

## CHAPTER 1

### GENERAL OFFENSES

#### SECTION:

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#### 4-1-1: **DISTURBING THE PEACE:**

- A. Unlawful: Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person within the city by loud or unusual noises or by tumultuous or offensive conduct or by threatening, traducing, quarrelling, challenging to fight or fighting or who, on any of the public streets of the city, runs any horserace either for wager or for amusement or fires any gun or pistol or uses any vulgar or profane or indecent language within the presence or hearing of women or children is guilty of a misdemeanor.
- B. It shall be unlawful for a driver of any vehicle to use or operate or cause to be used or operated within the corporate city limits of the city of Victor, an engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle. (Ord. 05-0804, 08-04-05)
- C. Penalty: any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance to the Victor Fee and Fines Schedule which may be amended from time to time by resolution of the Victor city council or imprisoned in the city jail not exceeding thirty (30) days or both so fined and imprisoned. (Ord. 3, 7-1-1912)

#### 4-1-2: **LIQUOR RELATED OFFENSES:**

- A. Minors:
  - 1. Prohibited Upon Premises Selling and Disposing of Liquor: Minors are hereby prohibited from frequenting and loitering in and about those premises maintained for the selling and disposing of beer and other

intoxicating beverages, either in bulk or for immediate consumption, excepting those premises which may have canned beer, or like beverage, and which are not consumed on the premises, which constitute but a small item in the inventory of the business.

2. Owner or Lessee Responsible; Violation: Any owner or lessee of premises maintained for the sale and disposition of beer or other intoxicating beverages, who invites, permits, allows or consents by acquiescence, frequenting and loitering of minors in and about said premises, is guilty of violating the true spirit and intent of this subsection A.

3. Penalty: Any person found, charged and duly convicted of having violated subsections A1 and A2 of this section shall be fined or imprisoned or both in accordance with the subsection of chapter 707 of title 50 of the Idaho Code. (Ord. 106, 6-9-1950)

B. Open or Unsealed Containers:

1. Unlawful Upon Public or City Property: It shall be unlawful for any person to transport or have in his physical possession or control any alcoholic liquor or beer or other alcoholic beverage in an open or unsealed container of any kind while being upon: (amd. Ord. 14-03012-1, 03-12-2014)

- a. the streets, parking lots, bike paths, and sidewalks owned by the City, or any City property whatsoever that is within 300 feet, measured in a straight line, from the exterior wall of any public building;
- b. the North Well, City hall, City Park, the Pioneer Park playground and the adjacent pavilion, park lands owned by the City in the Settlement, Brookside, Willow Creek and Golf Vista subdivisions;
- c. the spectator areas of, or adjacent to or on any sports field during any practice or game sanctioned by a formally organized youth program such as Little League Baseball, Incorporated;
- d. at Kolter Ice Arena during youth specific programs such as USA Hockey, or during general open skate times;
- e. the streets, parking lots, bike paths, sidewalks, any parks, or any other City owned public property during such times as there is a school program being conducted that has any school children in attendance upon such property; and
- f. the streets, parking lots, bike paths, sidewalks, any parks, or any other City owned public property during the hours of 10 p.m. until 10 a.m. for any such property for which there is no lighting from one half an hour past sunset until 10 a.m. (amd. Ord. 14-03012-1, 03-12-2014)

2. Hard Liquor: It shall be unlawful for any person to transport or have in his physical possession or control any hard liquor, being defined as any beverage containing more than sixteen percent alcohol by volume (32 proof), in an open or unsealed container of any kind while being upon the streets, parking lots, bike paths, sidewalks, any parks or any other City owned public property.

