within the city of Inkom for any person to place a trap for the purpose of catching domestic animals, such as cats or dogs, except by specific authority granted by the city of Inkom, the Inkom police department, or under the direction of a city official. Authorized city officers and employees are not restricted under this section. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

## **Chapter 9.12 OFFENSES AGAINST PUBLIC PEACE**

**Sections:**

[9.12.010 Purpose.](#)

[9.12.020 Excessive noise prohibited.](#)

[9.12.030 Excessive noise from vehicle speakers and radios, phonographs, tape players, CD players or sound trucks and similar devices prohibited.](#)

[9.12.040 Disorderly conduct.](#)

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[9.12.110 Littering.](#)

[9.12.120 Deposits of iniurious material on right of way.](#)

[9.12.130 Fraudulently avoiding payment of admission fees.](#)

**9.12.010 Purpose.**

It is declared that the provisions and prohibitions hereinafter contained and enacted are in the necessity of the public interest and that said provisions and prohibitions are enacted in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the city of Inkom and its inhabitants.

(Ord. 01-214 (part))

**9.12.020 Excessive noise prohibited.**

- A. Noise which due to its volume, its duration, or its location disturbs, injures or endangers the comfort, repose, health, peace, or safety of persons not voluntary listeners thereto is hereby declared to a nuisance to the welfare of the citizens of the city of Inkom. It is unlawful for any person to make, continue, or cause to be made, or allow to be made on any premises or any public place or public right of way from any radio, CD player, tape player, musical instrument, phonograph, or sound amplifier or similar device, any excessive, loud, unnecessary or unusual noise. Specifically prohibited is the playing, using, operating or permitting to be played, used or operated, any device for playing, producing or reproducing sound at a louder volume than is necessary for the hearing of persons who are voluntary listeners on the premises, or in the building, room, or chamber in which the sound is being played, produced or reproduced. Provided, however, that persons engaged in school-related or sports-related or city-related promotional activities and lawful parades shall be exempt from the provisions of this section for the duration of the activity.
- B. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.12.030 Excessive noise from vehicle speakers and radios, phonographs, tape players, CD players or sound trucks and similar devices prohibited.**

- A. It is unlawful to use or operate any vehicle commonly known as a "sound truck" or other vehicle on or in which is mounted a loudspeaker and/or sound amplifier which emits amplified sound broadcast to the public at large. It is unlawful to use, operate or permit to be used, played, or operated, radios, CD players, tape players, phonographs, vehicle stereo systems, and similar devices mounted in or on a vehicle loudly enough to disturb the peace, quiet or comfort of persons who are involuntarily subjected to the sound who are on or in premises other than the vehicle. Sounds louder than necessary for the hearing of persons in the vehicle are hereby deemed excessive. Provided, however, that emergency vehicles and persons engaged in school-related or sports-related promotional activities and lawful parades shall be exempt from the provisions of this section for the duration of the activity.
- B. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.12.040 Disorderly conduct.**

It is unlawful for any person to:

- A. Engage in any fight or to challenge another person to fight; or to threaten, urge or provoke others to fight, batter or assault any person;
- B. Remain in any public building or place without permission of persons in charge of such public building or place;
- C. Interfere with the lawful operation of any public transit vehicle by refusing to sit or stand as required, refusing to comply with any lawful directive of the driver, distracting the driver from his duties, or refusal to pay transit fares;
- D. Taunt, intimidate or threaten, or encourage or provoke others to taunt, intimidate or threaten any person in such a manner as to cause that person to fear for his safety.
- E. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.12.050 Disturbing the peace.**

It is unlawful for any person to:

- A. Wilfully or maliciously or intentionally or unnecessarily disturb the peace and quiet of another by loud or unusual noises or by indecent or offensive conduct;
- B. Engage in prolonged shouting, yelling, hooting, whistling, singing or playing of musical instruments loud enough to disturb the peace, quiet, and comfort of persons who are involuntarily subjected to such noise, particularly, but not limited to, between the hours of eleven p.m. and six a.m.; provided, however, that persons engaged in school-related or sports-related promotional activities and lawful parades shall be exempt from the provisions of this section for the duration of the activity. The brief celebratory display of noise making at twelve a.m. on New Year's Eve or on other official holidays shall not be considered a violation of this section;
- C. Engage in construction/repair of buildings, including site excavation and grading, between the hours of eleven p.m. and six a.m., except in case of urgent necessity in the interest of public health and safety and with the permission of the building official;

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- D. Engage in the use of chain saws and/or other wood-cutting equipment, or gasoline or electric-powered lawn-care equipment or other motorized equipment, other than motor vehicles, between the hours of eleven p.m. and six a.m. in any residential area, regardless of the underlying zoning district.

