

TITLE 7
PUBLIC WAYS AND PROPERTY

Subject	Chapter
City Property And Park Regulations	1
Beer And Intoxicating Liquor On Public Property . . .	2

CHAPTER 1

CITY PROPERTY AND PARK REGULATIONS

SECTION:

- 7-1-1: Authority
- 7-1-2: Purpose
- 7-1-3: Definitions
- 7-1-4: Enforcement
- 7-1-5: Animals
- 7-1-6: Camping
- 7-1-7: Fires
- 7-1-8: Firearms, Imitation Firearms, And Dangerous Weapons
- 7-1-9: Fireworks And Explosive Devices
- 7-1-10: Golfing
- 7-1-11: Indecent Exposure
- 7-1-12: Injuring, Vandalizing Or Tampering With Property
- 7-1-13: Littering
- 7-1-14: Motorized Vehicles On Hills, Grades And Inclines
- 7-1-15: Noise Abatement And Disturbing The Peace
- 7-1-16: Restroom Use
- 7-1-17: Signs And Warning Placards
- 7-1-18: Speed Of Motorized Vehicles
- 7-1-19: Trespass
- 7-1-20: Watercraft
- 7-1-21: Permission As Defense
- 7-1-22: Attempted Violations
- 7-1-23: Aiding, Assisting Or Encouraging Violations
- 7-1-24: Penalty
- 7-1-25: Fees For Use Of City Property And/Or Parks

7-1-1: **AUTHORITY:**

The City Council has authority to adopt the provisions of this chapter to regulate the conduct of persons on City property and within the boundaries of the City. (Ord. 182, 8-12-2008)

July 2023

7-1-2: PURPOSE:

This chapter is intended to protect and preserve real and personal property belonging to the City, to prohibit certain conduct which poses a risk to people and property, and to promote, protect and preserve the enjoyable use of the property of the City by all people entering onto such property. (Ord. 182, 8-12-2008)

7-1-3: DEFINITIONS:

As used in this chapter, the terms and phrases used in this chapter shall carry the following meanings:

CITY PARK: Real property which is routinely maintained by the City of Firth for the purposes of facilitating recreational activities or social congregation, whether or not such property is specifically designated by the City of Firth as a park.

CITY PROPERTY: Includes the following:

- A. Any real or personal property which is owned by the City of Firth;
- B. Real or personal property in which the City of Firth possesses an interest, including, but not limited to, partial ownership, lease or loan; and
- C. Real or personal property owned by a private individual or another government body which property is being used by or for the benefit of the City of Firth. (Ord. 182, 8-12-2008)

7-1-4: ENFORCEMENT:

- A. **Authority:** Employees of the Parks and Recreation Department are authorized to enforce the provisions of this chapter. The granting of such authority shall not be construed to minimize or restrict the ability of any State or County law enforcement officer to also enforce the provisions of this chapter. Nor shall the provisions of this section be construed to restrict or prohibit the authority of State or local law enforcement officers to issue a citation or complaint for a violation of any other State law or County ordinance.
- B. **Immediate Departure:** Employees of the Parks and Recreation Department and peace officers having jurisdiction to enforce the provisions of this chapter are authorized to command a person to immediately depart from a City park when

July 2023

the employee or peace officer reasonably believes that the person is or has committed a violation of the provisions of this chapter.

