

TITLE 9PUBLIC PEACE, MORALS AND WELFAREChapters:

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Chapter 9.04OFFENSES AGAINST PUBLIC PEACESections:

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9.04.010 Disorderly conduct. Every person who maliciously and willfully disturbs the peace and quiet of any neighborhood, family, or person by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarrelling, challenging to fight or fighting or using any vulgar, profane or indecent language within the presence of or hearing of women or children or does anything offensive to the senses or dangerous to or disturbs the peace or quiet of any person, persons or neighborhood, shall be guilty of disorderly conduct and upon conviction shall be subject to a fine and/or imprisonment accordingly. (Amended during 1992 codification; Ord. 304 §1, 1970)

9.04.020 Loitering. A. It is unlawful for any person to loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances make it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if

the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true, and if believed by the peace officer at the time, would have dispelled the alarm.

B. It is unlawful for any person to remain standing, lying or sitting on any sidewalk, street or alley in any manner such as to obstruct the free passage of foot travelers on any such sidewalk or travel on any such street or alley, or to willfully remain standing, lying, or sitting on any sidewalk, street or alley in said manner for more than one minute after being requested to move by any police officer, or to willfully remain on the sidewalk, street or alley in front of any dwelling house, public building, or place of business in such manner as to obstruct the free passage of any person into or out of such dwelling house, public building or place of business.

C. It shall be unlawful for any person to loiter or remain in or about a school, not having any reason to relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.

D. Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than three hundred dollars, or sentenced to not more than thirty days in the county jail, or punished by both such fine and imprisonment. (Ord. 369 §§1--4, 1977)

9.04.030      Noise.

A. Except as otherwise provided herein, it is unlawful for any person to make, create, continue or cause to be made, created or continued, any loud or unnecessary noise, which noise disturbs or injures others within the limits of the city, or which adversely affects the comfort, health, peace or safety of others within the limits of the city.

1. Outdoor amplified sound may be permitted with an approved Special Events permit, an approved park reservation or an approved amplified sound permit. Permitted outdoor amplified sound shall be limited to the hours between 10:00 a.m and 10:00 p.m.

B. Except as otherwise provided herein, the following acts are declared to constitute the making of loud, disturbing and unnecessary noises in violation of this section, but the enumeration contained in this subsection shall not be deemed to be exclusive:

1. Radios, Phonographs, Loudspeakers and Sound Amplifiers. The using, playing or operating, or permitting the playing, using or operating, of any radio, television, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents or inhabitants, including the projection of volume or sound louder than is necessary for the hearing of the person or persons in a building or vehicle in which such machine or device is operated. The operation of any such radio, television,

musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device in such a manner as to be plainly audible at a distance of fifty feet from the property line of any property where the same is located, or at a distance of fifty feet from any vehicle in which the same is located, shall be prima facie evidence of violation of this section, except with an approved special event permit, an approved park reservation permit or an approved amplified sound permit;

2. Building and Site Construction, Alteration, Demolition, Repair and Maintenance. The construction, including excavation, of new buildings and the demolition, alteration or repair of any existing building, except between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on Saturdays and nine a.m. to seven p.m. on Sundays, except in cases where urgent necessity in the interest of public health and safety has been demonstrated to the city administrator and except sounds emitted by snow removal and yard maintenance equipment in operation;

3. Pile Drivers, Hammers, Etc. The operation of any pile driver, pneumatic hammer, derrick, ram, or electric hoist, the use of which involves loud or unusual noise, and blasting or any other use of explosives, except between the hours of seven a.m. and seven p.m. Monday through Friday, except in cases where urgent necessity in the interest of public health and safety has been demonstrated to the city administrator;

4. Animals. The keeping of any animal under circumstances where resulting frequent or long, continuous noise disturbs the peace, comfort or repose of other persons in the vicinity where the animal is kept.

C. An outdoor amplified sound permit is required for those events exempted by Section 12.14.030 of the Hailey Municipal Code.

1. An outdoor amplified sound permit application must be completed and filed with the city two business days prior to the event date. An outdoor amplified sound permit may be administratively approved after an applicant submits the following information on a form provided by the city.

a. the name, address, and telephone number of the applicant;  
 b. the address of the location of the property where the amplified sound will be generated;  
 c. the maximum decibel level expected to be generated;  
 d. the time during which the sound equipment will be used;  
 e. an application fee, if established by separate resolution; and  
 f. a statement that the applicant has obtained a copy of the applicable requirements of this chapter and agrees to comply with all applicable requirements.

2. An outdoor amplified sound permit may be administratively approved upon finding that the requirements of this chapter have been met.

