

## CHAPTER 8

### NUISANCES, PUBLIC SMOKING AND INTOXICATION

#### SECTION:

- 5-8-1: *Public Nuisance Defined*
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- 5-8-8: *No Alcoholic Beverages Consumed or Possessed in Parks or Other Public Premises Owned or Operated by City of Shelley*

5-8-1: PUBLIC NUISANCE DEFINED: Anything which is injurious to health, or is indecent, or offensive to the senses, or obstructs the free use of property, interferes with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any substantial number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, stream, canal or basin, or any public park, square, street, or highway, is a public nuisance.

5-8-2: PUBLIC NUISANCE--UNEQUAL DAMAGE: An act which affects an entire community or neighborhood, or any substantial number of persons, as specified in the preceding section, is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

5-8-3: PUNISHMENT FOR NUISANCE: Every person who maintains or commits any public nuisance, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.

5-8-4: SMOKING DURING PUBLIC MEETINGS: For the purpose of this act, any meeting or hearing of any board, commission, council, department or agency of state, county, city or local governmental agency, held within a building owned, rented, or being used by a governmental agency, to which the public is invited, solicited, or legally entitled to attend is defined as a public meeting. Smoking is prohibited whenever public meetings are

in progress in any room in which signs are displayed in accordance with the following section. "Smoking" is defined as use or consumption of tobacco or a tobacco product in any form or of an electronic smoking device as defined by Idaho Code Section 39-5702(13) or its successors, or electronic cigarettes, e-cigarettes, electronic cigar, electronic pipe, vape product or any other similar product name or descriptor as defined in that section.

5-8-5:                   SIGNS TO BE DISPLAYED: Readily visible no smoking signs shall be displayed in the room where any public meeting is held, but smoking shall be permitted outside the meeting room.

5-8-6:                   PENALTY FOR PROHIBITED SMOKING: Any person who violates any provision of this chapter is punishable by a fine of not less than five dollars (\$5) nor more than ten dollars (\$10).

5-8-7:                   PUBLIC INTOXICATION: Any person who is intoxicated in or upon any public street, alley, park, or other public place is guilty of a misdemeanor.

5-8-8:                   PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND SMOKING IN PARKS OR OTHER PUBLIC PREMISES OWNED OR OPERATED BY CITY OF SHELLEY: any person who consumes any wine, beer or alcoholic beverage or who possesses an open container of wine, beer or alcoholic beverage in any park, building or premises owned or operated by the City of Shelley shall be guilty of an infraction. Smoking, as defined in this chapter, is not allowed in any park, building, or premises owned or operated by the City of Shelley unless the City Council designates a specific area to allow smoking. Any person smoking in violation of this section shall be guilty of an infraction. The penalty of a first offense under this section shall be a fine of \$100.00 plus court costs, a second offense shall be a fine of \$200.00 plus court costs, and a third offense will be a misdemeanor. (Ordinance 575 4/14/15 Ordinance 657 7/23/24)