- C. Violators Removed; Confiscation: Employees of the Parks and Recreation Department and any peace officer may take any reasonably necessary action to remove violators of this chapter from a City park and to seize or confiscate any alcoholic beverage, animal, firearm, imitation firearm, deadly weapon, firework or explosive device which is brought, possessed or controlled on City property in violation of the provisions of this chapter. (Ord. 182, 8-12-2008)

7-1-5: **ANIMALS:**

- A. Regulations: No person shall bring, possess or control an animal within a City park, except in areas that are specifically marked or designated by the City or its employees or agents to allow the presence of animals. In circumstances in which a person is authorized by this section to have an animal present in a City park, the animal shall at all times be held or physically controlled by the person by some tangible means or device, including, but not limited to, a leash.
- B. Loud Or Disruptive Noise: No person shall encourage an animal located within a City park to make a loud or disruptive noise, including, but not limited to, a dog barking. In the event that an animal is making a loud or disruptive noise, immediate action shall be taken to prohibit the animal from continuing to make loud or disruptive noise, including, but not limited to, confining the animal in a vehicle or trailer, or removing the animal from the City park. The persons responsible for taking such immediate action shall be the person who brought the animal within the City park and any person possessing or controlling the animal at any time it is making loud or disruptive noise.
- C. Vicious Animals: No person shall bring a vicious animal within a City park. A vicious animal shall be considered one which, by temperament, disposition or action, is a threat to the safety, welfare or well being of any person or other animal.
- D. Menacing Or Threatening: No person bringing, possessing or controlling an animal within a City park shall allow or permit the animal to act in a menacing or threatening manner. Nor shall any person bringing, possessing or controlling an animal within a City park fail to take measures to prevent the animal from attacking or biting any person or other animal.

- E. **Feces Disposal:** Every person bringing, possessing or controlling an animal within a City park shall, without unnecessary delay, pick up and dispose of any feces deposited by said animal upon City property. (Ord. 182, 8-12-2008)

7-1-6: **CAMPING:**

Camping is allowed in designated camping areas only with a three (3) day limit. The three (3) day limit is defined as prohibiting the accumulation of more than seventy-two (72) hours of camping on any city property within any period of seven (7) consecutive days. (Ord. 182, 8-12-2008; amd. Ord. 203, 7-11-2018)

7-1-7: **FIRES:**

- A. **Conditions Permitting:** No person shall build or maintain a fire within a City park, except that persons may build, start or maintain a fire within a City park when the fire is located in a City built or maintained campfire pit, campfire box or when the fire is located in a portable grill.
- B. **Use Of Combustible Material:** Persons building or maintaining a fire within a City park, shall be responsible for bringing their own wood or other combustible material to the park for such purpose. No person shall use any fallen branches, trees or other combustible materials found within the park for purposes of building or maintaining a fire. (Ord. 182, 8-12-2008)

7-1-8: **FIREARMS, IMITATION FIREARMS, AND DANGEROUS WEAPONS:**

A. **Definitions:**

DANGEROUS WEAPON:

A weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing serious bodily injury or death, except that such term does not include a pocket knife with a blade of less than two and one-half inches (2 $\frac{1}{2}$ ") in length or a kitchen utensil when being used to prepare or consume food.

FIREARMS: Includes any device which will or is designed to or may readily be converted to expel a projectile by the action of gunpowder or any other explosive substance, or by the action of compressed gas. The term shall include, but not limited to, any BB gun, pellet gun or paintball gun. The term firearm shall not include devices used to propel water, unless the device falls within the definition of "imitation firearm" as set forth in this subsection.

IMITATION FIREARM: Shall include any manmade object which closely imitates or mimics a bullet firing or shotgun shell firing pistol, revolver, rifle or shotgun.

- B. Possession Permitted; Conditions: No person shall possess any firearm, imitation firearm or dangerous weapon within a City park, unless such firearm, imitation firearm or dangerous weapon is secured inside the passenger compartment or trunk of a motor vehicle, or is secured inside the interior of any other vessel or camp trailer. "Secured", as used in this section, shall mean that the firearm, imitation firearm or dangerous weapon is not visible to any person.
- C. Nondefense Conditions: It shall not be a defense to this section that the firearm, imitation firearm or dangerous weapon was inoperable at the time of the violation. Nor shall it be a defense to this section that the person possesses a permit to possess a concealed weapon.
- D. Exception: This section shall not apply to Federal law enforcement officials or law enforcement officers employed in the State of Idaho. (Ord. 182, 8-12-2008)

7-1-9: **FIREWORKS AND EXPLOSIVE DEVICES:**

A. Definitions:

EXPLOSIVE DEVICES: Any device, mechanism or combination of combustible or explosive matter which is capable of causing injury to persons or property if it were to explode or detonate.