The prohibitions against disturbing the peace as set out in this section shall not apply to the following:

- A. Emergency work;
- B. A governmental agency acting within the scope of its functions;
- C. Utility work performed by employees of utility companies;
- D. Such other work or activities as may be authorized by the building official, public works director, or the mayor.
- E. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

### **9.12.060 Unlawful assembly.**

It is unlawful for two 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 to do so by an officer. It is unlawful for any person, except public officers and persons assisting in preserving the peace, to remain present at the place of such unlawful assembly. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

### **9.12.070 Injury to property.**

It is unlawful for any person to wilfully or maliciously injure, deface, mutilate, remove, pull down, break or in any other manner interfere with or molest or secrete, or destroy any jointly owned property without the permission of the joint owner; or any property belonging to the community of the person's marriage; or any public property; or any real or personal property belonging to, or under the control of, any person, or any public entity. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

### **9.12.080 Graffiti prohibited.**

- A. It is hereby declared to be a nuisance and to be unlawful for any person to place or put, by any means, any drawing, inscription, figure, symbol or mark of any type commonly known as graffiti on any public or private property without the permission of the owner of the premises on which the surface is located, or upon any natural surfaces such as rocks or trees or any other surface whatsoever. Violation of this section shall be a misdemeanor.
- B. Any person found to be in violation of this section, shall be required to remove or cause to be removed the graffiti from the surface on which it was placed. Inasmuch as it is often not possible to determine the identity of the person who applied the graffiti, it shall be the duty of the owner or person in control of the premises on which the graffiti has been applied to promptly remove the graffiti after notice as hereinafter set forth. If, after notice as hereinafter provided, the graffiti nuisance is not abated, the city of Inkom shall proceed to abate the graffiti nuisance and the costs of same shall be assessable against the property.

Whenever the chief of police or his designated representative discovers graffiti on any public or private property or any surfaces visible to persons utilizing public rights of way within the city of Inkom, he shall, whenever seasonal temperatures permit the painting of exterior surfaces, cause a notice to be issued to the owner or person in control of the premises to remove the graffiti or cover it with paint or other suitable substance. Said notice shall be served upon the owner(s) of the affected premises, as shown on the last property tax assessment rolls of Bannock County, Idaho, with a copy to the occupant of the premises. If there is no known address for the owner, the notice shall be served at the property address. Service of the notice may be accomplished through personal service on the owner, occupant or person in charge or control of the property or by certified mail. Notice shall be in writing and shall clearly state that the owner or person in charge or control of the property is required by this chapter to remove from public view or paint over the graffiti within fifteen (15) days of receipt of the notice; that failure to so abate will cause the city of Inkom to abate the nuisance and to assess the costs to the owner; that failure to pay said costs within thirty (30) days of receipt of billing shall result in an assessment against the property, collectable with the property taxes; that the owner or person served may, within ten days of receipt of the notice, deliver, in writing, to the police chief his objections to the removal requirement and request a hearing before the city council.

(Ord. 01-214 (part))

**9.12.090 Trespass of privacy.**

It is unlawful for any person, upon the private property of another, to intentionally look, peer or peek in the door, window, or other opening of any inhabited building or other structure located thereon, without visible or lawful purpose. Any person who violates this provision shall be guilty of a misdemeanor.

(Ord. 01-214 (part))

**9.12.100 Trespassing.**

It is unlawful for any person to take down any fence, or to let down any bars, or to open any gate so as to expose any enclosure, or to ride, drive, walk, lodge, camp or sleep in or on the property of another without the consent of the owner, occupant or person in charge thereof. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.12.110 Littering.**

It is unlawful for any person to wilfully or negligently throw from any vehicle or from any other location, or to place or deposit upon or along any street, alley, public thoroughfare, or public property, or private property without the consent of the owner, any debris, paper, litter, glass, can, nail, tack, wire, trash or garbage, lighted material or other waste substance. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.12.120 Deposits of injurious material on right of way.**

It is unlawful for any person to deposit, place or allow to remain in or upon any public right of way any material or substance injurious to persons or property. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**9.12.130 Fraudulently avoiding payment of admission fees.**

It is unlawful for any person to enter without the payment of the proper admission fee any theater, ballroom, lecture, concert or other place where admission fees are charged. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))

**Chapter 9.16 OFFENSES BY OR AGAINST MINORS**

**Sections:**

[9.16.010 Purpose.](#)

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**9.16.010 Purpose.**

It is declared that the provisions and prohibitions hereinafter contained and enacted are in the necessity of the public interest and that said provisions and prohibitions are enacted in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare.

