

**CHAPTER 4  
GENERAL OFFENSES**

**SECTION:**

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**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 assignation 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.

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: AGGRESSIVE SOLICITATION

A. PURPOSE. This Section is intended to protect individual members of the public from the fear and intimidation resulting from certain kinds of unwanted solicitation and is not intended to limit any Constitutionally protected activity.

B. DEFINITIONS. Whenever the following words or terms are used in this Section, they shall have the meanings ascribed below:

AGGRESSIVE MANNER: Causing a person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession by:

1. making any physical contact with or touching another person in the course of the confrontation without the other person's consent when the person knows or should reasonably believe that the other person will regard the contact as offensive or provocative;
2. following the person being confronted, if that conduct is:
  - a. intended to cause a person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
  - b. intended to intimidate the person being confronted into engaging in acts or behaviors the person would not otherwise do or perform; or

- c. continuing to confront a person within five feet (5') of the person being confronted after the person has communicated that the confrontation should cease; or
- d. blocking the safe or free passage of the person being confronted or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person initiating or continuing the confrontation; or
- e. using obscene or abusive language or gestures toward the person being confronted in a manner that tends to incite an immediate breach of the peace; or
- f. is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or is intended to or is reasonably likely to intimidate the person being confronted into responding affirmatively to the solicitation.

**AUTOMATED TELLER FACILITY:** The area comprised of one or more automatic teller machines and any adjacent space that is made available to banking customers for automated banking.

**AUTOMATED TELLER MACHINE:** A device, linked to a bank's account records, which is able to carry out banking transactions.

**BANK:** A bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

**BUS:** A vehicle operated by a transit authority for public transportation, such as Greater Idaho Falls Transit (GIFT).

**CHECK CASHING BUSINESS:** The business of cashing checks, drafts, or money orders for consideration.

**CONFRONT:** To approach or threaten or intimidate another person by words or actions in a manner reasonably calculated to detain, hinder, or delay the person.

**PUBLIC AREA:** An outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, park amenity, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

**SOLICIT:** To request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

**C. VIOLATION.** A person commits an offense if the person solicits another person in an aggressive manner:

1. in a public area;
2. on a highway within the City;
3. at a bus station or stop, or at a facility operated by transit authority for passengers;
4. within twenty-five feet (25') of:
  - a. an automated teller facility;
  - b. the entrance or exit of a bank; or
  - c. the entrance or exit of a check cashing business;
5. at a marked crosswalk;
6. on either side of the street on a block where a school attended by minors or a child care facility has an entrance or exit;
7. at a sidewalk cafe authorized or the patio area of a bar or restaurant.

D. EXEMPTIONS.

1. This Section is not intended to proscribe a demand for payment for services rendered or goods delivered, or to regulate activities otherwise allowed by this Code.

This Section does not apply to a person who participates in or views a parade, festival, performance, rally, demonstration, or similar event, or to a peace officer or other person making a lawful detention or arrest.

(Ord. 3517, 25-05-2023)

5-4-10: PUBLIC URINATION OR DEFECATION.

It shall be unlawful for any person to urinate or defecate in any place open to public view.

(Ord. 3514, 27-04-2023)

5-4-11 NUISANCE NOISE.

A. PURPOSE.

Plainly audible noise or sound which due to its volume, its duration, or its location disturbs, injures or endangers the comfort, repose, health, peace, or safety of persons who are not voluntary listeners, is hereby declared to disturb the peace

and to be excessive and harmful to the welfare of the occupants in the City and; therefore, a public nuisance.

B. DEFINITIONS.

Construction. Any site preparation, assembly, erection, repair, alteration, or similar action, including demolition of buildings or structures.

Demolition. Any dismantling, destruction, or removal of buildings, structures, or roadways.

Emergency Work and Public Works Activities. Any work or action necessary to deliver essential public services including, but not limited to, constructing or repairing water, gas, electricity, broadband fiber, telephone, sewer facilities, or transportation facilities, removing fallen trees on public rights-of-way, sanitation, plowing snow, tree trimming and removal, dredging navigational waterways, or abating life-threatening conditions.

Plainly Audible. Any unusual or amplified sound that can be detected by a person using unaided hearing faculties from a distance of fifty feet (50') from the source that is emitting the sound. For example, if a sound source is a portable or personal vehicular sound amplification or reproduction device, the rhythmic bass component of the music is sufficient to be considered plainly audible even if the title of music, words, or artist is not distinct or identifiable. If the source of the sound is not readily determinable, the property line along the parcel of real property from which the sound is emitted shall be deemed as the source of the sound.

Vehicle. As used in this Section, "vehicle" shall have the same meaning as under Chapter 1, Title 49 of the Idaho Code.