3. Exceptions: Exceptions to this ordinance shall be made:

- a. In each instance which a permit is issued for the sale of beer or wine upon such property pursuant to Idaho Code Title 23 Chapter 10 Section 1007(A) "Beer Sold or Donated for the Benevolent, Charitable or Public Purposes", or Title 23 Chapter 13 Section 1336 "Wine Sold or Donated to Persons or Associations for Benevolent, Charitable or Public Purposes", or in any instance in which the City Council approves an event on the City owned property for which they wish to suspend this ordinance. (Ord. 10-0512-1, 05-12-10, amd. Ord. 14-03-12-1, 03-21-2014)
- b. In each instance in which the City has issued a permit to, an Individual or organization for the use of public or City property which allows for the consumption of alcohol. (amd. Ord. 14-03-12-1, 03-21-2014)

4. Penalty: Any person who shall violate any provision of this section shall be guilty of an infraction punishable by a fine in accordance with the Victor Fee and Fines Schedule which may be amended from time to time by resolution of the Victor city council. (Ord. 1-85, 6-5-1985, amd. Ord. 14-03-12-1, 03-21-2014)

#### **4-1-3 Unlawful Urban Residential Property Nuisances.**

- A. Authority. The Code Enforcement Officer(s) shall be appointed by the City Council. The Code Enforcement Officer hereafter referred to as the enforcement officer is hereby authorized and directed to administer and enforce all of the provisions of this Code.
- B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the enforcement officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises in violation of this Code, the enforcement officer or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the enforcement officer or by this Code; provided that if such building or premises be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and

demand entry. If such entry is refused, the enforcement officer or his authorized representative shall have recourse to every remedy provided by law to secure entry.

- C. Responsibilities Defined. Every owner remains liable for violations of duties imposed upon him by this Code even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Every owner, or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary, and safe condition including the shared or public areas in a building containing two (2) or more dwelling units.

Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of Chapter 1, General Offenses, is committed, continued or permitted, and upon the conviction of any such violation such person shall be punishable by a fine in accordance to the Victor Fee and Fines Schedule which may be amended from time to time by resolution of the Victor city council or by imprisonment of not more than one hundred eighty (180) days, or by such fine and imprisonment.

- D. Nuisance. The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to persons whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures which may prove a hazard for inquisitive minors. For the purposes of this ordinance, an abandoned vehicle is defined as a motor vehicle on a private lot that is unregistered, inoperable, and in plain sight of passer bys and/or neighbors. This definition does not include unregistered or inoperable motor vehicles that are garaged or screened from public view.
3. The accumulation of abandoned, discarded or dilapidated objects, including but not limited to broken or neglected equipment, machine parts, scrap material, and appliances.
4. Whatever is dangerous to human life or is detrimental to health, as determined by the enforcement officer.
5. Inadequate or unsanitary sewage or plumbing facilities.

6. Uncleanliness, as determined by the health officer or sanitation official.

7. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

8. Any other condition or use of a property that gives rise to a reasonable determination by the enforcement officer that such condition or use represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature; or that is out of harmony with the standards of properties in the vicinity so as to cause a diminution of the enjoyment and use of the property; or contributes to blight or property degradation. ( Ord. 08-0827-1)

**4-1-4: Abandoned Buildings**

A. Buildings that are dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials, or that are left in a state of partial construction or demolition, or disrepair.

B. Buildings that are unpainted (except color coated or natural finish coated), or where paint on the building exterior is mostly worn off, cracked or peeling; or where roofing or other exterior materials or components are deteriorated, mostly infected with dry rot, or warped so as to constitute an unsightly appearance; or contribute to blight and property degradation.

C. Whenever the enforcement officer deems that a building is abandoned, he shall forthwith issue notice, in writing, served by registered mail or by leaving such notice at the residence of the offending owner stating the manner of the violation and ordering the owner to make the necessary repairs to make the building code compliant and habitable or to demolish the building. The offending owner shall have thirty days to comply with the order unless for reasonable cause an extension of time is granted by the City Council. The City may in the event of non-compliance with its order and at its option, exercise all legal remedies to include ordering the demolition of the property at the owner's expense. ( Ord. 08-0827-1)

**4-1-5: Use of Public Sidewalks**

A. It shall be unlawful for any person to obstruct any street, alley or public sidewalk within the City.

B. It shall be unlawful for any person to store, install, maintain or operate any material, vehicle, structure, fixture, or operate a business upon any public sidewalk or right-of-way planting strip within the City, except as permitted by Section D. of this chapter.

C. It shall be unlawful to sell, display or advertise the sale of any goods, wares, merchandise, food or beverage upon or from any cart, rack, structure situated upon any public sidewalk or right-of-way planting strip within the City, except as permitted by Section D.

