

**CHAPTER 4
GENERAL OFFENSES**

SECTION:

- 5-4-1: Children and Incompetent Persons
- 5-4-2: Public Streets
- 5-4-3: Attractive Irrigation Nuisance
- 5-4-4: Prostitution
- 5-4-5: Utility Lines
- 5-4-6: Open Burning Defined
- 5-4-7: Trains
- 5-4-8: Disturbing the Peace
- 5-4-9: [Rescinded]

5-4-1 CHILDREN AND INCOMPETENT PERSONS.

(A) Cruel Treatment or Neglect of Mentally Handicapped. It shall be unlawful for any person to harshly, cruelly, or unkindly treat or neglect any duty imposed by law for the protection or care of any mentally handicapped or insane person.

(B) Encouraging Delinquency. It shall be unlawful for any person to encourage, aid or cause any minor child to commit a crime.

(C) Minors in Pool Halls. It shall be unlawful for any person to permit or allow any minor under the age of twenty-one (21) years to be present in any commercial pool or billiard hall or room where beer, wine or alcoholic beverages are sold. For the purposes hereof, it shall be lawful to permit or allow minors to be present in any building wherein such pool room is located, as long as the pool room is fully enclosed or wholly separated from the view of minors.

(D) Runaways. It shall be unlawful for any person under the age of eighteen (18) years who is not lawfully emancipated from their parents to attempt to run away or to run away from their parents, guardian or other legal custodian, or to be or remain a person who has run away from their parents, guardian or legal custodian. For the purposes hereof, an unemancipated minor shall be considered to be a runaway if 1) they have by declaration or conduct stated or evidenced their intention to place or remove their person beyond the control of their parents for an indefinite period of time and has acted in accordance with such intention, or 2) has intentionally placed their person in a location unknown to their parents for a period of greater than twenty-four (24) consecutive hours irrespective of such declaration or conduct.

5-4-2 PUBLIC STREETS.

(A) Placing Debris on Streets. It shall be unlawful for any person to willfully or negligently throw from any vehicle, or to place, deposit or permit to be deposited upon or alongside any highway, street, alley or easement used by the public for public travel, any debris, paper, litter, glass bottle, glass, nails, tacks, hoops, cans, barbed wire, boards, trash or garbage,

lighted material, or other waste substance. Such persons shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding ten (10) days or both such fine and imprisonment. For the purpose of this Section, the terms "highway," "street," "alley," or "easement" shall be construed to include the entire right-of-way of such highway, street, alley or easement.

(B) **Damage to Public Street.** It shall be unlawful for any person to drive a tractor or vehicle with lug wheels upon a public street or to drive or operate any vehicle in a manner which damages or destroys any surface of any street or sidewalk, or to drive or operate a vehicle in excess of the gross vehicle weights permitted under the laws of the State of Idaho, upon any public street in the City.

(C) **Games in Streets.** It shall be unlawful for any person to play ball or any game in a public street, or to encourage, permit or allow any minor to engage in such activities.

5-4-3 ATTRACTIVE IRRIGATION NUISANCE.

Enclosed headgates and boxes for the diversion of irrigation waters, with openings at the top are recognized and declared to be attractive and dangerous to small children who are likely to play about the same and on occasion, to fall into the water therein contained. It shall be unlawful for any person to use, maintain or operate an enclosed headgate or diversion box having an opening of a width of at least twelve inches (12") and a length of at least twelve inches (12"), and for which no locked cover is placed thereon.

5-4-4 PROSTITUTION.

(A) **Definitions.**

For the purposes of this Chapter, the following terms shall have the meanings described below:

House of prostitution. Any place where prostitution or promotion of prostitution is regularly carried on by one (1) or more persons under the control, management or supervision of another.

Prostitution. The act of engaging in, or the offer or agreement to engage in, sexual contact or sexual conduct with another person in return for a fee.

(B) **Disorderly House of Prostitution Prohibited.** It shall be unlawful for any person to own, keep, operate, or maintain any house of prostitution, or any house for the purpose of assignment of prostitution.

(C) **Admission of Minors Into Houses of Prostitution.** It shall be unlawful for any person to have ownership or control of any house of prostitution, or any house, structure, or room resorted to for the purpose of prostitution, or to admit or keep any minor of either sex therein, or for any parent or guardian of any such minor to allow or keep such minor in any such house, structure, or room.

5-4-5 UTILITY LINES.

(A) Burning Electric Lines or Plants. It shall be unlawful for any person within the City to willfully or maliciously set a fire to any line erected or constructed for the transmission of electrical current or telephone or cable television (“CATV”) CATV signal, or any poles, conduits, cables, wires, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or any house, shop, building or other structure, or appurtenances thereto, or machinery connected therewith, or necessary to the use of, any line erected or constructed for the transmission of electrical current or telephone or CATV signal, or to set fire that shall in any manner interrupt the transmission of electrical current or telephone or CATV signal along such line.

(B) Damaging CATV. It shall be unlawful for any person to willfully damage, destroy or in any way injure any equipment, or facilities of a cable TV system located within the City, or who willfully obstruct, impede, or impair the service of any such system or equipment.

(C) Unauthorized Attachment to CATV. It shall be unlawful for any person, without permission of the owner or operator of a CATV system, to attach any device or equipment to any equipment or line owned by the CATV system, or without such authority, to connect to the CATV system in order to receive any signal from a CATV line without paying consideration therefore.

5-4-6 OPEN BURNING DEFINED.

(A) For the purposes of this Chapter, the term *open burning* shall mean the burning of any material where the products of combustion are not directed through a duct, passage, smoke stack or chimney, except:

- (1) Fires used for the preparation of food and camp fires used for recreational purposes under control of a responsible adult.
- (2) Fires used as part of a training exercise conducted by the City Fire Department.
- (3) Safely operated industrial flares for combustion of flammable gases.
- (4) Fires used for control or alleviation of a fire hazard and for weed control, where no alternate method of control exists, provided a permit has been first obtained from the Idaho Falls Fire Department.

(B) It shall be unlawful for any person to allow or cause open burning within the City. (Ord. 3003, 04-26-15)

5-4-7 TRAINS.

(A) Speed of Trains. It shall be unlawful for any person to operate a locomotive engine or train of cars upon rails or tracks within the City at a speed greater than twenty five (25) miles per hour.

(B) Unlawful to Jump on Trains. It shall be unlawful for any unauthorized person to climb, jump, or to be found upon any railroad car or engine, whether in motion or standing still, upon the railroad tracks within the City, unless such person shall have a railroad ticket or a written permission signed by an agent of the railroad company granting such privilege.

5-4-8 DISTURBING THE PEACE.

Any person who disturbs the peace and quiet of another or of any neighborhood, family, congregation or other assembly by causing loud, repetitive or high pitched noises, flashing lights, vibration or by using, operating or controlling sound amplification or reproduction equipment that emits sound that is plainly audible at a distance of fifty feet (50') or more from its source or by engaging in or causing any other annoying or unusual activity, is guilty of an infraction.

5-4-9 [RESCINDED]
(Ord. 3221, 11/10/2018; Ord. 3305; 04/09/2020)