3. Approval of Permit. The Chief of Police or his/her designee shall approve the application unless one of the following finding are made:

a. Use of the equipment would constitute a detriment to traffic safety;  
 b. The issuance of the permit would be otherwise detrimental to the public health, safety or welfare;  
 c. The issuance of the permit will substantially interfere with the peace and quiet of the neighborhood or the community;

d. The applicant would violate the provisions of this Code or any other law.

4. Upon approval of an outdoor amplified sound permit a Hailey Police officer may visit the property on the day of set up of the amplified sound equipment to measure the decibel level emitted and mark the maximum decibel level permitted on the equipment.

5. The decibel level shall not exceed ninety (90) dB measured at the property line at any time during the event.

6. Disapproval of Permit. In the event the permit application is not approved, the Chief of Police or his designee shall state the reason(s) for such in writing and provide the applicant with the written statement.

7. Right of Appeal. Any person whose permit application is denied may appeal to the City Council within ten (10) calendar days from the date of notification of decision.

D. Penalties. Any person who violates any provision of this section shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine not exceeding three hundred dollars, imprisonment in the county jail for a period not exceeding thirty days, or both such fine and imprisonment. (Ord. 1084 §1, 2011, Ord. 553 §§1-3, 1990)

9.04.040 Public intoxication. A. It is unlawful and a misdemeanor for any person to carry, or cause to be carried, any open container made of glass containing any intoxicating beverage, as defined in this section, when leaving the premises of any establishment licensed to serve alcoholic beverages for consumption on the premises.

B. “Intoxicating beverage,” as used in this section, shall be construed to mean and include any liquid intended for human consumption containing more than one-half of one percent by volume of alcohol.

C. Any person convicted of violating any of the provisions of this section may be fined in an amount of not more than three hundred dollars and/or imprisoned in the county jail for a period of not to exceed ninety days. (Ord. 584 §§ 1--3, 1991)

9.04.041 Urinating or defecating in a public place. A. It is unlawful and a misdemeanor for any person to urinate or defecate in a public place within the city. For purposes of this section, a “public place” shall include all publicly owned streets, alleys, rights-of-way, publicly owned buildings and areas, and all privately owned buildings and areas open to, and/or frequented by, the public.

B. Any person convicted of violating any provision of this section may be fined in an amount of not more than three hundred dollars, imprisoned in the county jail for a period of not to exceed ninety days, or both such fine and imprisonment. (Ord. 633 §1, 1994)

9.04.050 Vagrancy. Every person who loafs or loiters about the streets or places of business in the city, and every idle or dissolute person sleeping in a public place is a vagrant, and punishable by a fine of not to exceed one hundred dollars, or imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment. (Amended during 1992 recodification; Ord. 118 §1, 1918)

## Chapter 9.08

### CURFEW FOR MINORS

#### Sections:

- 9.08.010      Definitions.  
9.08.020      Curfew for minors.

9.08.010 Definitions. A. “Emancipated” means any person either eighteen (18) years of age or older, or if under the age of eighteen (18), any person who is married or has been married; or any person who is in active military service; or any person legally declared as such.

“Emergency” means any unforeseen health, accident or crime-related exigency calling for immediate action.

“Juvenile Corrections Act” means Chapter 5, Title 20, Idaho Code, as now existing and as may hereafter be amended.

“Minor” means any person seventeen years of age or younger.

“Parent” means any person having legal custody of a juvenile:

1. As a natural or adoptive parent;
2. As a legal guardian;
3. As a person who stands in loco parentis;
4. As a person to whom legal custody has been given by order of court.

“Remain” means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

“Streets” means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel. The term “street” includes the legal right-of-way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term “street” applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise. The term “street” shall also include shopping centers, parking lots, parks, playgrounds, cemeteries, public buildings and similar areas that are open to the public.

“Time of night” is based upon the prevailing standard of time, whether Mountain Standard Time or Mountain Daylight-Saving Time, generally observed at that hour by the public in the county, prima facie the time then observed in the emergency dispatch center. (Ord. 776 §2, 2001)

9.08.020 Curfew for minors. A. Age and Hour Restrictions. It shall be unlawful for any minor to be or remain in or upon the streets within the city of Hailey, at night, during the period beginning at twelve midnight a.m. and ending at five o’clock a.m. Sunday through Saturday.