FIREWORKS: Includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include items classified as common or special fireworks by the United States Bureau of Explosives or contained in the regulations of the United States Department of Transportation and designated as UN 0335 1.3G or UN 0336 1.4G. The term fireworks shall not include any automotive safety flares, toy guns, toy cannons, caps or other items designed for use with toy guns or toy cannons, party poppers, pop-its or other devices which contain twenty five hundredths (0.25) of a grain or less of explosive substance.

- B. Prohibition: No person shall possess or detonate any firework or explosive device within a City park, nor shall any person intentionally cause any firework or explosive device to enter the airspace of any City park or to become situated within a City park.
- C. Exception: It shall not be a violation of this section if the person is a City employee and the conduct of such person is in furtherance of and in the course of employment. Nor is it a violation of this section if the person is acting pursuant to the directives of or with the express permission of the City Council. (Ord. 182, 8-12-2008)

7-1-10: **GOLFING:** No person shall golf or strike a golf ball within a City park or cause a golf ball to land within a City park. (Ord. 182, 8-12-2008)

7-1-11: **INDECENT EXPOSURE:**

- A. Prohibited: No person shall wilfully expose his or her genitals or his or her buttocks in a City park. Nor shall any female wilfully expose her breast or breasts within a City park.
- B. Sexual Acts Prohibited: Nor shall any person perform any sexual act, simulated sexual act, or engage in masturbation or simulated masturbation within a City park. (Ord. 182, 8-12-2008)

7-1-12: **INJURING, VANDALIZING OR TAMPERING WITH PROPERTY:**

- A. City Property: No person shall wilfully and maliciously injure, destroy, vandalize, damage, mutilate or deface any City property, whether real or personal property, which is located within a City park.
- B. Personal Property: No person shall wilfully and maliciously tamper with, manipulate, adjust or conceal any personal property or fixture which is City property and which is located within a City park.
- C. Signs: No person shall wilfully tamper with, manipulate, adjust or conceal any device or sign which is located within a City park and which device or sign is intended to regulate the activities of persons within or using a City park or for the purpose of providing warning or directives to persons using a City park.
- D. Exceptions: The provisions of subsections B and C of this section shall not be construed to prevent employees of the Parks and Recreation Department, and their agents, from engaging in such conduct when necessary to do so in the course of their employment and duties. Nor shall the provisions of subsection B or C of this section be construed to prevent a person from acting in cases of an emergency involving public safety or when directed to do so by an employee of the Parks and Recreation Department or a peace officer in the performance of any official duty. (Ord. 182, 8-12-2008)

7-1-13: **LITTERING:** No person shall throw, leave, deposit, dump or place debris, garbage, litter, rubbish or trash on City property within a City park, except in a public garbage receptacle. Where public receptacles are not provided, any person bringing debris, garbage, litter, rubbish and refuse within a City park or creating such debris, garbage, litter, rubbish or refuse shall secure such items so as to keep them from being blown, carried, scattered or deposited by the elements on or about the City park and shall, thereafter, carry away such item from the City park. (Ord. 182, 8-12-2008)

7-1-14: **MOTORIZED VEHICLES ON HILLS, GRADES AND INCLINES:**

- A. Roadways, Parking Areas Defined: Roadways and parking areas are defined as paved or graveled roadways and parking areas and maintained by the City.

