

Chapter 1

GENERAL OFFENSES

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Sec. 1-1. 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 the Idaho Code, insofar as such laws are applicable to City government.

Sec. 1-2. Deposits of Injurious Material on Thoroughfares.

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.
Ref. Idaho Code § 18-3096

Sec. 1-3. Expectorating on Sidewalk or in Public Buildings.

- A. It shall be unlawful for any person to expectorate or spit upon any of the sidewalks or upon any theater, public building, church or room used for public assemblies.
- B. Any person violating the provisions of this Section shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished pursuant to this Code and the Idaho code unless otherwise specifically provided for in this Chapter.
(Ord. 2000-20, 09/18/2000)

Sec. 1-4. False Representation.

It shall be unlawful for any person to falsely represent themselves to be an officer of the City or who shall attempt to impersonate any such officer or who shall without authority perform any official act therein on behalf of an officer.
Ref. Idaho Code § 18-711

Sec. 1-5. Fraudulently Avoiding Payment of Admission Fees.

It shall be unlawful for any person to fraudulently enter without payment of the proper admission fees any theater, ballroom, lecture, concert, athletic event, or other place where admission fees are charged, provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of law enforcement officers, engaged in the performance of police duties, to any place of public entertainment or amusement.

Sec. 1-6. Giving Assistance to Law Enforcement Officers.

It shall be unlawful for any citizen of the City over the age of eighteen (18) years to refuse or neglect to render assistance to

any law enforcement officer when called upon for such assistance.

Ref. Idaho Code § 18-707

Sec. 1-7. Keeping of Junk Restricted.

It shall be unlawful for any person to store or keep any old articles or materials which may be classed as junk, adjacent to or in close proximity to any schoolhouse, church, public park, public grounds, business buildings or residence without first providing proper and tight buildings or the storage of the same.

Ref. Idaho Code § 40-1919

Sec. 1-8. Malicious Injury to Property.

It shall be unlawful for any person to willfully and maliciously injure, deface, mutilate, remove, pull down, break or in any manner interfere with or molest or secret or destroy any real or personal property belonging to or under the control of any person.

Ref. Idaho Code § 18-7001

Sec. 1-9. Mufflers; Unnecessary Noise.

A. It shall be unlawful for any person to operate any motor vehicle in such a manner so as to create loud, offensive, unnecessary or excessive noises. The driver of any motor vehicle who shall permit the vehicle to make any of the following noises shall be in violation of this Code Section:

1. The unnecessary acceleration or deceleration of a motor vehicle so as to cause squealing tires.
2. Excessive or unnecessary use of the horn or other sound device on the motor vehicle when the use of the horn or sound device is not necessary to the safety of the occupant of the vehicle, pedestrians, or the drivers of other motor vehicles.
3. The unnecessary acceleration or deceleration of the engine of the motor vehicle.
4. Any unnecessary offensive noise created by use of the motor exhaust system of said motor vehicle. If the motor vehicle is not provided with a

good and sufficient muffler properly attached or if the exhaust of the muffler is ejected otherwise than through such muffler or if the exhaust is ejected toward the surface of the street or ground, there shall be considered to be a prima facie violation of this Code Section, as it is the intention of this Code Section to compel the operation of such motor vehicle in as noiseless a manner as possible. The use of a muffler cutoff, pipes or similar devices upon a motor vehicle in any of the streets or roadways of the City shall likewise be considered a violation of this Code Section.

B. Any person violating the provisions of this Section shall be deemed guilty of an infraction, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code unless otherwise specifically provided for in this Chapter.

Ref. Idaho Code § 49-937; (Ord. 2000-20, 09/18/00)

Sec. 1-10. Urinate.

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

Sec. 1-11. Playing in Streets Prohibited.

It shall be unlawful for any person to play ball, catch, or other game, or throw any ball or other object to and fro upon any public thoroughfare in the City.

Sec. 1-12. Alcoholic Beverages, Open Containers Prohibited.

It shall be unlawful for any person to carry any alcoholic or intoxicating beverage in an open container on or in any public place or place to which the public has or is permitted to have access, including, but not limited to, any place, structure, or conveyance. It shall be a defense to this subsection that such place is duly licensed to allow on-premise consumption of such alcoholic or intoxicating beverage or is a licensed sidewalk café or is otherwise authorized or permitted by City.