B. Exceptions. In the following exceptional cases, a minor on a city street during the nocturnal hours shall not, however, be considered in violation of these curfew provisions:

1. When accompanied by a parent or guardian of said minor;
2. When accompanied by an adult authorized by a parent of said minor;
3. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly;
4. When the minor is on the sidewalk of a place where said minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to law enforcement;
5. When the minor is returning home, by a direct route from (and within one hour or reasonable travel time after the termination of) any legitimate activity consented to by the parent, school or community-sponsored activity or any activity or a religious or other voluntary association such as night classes, library study, dances, proms, church socials, religious midnight masses or other late night religious services; political activities including city council meetings, county commissioner meetings; and athletic events;
6. When the minor is returning home, by a direct route, from employment as evidenced by a certified letter of employment, renewable each calendar month when the current facts so warrant, dated or reissued not more than forty-five days previously, and briefly identifying the juvenile, the addresses of his home and of his place of employment and his hours of employment;
7. When the minor is, with parental consent, in a motor vehicle and is engaged in point-to-point travel along the roadways. This provision applies to interstate movements along major routes through the city of Hailey and interstate travel beginning or ending in the city of Hailey;
8. In the event of an emergency;
9. When the minor has been legally emancipated;
10. Each of the foregoing exceptions, and their several limitations, such as provisions for notification, are severable, as hereinafter provided, shall be reemphasized. These exceptions will be considered by the city as warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, parents, officers and persons in authority concerned positively with juveniles as well as with juvenile delinquency.

C. Penalties. A violation in this section shall be a misdemeanor for which the minor may be detained and treated in accordance with the provisions of the Juvenile Corrections Act.

D. Enforcement Proceedings. A minor may be charged with violation of the provisions of this section either by uniform citation or juvenile petition, and in either event the juvenile court shall have jurisdiction over the proceeding. If a citation is issued, the police officer shall obtain the endorsement of the minor's parent on the citation, or cause a copy of the citation to be hand-delivered or mailed to the minor's parent not less than seven days before the date scheduled for the minor's initial appearance in juvenile court. (Ord. 776 §3, 2001; Ord. 530 §§1--4, 1988)

## Chapter 9.12

### WEAPONS

#### Sections:

- 9.12.010      Air guns.
- 9.12.011      Discharging of firearm within city limits–Possession of a loaded  
firearm.
- 9.12.020      Bows and arrows.

9.12.010      Air guns. A. For the purposes of this section “air gun” is any gun or pistol or weapon from which a shot or missile is discharged by the force of compressed air, compressed carbon dioxide gas or other gas, or by air compressed by the release of a spring.

B. It is unlawful and deemed an offense for any person to discharge any air gun within the limits of the city on any property, or in such manner that the missile from such air gun shall cross, fall on, or strike any property, real or personal, without first obtaining the consent of the owner or person in possession of such property on which said air gun is discharged, or across which property the missile shall strike or fall on; provided, however, that minors may discharge such air gun on property owned or in possession of their parents, without such written consent, but only if the missile from said air gun stays within the limits of such property.

C. Any person furnishing a minor under the age of fourteen years with an air gun and allowing such minor under such age to use such gun in the commission of an offense under subsection B of this section, shall be deemed a principal in the commission of any offense mentioned under the provisions of subsection B of this section and shall be subject to the same punishments as provided in subsection D of this section.

D. Any violation of the provisions of this section shall be unlawful and deemed an offense, and any person so violating the provisions of this section shall be guilty of a misdemeanor. (Amended during 1992 codification; Ord. 235 §§1--3, 5, 1954)

9.12.011      Discharging of firearm within city limits–Possession of a loaded  
firearm. A. It is unlawful and a misdemeanor for any person to discharge a firearm within the city limits of the city.

B. The prohibition set forth in subsection A of this section shall not apply to the discharge of a firearm by a person who reasonably believes that the person or himself or herself or of another is in immediate, grave danger, and that the discharge of the firearm is necessary for the preservation of that person. As used herein, "immediate" means the brief interval before and after the local law enforcement agency, when reasonably possible, has been notified of the danger and before the arrival of said agency's assistance. If such notification is not reasonably possible, "immediate" means the brief interval before the apparent infliction of serious bodily harm upon the person discharging the firearm or another individual.

C. Any person convicted of violating any provision of this section may be fined in an amount of not more than three hundred dollars, imprisoned in the county jail for a period of not to exceed ninety days, or both such fine and imprisonment. (Ord. 636 §1, 1994)

9.12.020 Bows and arrows. A. It is a misdemeanor for any person to use a bow and arrow, or cross-bow and arrow, within the city limits in such a manner as to cause any arrow or arrows to leave the property where said person is using a bow or cross-bow and/or cross over or land upon the property of any other person or entity, including public property. Without limiting the foregoing, it is unlawful for any person to use a bow and arrow, or cross-bow and arrow, in such a manner as to cause any arrow or arrows to cross over or land upon any public street, road, path, easement, or right-of-way within the city limits.

B. Any person who violates the conditions of this section shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not exceeding three hundred dollars, imprisonment in the county jail for a period not exceeding thirty days or both such fine and imprisonment. (Ord. 560 §§1, 2, 1990)