D. Sidewalk Sales

1. Notwithstanding Sections 4-1-5 A. thru C., goods, merchandise, food and beverages may be sold or displayed from carts or other structures upon public sidewalks subject to the following restrictions and standards set forth in this section.

2. Definition: For the purpose of this section, the term “downtown area” shall mean the Central Business Zone.

3. Sales in Downtown Area: Any licensed merchant or other person conducting a lawful business may temporarily place tables, racks, stands, carts or other structures within a public sidewalk located within the downtown area for the purpose of selling or displaying goods, wares, merchandise, food or beverages, subject to the restrictions set forth in Sub-section 5. of this section.

4. Sales in Other Areas: The City Council may, by resolution duly passed and adopted, declare a day or days during which licensed merchants or other persons conducting a lawful business may place tables, racks, stands, carts or other structures adjacent to a public sidewalk located outside the downtown area for the purpose of selling or displaying goods, wares, merchandise, food or beverages, subject to the restrictions set forth in Section (e) of this section.

5. Standards: Any table, rack, stand, cart or other structure placed within or adjacent to any public sidewalk as permitted by this section shall comply with the following regulations and restrictions:

(a) Merchants who temporarily place merchandise, tables, racks, stands, carts or other structures within a public sidewalk located within the Downtown Area shall confine such placements within an area extending from the store front toward the street line, and shall insure that a minimum of 5 feet of continuous sidewalk passage is provided to pedestrians in the front of their property and merchandise display.

(b) City Council authorized sales days outside the downtown area shall require all structures to be placed parallel to the edge of the sidewalk furthest from the public street.

(c) No such structure shall project on or over or be located in any part of any public street or alley; nor shall any such structure rest upon the public sidewalk in any area where a public alley or private driveway exits into a public street.

(d) No such structure shall be placed within three (3) feet of any marked crosswalk, street light pole, utility pole, traffic sign pole, fire call box, police call box or other emergency facility, designated bus stop or designated loading or unloading zone.

(e) Under (b) above, all goods, wares, merchandise, food or beverages shall be placed upon a table, rack, stand, cart, or other permitted structure and shall not be placed directly upon the public sidewalk.

6. Notwithstanding Sections A. thru C., news racks, news vending machines and newsstands may be installed, used or maintained upon public sidewalks subject to the following restrictions and standards:

(a) Definitions: For the purposes of this section a "news rack" is any structure, stand, platform, stall, box, booth or other structure or device used for the distribution of newspapers, magazines or other printed news media.

(b) Encroachment on Public Streets Prohibited: No person shall install, use or maintain any news rack which projects onto, into or over any part of the roadway of any public street or alley, or which rests wholly or in part, upon or over any portion of such roadway.

(c) Interference with Public Uses Prohibited: No person shall install, use or maintain any news rack which in whole or in part rests upon, in or over any public sidewalk when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other government use, or when such news rack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any crosswalk, residence, place of business, or any legally parked or stopped vehicles, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other public structures or objects installed at said location.

7. It shall be unlawful for any person or persons, firm or corporation owning or occupying premises within the Central Business Zone of the City of Victor, to suffer or permit snow or other rubbish or debris to be or remain on the sidewalks adjacent to their respective premises for more than twenty-four (24) hours after the same falls, is placed, or in any manner comes to be upon their respective sidewalks. ( Ord. 08-0827-1)

**4-1-6: Litter and Weed Control Within the Central and General Business Zones:**

- A. It shall be unlawful for any owner or occupant of any real property within the Central or General Business Zone of the City to allow weeds to grow, exist or accumulate upon such real property, and allow:
- B. Dead or hazardous trees, or other vegetation that is unsightly or dangerous to public health, safety and welfare, or contributes to blight and property degradation.
- C. Overgrown vegetation likely to harbor vermin and other nuisances dangerous to public health; cause a detriment to neighboring property; contribute to conditions that cause blight and property degradation, or grow into the public right-of-way such that it obstructs the view of drivers on public streets or private driveways, or substantially obstructs the use of a public sidewalk area.
- D. Lawn areas that are dead and/or exceed a height of twelve (12) inches from grade; or lack plant material necessary to prevent erosion or prevent an unsightly landscape appearance that contributes to conditions that cause blight and property degradation. ( Ord. 08-0827-1)