(Ord. 98-38, 11/16/98; 2007-09, 08/20/2007)

Sec. 1-13. Minors; Running Away From Home.

- A. It shall be unlawful for any unemancipated person under the age of eighteen (18) years, living or found in the City to be or to remain a person who has run away from his or her parent(s), guardian, or other legal custodian.
- B. It shall be unlawful for any unemancipated person under the age of eighteen (18) years to be absent from his or her residence for a period of more than twelve (12) consecutive hours without the permission of his or her parent(s), guardian, or other legal custodian.
- C. It shall be unlawful for any person by any act or neglect to encourage, aid, abet, or cause any unemancipated person under the age of eighteen (18) years to run away from or to remain away from his or her parents, guardian, or other legal custodian or to place such unemancipated person under the age of eighteen (18) years of age beyond the control of his or her parents, guardians, or other legal custodian.

Ref. Idaho Code § 18-1510 (Ord. 2000-25, 10/16/2000; Ord. 2000-28, 12/18/2000)

Sec. 1-14. False Alarm.

It shall be unlawful for any person to intentionally make, turn in, or give a false alarm of fire, or of need for police, emergency or ambulance assistance, or aid or abet in the commission of such act.

Ref. Idaho Code § 18-6711A

Sec. 1-15. Trespass.

Every person who willfully commits any trespass upon the property of another person shall be guilty of a misdemeanor.

Acts of trespass shall include the following:

- A. Entering real property, or driving vehicle (as defined by Idaho Code §49-123(2)) upon, belonging to or lawfully occupied by another and known not to be open to the general public, without the consent of the

owner, his agent, or the person in lawful possession thereof.

- B. Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by a police officer or the owner, his agent, or person in lawful possession thereof.
- C. Entering or remaining upon any real property after first being notified in writing by the owner of such real property or the owner's authorized agent, as follows:
 - 1. The named person shall not enter upon the described real property;
 - 2. The reason(s) for which the owner of the real property or the owner's authorized agent is providing notice to the named person; and
 - 3. The period of time during which the named person shall not enter upon the real property.
- D. Any person who enters any vehicle (as defined by Idaho Code Section 49-123(2)), whether locked or unlocked, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
- E. Any person who lodges in any building structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or control thereof.

(Ord. 97-28, 8/25/97)

Ref. Idaho Code §§ 18-7008, 18-7011

Sec. 1-16. Public Nudity.

- A. Definitions:

1. *Pubescent or post pubescent female breast.* This shall include the entire breast once a female begins puberty and continuing throughout her adult life, but shall not include any portion of breast cleavage.

2. *Breast cleavage.* The middle depression or furrow between pubescent or postpubescent female breasts. The nipple, the entire areola, and the area contiguous to the areola including the cleft between the breast

and the body below the areola which extends upward toward the arm or underarm is not considered cleavage.

3. *Opaque.* Material which is not transparent or translucent. Body paint, body dyes, tattoos, liquid latex whether wet or dried, and similar substances shall not be considered opaque covering.

- B. No person shall willfully expose to view or fail to cover completely and opaquely any portion of such person's anus, cleft of the buttocks, genitals, and the pubescent or postpubescent female breast on or in any public place or place open to public view.
- C. Exposure of any portion of a female's breast while she is in the act of breastfeeding a baby is not a violation of this Section.
- D. This Section shall not apply to a person who is prepubescent.

(Ord. 82-1487, 3/1/82) Ref. Idaho Code § 18-4101 *et seq.*; Ord. 2002-13, 07/15/2002

Sec. 1-17. Throwing Substances at Vehicles.

Any person who throws, projects, propels, or causes or allows any substance to be thrown, projected, or propelled at a vehicle or any occupant thereof on a highway or other public way is guilty of a misdemeanor.

(Ord. 97-29, 8/25/97)

Sec. 1-18. Laser Pointers

- A. It shall be unlawful for any person to direct light from a laser pointer at or from an occupied motor vehicle.
- B. It shall be unlawful for any person to direct light from a laser pointer at a uniformed police officer, uniformed security guard, uniformed emergency communications officer, uniformed firefighter, uniformed emergency medical worker, or uniformed City, State or Federal peace officer or into the public office of any such individual while occupied.
- C. 1. "Laser pointer" shall mean any device designed to emit light amplified or concentrated by the

stimulated emission of radiation that is visible to the human eye, for purposes of this Code section.

