

## TITLE 9 CHAPTER 4

### GENERAL OFFENSES

Section:

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9-4-1: FIREARMS, WEAPONS, DISCHARGE PROHIBITION:

9-4-1-1: DEFINITIONS: For purposes of this chapter the following terms shall be defined as follows:

- A. DISCHARGEABLE INSTRUMENT: An instrument used in the propulsion of shot, BB, pellet, blow dart, or other projectile through the action of release of pressurized gas, compressed air, expanding gas, accelerant, spring, or other force producing means including, but not limited to: air rifles, spring guns, wrist rockets, airsoft guns, BB guns, pellet guns, paintball guns, rockets having a propellant charge of more than four (4) ounces, firearms, bows, compound bows, and recurve bows.
- B. FIREARM: A weapon or instrument used in the propulsion of shot, shell, bullets, or other projectile by the action of gunpowder exploded within it.

9-4-1-2: PROHIBITED DISCHARGE: It shall be unlawful to discharge:

- A. Any firearm within the limits of the City of Albion; provided, however, that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty, or a person from discharging a firearm in the lawful defense of person or persons or property, or a person from discharging a firearm on an approved sporting range as defined by section 55-2604, Idaho Code.
- B. Any dischargeable instrument upon or within the public right-of-way, public parks and other public property and ways, except at such locations and at such times as may be authorized for such purposes by the city council.

9-4-1-3: PERMITS: Notwithstanding any other provision of this chapter, the city council may grant permits to persons or businesses permitting the discharge of air guns, flippers, wrist rockets, bows and arrows, pistols or firearms within the city limits, subject to any specific conditions and rules that the council may require.

9-4-1-4: PENALTY FOR VIOLATION: Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1000.00) or be imprisoned in the County jail for a period not exceeding six (6) months or by both such fine and imprisonment.

9-4-2: INJURE PROPERTY:

A. Injuring Trees, Shrubs and Grass: Any person who shall cut, break or otherwise injure any tree or shrub, or who shall permit any animal owned by him/her or under his/her control to break, bark, eat, bite or otherwise injure any tree, shrub or grass planted in the streets, alleys or parks of the City shall be guilty of a misdemeanor.

B. Posting Bills or Notices on Poles: Any person who shall post any bill, notice or other document or announcement of any kind upon any electric light or telephone pole within the corporate limits of the City shall be guilty of a misdemeanor.

9-4-3: OPEN CONTAINER LAW:

9-4-3-1 DEFINITIONS: The following terms as used in this Section shall mean:

A. BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water and containing not more than four percent (4%) of alcohol by weight.

B. ALCOHOLIC LIQUOR:

1. Alcohol means the product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, or synthetic Ethel alcohol.

2. Spirits means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including among other things, brandy, rum, whiskey and gin.

3. Wine means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits (grapes, apples,

etc.) or other agricultural products containing sugar (homey, milk, etc.).

4. Any liquid or solid, patented or not, containing alcohol, spirits or wine and susceptible of being consumed by human beings for beverage purposes containing more than four percent (4%) of alcohol by weight.

C. PUBLIC AREA: All areas in the City used as parking areas and lots, sidewalks, building traffic areas, loading and unloading area, alleys, public easements, roadways along canals and ditches, rights of way for public utilities and railroads, school grounds, parking along and adjacent to public streets and similar such areas of public use.

9-4-3-2 Consumption and Transportation of Beer and Alcoholic Liquor Prohibited:  
It shall be unlawful for any person to:

A. Consume beer or alcoholic liquor upon the public streets or public areas in the City except the City parks.

B. Possess, any open container of beer or alcoholic liquor while the same is being transported or is in an automobile or other vehicle upon the public streets or public areas of the City.

9-4-4: TOXIC INHALANTS:

A. Use of Toxic Inhalants Prohibited: No person shall breathe, inhale or drink any compound, liquid, chemical or other substance containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl, acetate, methyl ethyl ketone, trichloroethylene, isopropanol methyl isobutyl, ketone, methyl cellosolve acetate, cyclohexanone, pentachlorophenol, petroleum ether, benzene, ethylene dichloride, or any other substance for the purpose of creating a condition of intoxication, stupefaction, depression, giddiness, paralysis, euphoria, exhilaration, or in any manner changing, distorting or disturbing the auditory, visual or nervous processes.

B. Sale Prohibited: No person shall sell or offer to sell any person any container of substance containing a solvent having the property of releasing toxic vapors or fumes, if he/she has reason to believe that the product sold or offered for sale will be used in violation of subsection (A) hereof.

C. Exception: The provisions of this Section shall not apply to the use or inhalation of anesthesia when administered or prescribed for medical or dental purposes.

9-4-5: LOITERING:

9-4-5-1 DEFINITIONS: As used in this Section:

A. LOITERING: Shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around".

B. PUBLIC PLACE: Shall mean any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business, parking lots and also public grounds, areas or parks.

9-4-5-2 LOITERING, POLICE ORDER TO DISPERSE:

A. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

(1). Obstruct any public street, public highway, public sidewalk or any other public place, parking lot or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

(2). Commit in or upon any public street, public highway, public sidewalk or any other public place, parking lot or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in subsection (B)1 above, any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.