- B. Motor Vehicles: All motorized vehicles must remain on roadways, designated parking areas and City designated marked trails.
- C. Use On Pedestrian And Bike Paths Prohibited; Exception: All motorized vehicles must stay off of the paved pedestrian and bike path. Motorized wheelchairs for the handicapped and maintenance vehicles are exempt. (Ord. 182, 8-12-2008)

7-1-15: **NOISE ABATEMENT AND DISTURBING THE PEACE:**

- A. Prohibited: No person shall maliciously and wilfully disturb the peace or quiet of persons within a City park by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting.
- B. Sound Systems: No person shall use any stereo system or sound amplification located within any motor vehicle, vessel or trailer in a manner that the sound from such system can be heard by another at a distance of ten (10) or more feet from such motor vehicle, vessel or trailer. Nor shall any person use any stereo system or sound amplification located within any motor vehicle, vessel or trailer in a manner or at a level that a person located outside the confines of such motor vehicle, vessel or trailer can physically feel, other than through the physical process of hearing, the vibration caused by sound emitted from such system. (Ord. 182, 8-12-2008)

7-1-16: **RESTROOM USE:** No person shall urinate or defecate within a City park except in a public or private restroom or toilet. (Ord. 182, 8-12-2008)

7-1-17: **SIGNS AND WARNING PLACARDS:** Every person within a City park shall obey all signs and warning placards located within the park. (Ord. 182, 8-12-2008)

7-1-18: **SPEED OF MOTORIZED VEHICLES:**

- A. Posted Speed Limit: No person shall operate a motorized vehicle within a City park at a speed in excess of any posted speed limit.

- B. Reasonable And Prudent Speed: Regardless of the posting or non-posting of any speed limit within a City park, no person shall operate a motorized vehicle within a City park at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. (Ord. 182, 8-12-2008)

7-1-19: **TRESPASS:**

- A. Prohibited: No person shall wilfully fail or refuse to immediately depart a City park when commanded to do so by an employee of the Parks and Recreation Department, their authorized agent, or a peace officer having jurisdiction to enforce the provisions of this chapter.
- B. Return, Reenter: No person who has been commanded to depart from a City park, as set forth in subsection A of this section, shall return and reenter a City park within one year of being told to depart. A person shall not be in violation of the provisions of this subsection if they have obtained written permission to return and reenter City parks by the City Council or the Department Head of the Parks and Recreation Department and the person complies with any and all restrictions or requirements imposed by the Council or the Department Head of the Parks and Recreation Department as a condition of return and reentry.
- C. Misdemeanor Conviction: No person shall enter upon any City park within one year of pleading guilty or being found guilty of a misdemeanor violation of this chapter. This provision shall apply even though the person's sentence has been suspended or withheld or the plea withdrawn as part of the granting of a withheld judgment. The starting date for the one year period begins the day after the person enters a plea of guilty or the court or jury renders a verdict of guilty. (Ord. 182, 8-12-2008)

7-1-20: **WATERCRAFT:**

- A. Defined: "Watercraft" includes any vessel which uses an outboard motor or an inboard motor as a source of power and which is designed to be used or operated as a means of transportation on water.
- B. Harbor Or Mooring Area Speed: No person shall operate a watercraft within any area adjacent to or abutting a City park which is marked, signed or otherwise designated or identified as a harbor or mooring

area at a speed in excess of five (5) miles per hour or at a speed which would cause a wake or swell to exceed two inches (2") vertical height.

- C. **Speed Causing Injury:** No person shall operate a watercraft upon any pond, lake or river adjacent to a City park at a speed or in a manner likely to result in injury to the property of another or in a manner likely to result in serious bodily injury or death to another person. (Ord. 182, 8-12-2008)

7-1-21: **PERMISSION AS DEFENSE:** No person shall be prosecuted under the provisions of this chapter for any action or inaction when such action or inaction is authorized, in writing, by a majority of the City Council. Action or inaction shall be considered authorized when such written authorization gives express permission to act in a manner inconsistent with the provisions of this chapter or when the act or inaction is clearly implied by the express language of the resolution. A claim that a person was authorized by a single Council member, the Mayor or any agent or employee of the City shall not be a defense to a violation of the provisions of this chapter. (Ord. 182, 8-12-2008)