C. NOISE PROHIBITED.

1. Nuisance Noise. No person shall make, continue, cause to be made or allow to be made any loud, repetitive, or high-pitched noise(s) or amplified or reproduced sound, including recorded music, that is plainly audible at a distance of fifty (50') feet from the source of the sound.

2. Nighttime Music Noise. No person shall make, continue, or cause to be made a plainly audible noise or sound by playing, amplifying, or performing music between the hours of 12:00 am and 8:00 am, including, but not limited to, live bands; music ensembles; radios, music or audio players, smartphones, or similar sound emitting device; and parked vehicles.

3. Manufacturing Noise. No person shall conduct, perform, or continue a manufacturing process that creates plainly audible noise or sound between the hours of 12:00 a.m. and 5:30 a.m. except when the source of the noise or sound is in an area zoned for Industrial or Manufacturing uses under this Code.

4. Firework Noise No person shall create or cause plainly audible sound or noise caused by or created by a firework. This section shall not be deemed to regulate any aspect of firework sales, possession, or use beyond the sounds created by fireworks.

a. Exception: Plainly audible noise or sound caused by or created by a firework during (i) the celebratory hours of 10:00 p.m. to midnight on December 31st; 12:00 am to 1:30 am on January 1st, and (ii) 8:00 p.m. and midnight on July 3rd through July 5th; or (iii) during an event for which a firework display permit was issued pursuant to the requirements of this Code.

5. Excessive Vehicle Noise. No person shall use, operate, or permit to be used, attached, installed, or operated from a vehicle glass packed mufflers, loud tailpipes, and similar amplified or unamplified sound emitting devices, modification, or apparatuses in or on a motor vehicle that is plainly audible noise.

6. Construction Noise in Residential Areas: No person shall create, continue, or cause any plainly audible noise within an area that is zoned residential that is created by construction activities, between the hours of 12:00 am to 5:30 am.

D. EXCEPTIONS: It shall be a defense to prosecution under this Section that the person cited for violation was engaged in any of the following:

1. Emergency and Public Interest. A governmental agency or person acting within the course and scope of such governmental authority who was operating an emergency vehicle, engaged in Emergency Work and/or Public Works activities, including but not limited to repairs or construction in the interest of public health and/or traffic flow.

2. Lawful Parades and Special Events. Any person or vehicle engaged in a lawful parade or a City permitted special event involving sirens, exhaust, music, loudspeakers, and associated noises for the duration of the parade or the special event.

3. Snow Removal. Any person engaged in snow removal operations.

4. Construction Noise. Any plainly audible noise created by construction activities that occurs:

a. Between the hours of 5:30 am to 12:00 am where the source of the sound is in an area zoned residential; or

b. Any area that is zoned for industrial or manufacturing uses, or

c. Where the construction activity has received a night construction noise permit from the Director of Public Works.

E. NIGHT CONSTRUCTION RESIDENTIAL AREA NOISE PERMIT. The Director of the Public Works Department, or their designee, may issue a permit allowing night construction noise in a residential area to any applicant where:

1. The applicant demonstrates an unavoidable loss or substantial inconvenience that warrants special consideration, including but not limited to time constraints associated with concrete pouring, asphalt application, roofing, weather, and heat conditions that

require reasonable accommodation due to the practical needs of the construction work, or health and safety concerns; and

2. The applicant's need for exemption from the construction noise hour restrictions under this Chapter will not exceed fourteen (14) consecutive days; and

3. The applicant provides a written plan detailing the reasonable and responsible steps the applicant will take to keep plainly audible construction noise at the lowest practical level during the construction noise hour restrictions applicable under this Chapter.

The Director of Public Works shall prescribe the form of the night construction noise permit application. As part of the application, the applicant shall include a copy of the complete and issued building permit for the work to be performed at night. Applicants who have not received a building permit, in advance of applying for the night construction noise permit, shall be denied.

The Director shall render a decision on a permit request no later than three (3) business days after an applicant completes and submits a complete application to the Director. If the Director does not render a decision within three (3) business days, the permit shall be deemed issued. Any permit issued pursuant to this section shall expire fourteen (14) days from the date construction begins. An applicant who receives a permit may renew the permit, provided that the Director determines that the renewal is necessary due to unforeseen circumstances, outside of the applicant's control, or to prevent an unavoidable loss or substantial inconvenience.

F. PENALTY. A person who violates any provision of this Section shall be deemed guilty of an infraction and upon conviction thereof, shall be punishable by a fine set from time to time by resolution of the Council. Provided, that any person who has been previously found guilty of two (2) violations of this Section within the period of one (1) calendar year shall be guilty of a misdemeanor. (Ord. 3536; 9-14-23)