

CHAPTER 5 Public Streets

SECTION:

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5-5-1: **PLACING DEBRIS ON STREETS.**

- (A) Any person who willfully or negligently throws from any vehicle, or who places, deposits or permits 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 is guilty of an offense, punishable as described in subsection (B) of this Section. 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) Any violation of Section 5-5-1(A) is punishable as follows:
 - (1) An infraction with a penalty in the amount of thirty-five dollars (\$35) for the first violation.
 - (2) An infraction with a penalty in the amount of one hundred dollars (\$100) for a second violation if such violation by such person occurred within six (6) months after entry of judgment for one previous violation.
 - (3) An infraction with a penalty in the amount of two hundred dollars (\$200) for a third violation if judgments for two violations were entered against such person within the six (6) month period immediately preceding the date of such violation.
 - (4) An infraction with a penalty in the amount of three hundred dollars (\$300) for a fourth violation if judgments for three violations were entered against such person within the six (6) month period immediately preceding the date of such violation.

- (5) A misdemeanor, punishable by a fine no greater than five hundred dollars (\$500) and no incarceration for a subsequent violation if (a) judgments for four violations were entered against such person within the six (6) month period immediately preceding the date of such violation or (b) judgment for a misdemeanor pursuant to this subsection (B)(5) was entered against such person within the six (6) month period immediately preceding the date of such violation.

(Ord. 219-05-18, 5/17/18).

5-5-2: **OBSTRUCTION OF HIGHWAYS.** Any person who obstructs, injures or damages any public road, street, alley, highway or sidewalk is guilty of a misdemeanor.

5-5-3: **FLOODING PUBLIC STREETS.** Any person who runs water across any public highway, road or street, without first constructing a good and sufficient ditch or ditches to convey the same, or who fails to bridge such ditch or ditches, or to keep such bridge or ditches in good repair, or who places any obstruction in a culvert or ditch, and all persons, companies or corporations who suffer any water used by them for the purpose of irrigation, or any other purposes, to flow into or upon any public highway, road, alley or street, in any other manner than that authorized by law, are guilty of a misdemeanor and upon conviction thereof, shall be fined not more than fifty dollars (\$50), and for a second offense within any two (2) consecutive years, double said fine and cost.

5-5-4: **INJURIOUS MATERIALS ON STREETS.** Any person who deposits, places or causes any hazardous or explosive substance or material of any kind which creates a risk of harm or injury to person or property upon any public street, alley, sidewalk or thoroughfare is guilty of a misdemeanor.

5-5-5: **DAMAGE TO PUBLIC STREETS.** Any person who drives a tractor or vehicle with lug wheels upon a public street or who drives or operates any vehicle in a manner which damages or destroys any surface of any street or sidewalk, or who drives or operates 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, is guilty of a misdemeanor.

5-5-6: **GAMES IN STREETS.** Any person who plays ball or any game in a public street, or who encourages, permits or allows any minor to engage in such activities, is guilty of a misdemeanor.

5-5-7: **PLACING OF FILL PROHIBITED.** Any person who places top soil, fill, dirt, pavement, rock or gravel to an elevation higher than ten inches (10”) below the height of the nearest edge of the pavement or oiled surface of a public road, and within a distance of ten (10) lineal feet from the edge of such pavement, shall be guilty of a misdemeanor. Notwithstanding the foregoing, nothing herein shall prevent or prohibit the placement of any such material for the purpose of constructing a private driveway within such area, provided the surface of such driveway is no higher than two inches (2”) below the elevation of such pavement or oiled surface.