7-1-22: **ATTEMPTED VIOLATIONS:** It shall be a violation of this chapter for any person to attempt to violate any provision of this chapter. The punishment for an attempt to violate the provisions of this chapter shall be the same as for the crime attempted to be committed. (Ord. 182, 8-12-2008)

7-1-23: **AIDING, ASSISTING OR ENCOURAGING VIOLATIONS:** It shall be a violation of this chapter for any person to aid, assist, counsel or encourage another person to commit a violation of the provisions of this chapter. The punishment for aiding, assisting, counseling or encouraging another person to commit a violation of the provisions of this chapter shall be the same as for the crime which was aided, assisted, counseled or encouraged to be committed. (Ord. 182, 8-12-2008)

7-1-24: **PENALTY:**

- A. **Violation:** Except in those circumstances where this chapter specifically designates a violation to be considered a misdemeanor, a violation of the provisions of this chapter shall be considered an

infraction. A violation of the provisions of this chapter shall constitute a misdemeanor when the violator has previously been convicted of at least two (2) violations of this chapter, or when the violation is one relating to sections 7-1-8, "Firearms, Imitation Firearms, And Dangerous Weapons", 7-1-9, "Fireworks And Explosive Devices", 7-1-12, "Injuring, Vandalizing Or Tampering With Property", and 7-1-19, "Trespass", of this chapter.

- B. **Infraction Fine:** A violation of this chapter constituting an infraction shall be punishable by a fixed and set fine of thirty five dollars (\$35.00) when the violator has not previously been convicted of a violation of this chapter. (Ord. 182, 8-12-2008)
- C. **Subsequent Violations:** A violation of this chapter constituting an infraction shall be punishable by a fixed and set fine of seventy five dollars (\$75.00) when the violator has previously been convicted of an infraction violation of this chapter.
- D. **Misdemeanor Fine:** A violation of this chapter constituting a misdemeanor shall be punishable as provided in section 1-4-1 of this Code. (Ord. 182, 8-12-2008; amd. 2018 Code)
- E. **Court Costs Separate:** The fine amounts set forth above for infraction offenses shall be separate and apart from any court costs assessed pursuant to Idaho Code section 31-3201A(3) or any other provision of law. The fines amount set forth for a misdemeanor offenses shall be separate and apart from any court costs assessed pursuant to Idaho Code section 31-3201A(2) or any other provision of Idaho law. (Ord. 182, 8-12-2008)

7-1-25: **FEES FOR USE OF CITY PROPERTY AND/OR PARKS:**

Any usage fees to be paid by patrons for the use of city property and/or parks shall be as established by resolution of City Council. (Ord. 215, 5-10-2023)

CHAPTER 2

**BEER AND INTOXICATING LIQUOR
ON PUBLIC PROPERTY**

SECTION:

7-2-1: Prohibiting Possession And/Or Consumption

7-2-1: **PROHIBITING POSSESSION AND/OR CONSUMPTION:**

- A. Public Property Defined: Public property is defined, for purposes of this section, as all property owned by the City and all private property open to the public, now incorporated within the City and incorporated in the future, except those properties licensed by law or approved by the City Council for the consumption of beer and intoxicating liquor.
- B. Prohibitions:
1. It shall be unlawful for any person to consume beer or intoxicating liquor on public property within the City.
 2. It shall be unlawful for any person to consume beer or intoxicating liquor while in, on or about a vehicle that is on public property within the City.
 3. It shall be unlawful for any person to carry, transport or have in his or her possession any open container containing beer or intoxicating liquor on public property within the City. (Ord. 136, 7-14-1987)
- C. Penalty: Violations of this section are punishable as an infraction, subject to penalty as provided in section 1-4-1 of this Code. (Ord. 136, 7-14-1987; amd. 2018 Code)