2. "Motor Vehicle" shall mean every apparatus defined at Idaho Code Section 49-123(V)(2)(g) for purposes of this Code Section.

(Ord. 00-07, 05-15-2000)

Sec. 1-19. Parades.

- A. It shall be unlawful for any person to conduct a parade upon any public street, sidewalk or alley, or to knowingly participate in any parade unless a permit for such a parade has been granted as provided in this Chapter.
- B. It is unlawful for any person to intentionally obstruct or to interfere with the orderly progress or conduct of a parade for which a permit has been issued.
- C. Any person who wishes to conduct a parade shall apply for a parade permit from the City Clerk at least twenty (20) days prior to the scheduled event unless good cause is shown that applying for a parade permit less than twenty (20) days prior to the parade is necessary. The application shall be in writing on a form provided by the Clerk. The parade permit applicant shall pay any fees required as a condition of such permit. A parade permit fee shall be established from time to time by resolution of the Council.
- D. Where a parade has already been permitted for the traditional parade route along Main Street, subsequent parade permit applicants for that same time period shall be given a different time or route for their subsequent parade in order of receipt by the Clerk.
(Ord. 2000-22, 10/02/2000)

Sec. 1-20. Selling from Vehicles on Streets, Highways and Public Rights-of-Way.

No person shall sell or offer for sale or place or take orders for any goods, wares, merchandise and/or services from a

vending unit, pushcart, vehicle, or other conveyance which is in a City street, highway, or public right-of-way, unless otherwise permitted by the City or by this Code.

(Ord. 2004-14, 04/05/2004)

Sec. 1-21. Tampering with Parking Control Devices

A. Offense: It shall be unlawful for any person to deface, injure, tamper with, open, break, destroy, or impair the usefulness of any parking control device.

B. Definitions:

1. “Parking Control Device”, for purpose of this section, shall mean any motor vehicle immobilization unit (such as a vehicle boot, wheel locking mechanism, or the like), tire marking, or parking meter employed by the City for the purpose of regulating parking.

2. “Motor Vehicle”, shall mean every apparatus defined at Idaho Code Section 49-123(V)(2) for the purposes of this Code Section.

3. “Parking Meter”, for purpose of this Section, shall mean a mechanical device located upon public property, streets, or sidewalks in a place designated by the City as a parking meter zone, which shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person depositing money therein.

(Ord. 2000-17, 09/05/2000)

Sec. 1-22. No Posting on Fences or Buildings or Poles

A. No person shall post, paint, tack, tape or otherwise attach or cause to be attached, any notice, sign, announcement, or other advertising matter to any fence, wall, building, tree, bridge, awning, post, apparatus or other property not belonging to said person without first obtaining the consent of the owner or lessee of such property or their agent(s) or representative(s). No

person shall post, paint, tack, tape or otherwise attach or cause to be attached any notice, sign, announcement, or other advertising matter to any telephone or electric pole within the City.

B. No notice, sign, announcement, or other advertising matter shall be posted on public property or public right-of-way without prior approval, in writing, from the governmental entity owning or controlling such public property or public right-of-way. This provision shall not apply to property or areas which have been otherwise specifically approved for posting of notices, signs, announcements, or other advertising or similar matter by the City or property owner or their agent(s) or representative(s).

(Ord. 2009-10, 05/18/2009)

Sec. 1-23. Prohibit Smoking in Bars

A. Purpose. To provide breathable, clean, and smoke-free indoor air to protect the health of residents, visitors, employees, non-smokers, and patrons of a bar or a private club within the City by prohibiting smoking in a bar or a private club or within twenty feet (20’) of entrances or exits of a bar or a private club.

B. Offense.

1. It shall be unlawful for any person to smoke, or for an owner, manager, bartender, server, or employee to allow another to smoke within a bar or private club or within twenty feet (20’) of entrances or exits of a bar or private club within the City, except in a Contiguous or Adjacent Outdoor Area.

2. It shall be unlawful for any person to smoke within twenty feet (20’) of entrances or exits of any public place where smoking is prohibited by the Idaho Indoor Clean Air Act.