(Ord. 01-214 (part))

**9.16.020 Definitions.**

"Child" means any unemancipated person, male or female, under the age of eighteen (18) years.

"Curfew" means the hours during which it is unlawful for any child to be found in the places and/or circumstances as hereinafter specified.

"Emancipated" means any person either eighteen (18) years of age or older, or if under the age of eighteen (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.

(Ord. 01-214 (part))

**9.16.030 Curfew.**

No parent shall allow his or her child to, nor shall any child, remain in, on or occupy any area of the public street, roads, alleys, parks, playgrounds, any other public grounds, places of amusement, places of

entertainment, commercial establishments or any unsupervised area between the hours of eleven p.m. and five a.m., except as hereinafter allowed.

(Ord. 01-214 (part))

**9.16.040 Exemptions.**

The following circumstances shall be deemed exceptions to the curfew hours required in this section:

- A. A child accompanied by his parent;
- B. A child engaged in lawful employment, or in going directly to or from such employment;
- C. A child on an errand or on legitimate business pursuant to instructions from his parent;
- D. A child involved in an emergency concerning the person or property of himself or another;
- E. A child engaged in or returning home from school or church or youth group-sponsored activities; or from other activities supervised by an adult and approved by the child's parent, or from any public social activity authorized by his parent, such as a movie, play, hayride or other similar public social activity; provided, 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 parent.

(Ord. 01-214 (part))

**9.16.050 Authority to enforce.**

Law enforcement officers of the city of Inkom shall have authority to stop and momentarily detain a child, or one who appears to him to be a "child" as defined in this chapter, 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 whenever the law enforcement officers have reasonable suspicion that the child and his parent are violating the provisions of this chapter. Upon determination that the child and his parent 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.

(Ord. 01-214 (part))

**9.16.060 Violation—Penalty.**

Upon a first violation for any child, the officer may issue a juvenile violation report to the child, and provide a written warning notice to the parent, which notice shall clearly state the possible penalties which may be imposed for conviction on any misdemeanor citation which shall be issued for subsequent violations. Upon the second or subsequent violation for any child, the child shall be issued a juvenile violation report for a second or subsequent curfew violation and the parent shall be issued an Idaho Uniform Citation for the misdemeanor offense of violating Section 9.12.030 of this chapter.

(Ord. 01-214 (part))

**Chapter 9.20 WEAPONS**

**Sections:**

[9.20.010 Definitions.](#)

[9.20.020 Discharge of firearms prohibited.](#)

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[9.20.040 Drawing or exhibiting imitation firearm prohibited.](#)

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**9.20.010 Definitions.**

Wherever the term "firearms" is used in this chapter, the term means any instrument used in the propulsion of shot, shell or bullets or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs and including what are commonly known as air rifles, BB guns, slings or flippers.

(Ord. 84-156 § 1)

**9.20.020 Discharge of firearms prohibited.**

It is unlawful for any person to discharge firearms of any kind or description within the city limits; provided, however, that this shall not apply to police officers or other persons licensed to carry firearms, in the discharge of their duties, nor to persons acting in necessary self defense.

(Ord. 84-156 § 2)

**9.20.030 Exceptions—Permits.**

The governing body may, upon receipt of application therefor, grant permits to shooting galleries, gun clubs and others for shooting within the city limits in fixed localities and under fixed rules. Such permits shall be in writing attested by the clerk conforming to such requirements as the governing body shall demand, and the permit thus issued shall be subject to revocation at any time by action of the governing body.

(Ord. 84-156 § 3)

**9.20.040 Drawing or exhibiting imitation firearm prohibited.**

No person shall, except in self-defense, draw, brandish or exhibit an imitation firearm in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm. For purposes of this section, an imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing genuine firearm as to lead a reasonable person to conclude that the replica is a firearm. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))



**9.20.050 Brandishing weapons prohibited.**

It shall be unlawful for any person to brandish a weapon in a manner that is menacing or threatening to another person or group of persons regardless of whether such brandishing is accompanied by verbal threats. A weapon is any object which is capable of causing serious bodily harm to another person and which is reasonably considered capable of causing harm to such other persons. Weapons specifically includes firearms, regardless of whether such firearm is actually loaded. Violation of this section shall be a misdemeanor.

(Ord. 01-214 (part))