C. Definitions.

1. Bar. Any indoor area open to the public operated primarily for the sale and service of alcoholic beverages for

on-premises consumption and where the service of food is incidental to the consumption of such alcoholic beverages or no person under the age of twenty-one (21) years is permitted, except as otherwise provided by Idaho Code. Bar may include, but is not limited to, any part of a tavern, a restaurant, nightclub, cocktail lounge, and cabaret.

2. Contiguous or Adjacent Outdoor Area. An unenclosed, outdoor area, owned, leased, occupied, and/or controlled by a bar or private club which is contiguous with or adjacent to such bar or private club and used for outdoor dining, gathering, or recreation and which does not allow smoke to enter into entrances, exits, windows or ventilation intakes of the bar or private club with which it is contiguous or adjacent and which can be entered only from an interior bar or private club entrance or exit and not from the main public entrance or exit of such bar or private club.

3. Private Club. An organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for such organization's purposes at all times; is operated primarily for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose; and for the exclusive use of such organization's members and guests.

4. Restaurant. An eating establishment including, but not limited to, a coffee shop, cafe, cafeteria, and private and public school cafeteria, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

5. Smoking. The inhaling, exhaling or burning of tobacco or the carrying or possession of any lighted or heated cigar, cigarette, or pipe of any kind.

D. Administrative Procedure and Administrative Fine.

In order to eliminate over-burdening the court system and as a convenience to the public, a person named on a notice of violation may pay the administrative fine (as established from time to time by Resolution of the Council) to the City within fourteen (14) days of the date of issuance of the notice of such violation.

E. Penalty.

1. In the event an administrative fine is not paid within fourteen (14) days of the issuance of notice of the violation, a uniform citation alleging an ordinance violation shall be filed in the Magistrate Division of the Second Judicial District Court.

2. Any person found in violation of this Section shall pay an infraction penalty in the amount set forth in a Resolution duly adopted by Council from time to time, up to and including such person's third offense. Upon conviction for a fourth offense under this Section, any person found violating any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

(Ord. 2009-14, 08/04/2009)

Sec. 1-24. Placement of Materials in Thoroughfares Prohibited

It shall be unlawful for any person to deposit or place in or upon any public thoroughfare any snow, ice, leaves, shrubs, branches, grass or other organic or inorganic substances or materials, without first obtaining the specific permission or instruction of the City.

(Ord. 2009-20, 10/05/2009)

Sec. 1-25. Fire Hydrant Obstruction

It shall be unlawful for any owner or other person responsible for any land, building, or lot within the City upon which there is a fire hydrant or which is adjacent

to a fire hydrant to allow any obstruction (including snow and/or ice displaced by City snowplows) to interfere with or to block maintenance, repair or emergency service access to a fire hydrant.
(Ord. 2009-20, 10/05/2009)

Sec. 1-26. Nuisance Fire Alarms Prohibited

- A. Definitions. For purposes of this Subsection, the following terms, phrases, and words shall have the following meanings:
1. “Nuisance fire alarm(s)” shall mean activation or allowing to be activated a fire alarm, smoke alarm, or any audible alarm that results in a response by a local first responder and that is not the result of a fire or other emergency. “Nuisance fire alarm(s)” includes, but is not limited to, a negligently or accidentally activated alarm signal(s) that are the result of faulty, malfunctioning, or improperly installed or maintained equipment. “Nuisance fire alarm(s)” shall not include alarm signal(s) activated by severe weather conditions or within the initial thirty (30) day period following new installation of such alarm(s) knowingly activated in order to test such alarm(s).
 2. “Local first responder” shall mean members of the Moscow Fire Department, Moscow Volunteer Fire Department, Moscow Police Department, and/or Moscow Volunteer Ambulance Company.
- B. It shall be unlawful for a person, owner, or occupier of a premises within the City which is protected by a fire and/or smoke alarm or other audible alarm to cause or allow to be caused more than two (2) nuisance fire alarms on such premises within any twelve (12) month period of time.

C. Penalty. Any person, owner, or occupier of a premises found in violation of this Section shall pay an infraction penalty in the amount set forth in a Resolution duly adopted by Council from time to time.
(Ord. 2010-14, 07/19/2010)