

## Chapter 6-17

### OFFENSES AGAINST PUBLIC OR PRIVATE PROPERTY

#### Sections:

<b>6-17-01</b>	<b>OFFENSES TO PROPERTY</b>
<b>6-17-02</b>	<b>OFFENSES AGAINST STREETS; MONUMENTS, ORNAMENTS AND PUBLIC IMPROVEMENTS; IRRIGATION WORKS</b>
<b>6-17-03</b>	<b>LARCENY OF PROPERTY</b>
<b>6-17-04</b>	<b>COMMUNICATIONS AND FACILITIES</b>
<b>6-17-05</b>	<b>RESPONSIBILITY OF PARENT OR LEGAL GUARDIAN</b>
<b>6-17-06</b>	<b>PROHIBITED ACTS ON THE BOISE RIVER</b>
<b>6-17-07</b>	<b>REPEALED</b>
<b>6-17-08</b>	<b>PENALTIES</b>

#### Section 6-17-01 OFFENSES TO PROPERTY

It shall be unlawful for any person to:

- A. Maliciously injure or destroy any real or personal property not his own in cases other than as specified in this Ordinance.
- B. Wilfully or carelessly set on fire, or cause to be set on fire, public or private property.
- C. Build a campfire in any public park and leave the same without totally extinguishing such fire.
- D. Injure, damage, cut or destroy, or sever from the freehold any produce, crops, vegetables and fruit, or trees, shrubbery, plants and flowers, or any kind of wood or timber belonging to another standing or cultivated and growing upon the lands of another.
- E. Dig, take or carry away from any lot, parcel or tract of land, without the license or consent of the owner or legal occupant thereof, any earth, soil or stone.
- F. Dig, take or carry away from any land dedicated or laid down on a map or plat or a recorded subdivision, or otherwise recognized or established, as a street, alley, avenue or park, without the license or consent of the proper authorities, any earth, soil or stone.
- G. Tear down or otherwise destroy any fence on the enclosed land of another, or open any gate, bar or fence of another and leave it open without the consent of the owner or legal occupant thereof.
- H. Cover up or encumber in any manner the land of another without written permission from the owner or legal occupant thereof.
- I. Use, or procure, encourage or assist another to use, any force or violence in entering upon or detaining any lands or possessions of another.
- J. Settle, reside upon or take possession of any lands or the improvements thereon when a person has been removed, or has been directed to remove and quit, from such lands or improvements pursuant to lawful adjudication or direction of any court, tribunal or officer.

- K. Refuse to depart from any real property after having been first notified in writing, or verbally, by the owner or authorized agent of the owner to immediately depart from such property.
- L. Break, dig up, obstruct or injure any pipe, main, line or cable for conducting gas or water or for the transmission of communications and electricity, or any appurtenances connected therewith.
- M. Desecrate or molest in any way any portion of any grave, cemetery, headstone, grave, marker, mausoleum, crypt or other place of burial, whether whole bodies or ashes, or other evidence of remains of a deceased human body.
- N. Place, paint or cause to be placed or painted, election posters or literature or other promotional or sales materials upon public or private property, real or personal unless such person has first obtained permission and consent in writing from the owner or owners of such property.

**Section 6-17-02 OFFENSES AGAINST STREETS; MONUMENTS, ORNAMENTS AND PUBLIC IMPROVEMENTS; IRRIGATION WORKS**

It shall be unlawful for any person to:

- A. Move or remove any monument erected for the purpose of designating any point in the boundary of any lot, tract or parcel of land, or move, remove, deface, mar or destroy any other type of monument, surveyor's stake or stone erected or placed for the purpose of designating any point in the boundary of any lot, tract or parcel of land.
- B. Tamper with, injure, deface, destroy or remove any sign, milepost or guidepost erected upon, within or adjacent to any street, alley or public way, or any notice, marker, fire alarm box, fireplug or any work or art, landmark or historic structure, or any other personal property, erected, placed or maintained and operated by lawful authority.
- C. Without written consent, move, cut, break, mutilate or otherwise injure, damage or interfere with any street, sidewalk, curb, culvert, drain, waterway, embankment, ditch, retaining wall, bridge, grade separation structure, or roadside improvement appurtenant to or on the right-of-way of any street, alley or public way, or cut, mar, disfigure, break, mutilate or remove, or otherwise injure or damage any tree, plant, shrub, ornamental plant or other useful or ornamental improvements upon the right-of-way of any street, alley or public way where the same have been landscaped or beautified by the City or with the approval and consent of lawful authority. For the purposes of this subsection, the terms "street", "alley" and "public way" shall be construed to include the entire right-of-way of such street, alley or public way.
- D. Cut down, remove, destroy, mar, disfigure or uproot any flowering or ornamental tree, shrub, perennial or annual plant in any park.
- E. Obstruct, encroach, injure or damage any public road, street sidewalk, alley or public way, or ride or drive horses, cattle or motor vehicles upon a sidewalk.
- F. Run, or cause to run, suffer, permit or allow any water used for the purpose of irrigation, or for any other purpose, to flow into, across or upon any public highway, road, street, alley or public way in any other manner than that authorized by law.

- G. Take or divert water from any canal, ditch, flume or reservoir used for the purpose of holding or conveying water for beneficial uses and purposes or without authority, raise, lower, open, close, change or otherwise disturb or interfere with any gate, headgate, water box, weir or valve, or measuring or regulating device or other appurtenances used for the control or measurement of water, or empty or place, or cause to be emptied or placed, into any canal, ditch, flume or reservoir, any rubbish, trash, garbage or other substances and matter obstructing the free flow of water.
- H. Waste water for irrigation, or any waters of any stream, the waters of which are used for irrigation, or divert the same for an unnecessary use or purpose, or allow such water to waste so that the same cannot be used for a beneficial use or purpose.

**Section 6-17-03                    LARCENY OF PROPERTY**

- A. It shall be unlawful for any person to:
  - 1. Steal, take and carry away the personal property of another, when the property taken, stolen or carried away has a value of less than fifty dollars (\$50.00);
  - 2. Find lost property under circumstances which give knowledge of, or means of inquiry as to, the true owner, and appropriate such property to his own use or to the use of another person not entitled thereto, without first making a reasonable and just effort to find and restore the property to the owner.
  - 3. Conceal the goods, wares or merchandise of any store or merchant, while still upon the premises of such store or merchant. Goods, wares or merchandise found concealed upon the person shall be prima facie evidence of a wilful concealment.
- B. If the thing stolen, taken or carried away consists of any evidence of debt, or represents security for an indebtedness remaining unsatisfied, the value of the thing stolen, taken or carried away is the money due thereon.
- C. The provisions of this Section shall apply where the thing taken is any fixture or part of the realty and is severed at the time of taking, in the same manner as if the thing had been severed by another person at some previous time.

**Section 6-17-04                    COMMUNICATIONS AND FACILITIES**

It shall be unlawful for any person to:

- A. Without lawful authority, wilfully and wrongfully, open, remove or damage any parking meter, coin telephone or other vending machine dispensing goods or services, or a part thereof; or possess a key or device specifically designed to open or break any parking meter, coin telephone or other vending machine dispensing goods or services; or possess a drawing, print or mold of a key or device specifically designed to open or break any parking meter, coin telephone or other vending machine dispensing goods or services.
- B. Cut down or burn or otherwise materially injure, any electric light pole, or shoot so as to materially injure any insulator, or knock said insulator loose from the pole to which it is attached, or otherwise materially injure such insulator, or shoot any electric light wire, thereby breaking said wire, or otherwise cut, break or injure such wire.

- C. Fail or refuse to relinquish the use of a telephone line upon the request of another person to use such line for an emergency message, (any person requesting that another person using a telephone line relinquish the use of such line for the purpose of an emergency message shall inform such person of the nature of the emergency and their name and telephone number upon request); providing, that emergency telephone calls for the purpose of this subsection are calls for police, medical and fire aid.
- D. Procure use of a telephone line for a nonexisting emergency.

**Section 6-17-05                    RESPONSIBILITY OF PARENT OR LEGAL GUARDIAN**

The parent, parents or legal guardian or the divorced parent having legal custody, or in the event of separation the parent having actual physical custody of any child under the age of eighteen (18) years shall be responsible and liable for the cost of and restitution for the damage to or destruction of any public or private property caused from the unlawful acts of the child and resulting in unlawful damage, injury, defacement, alteration, removal or destruction of any such public or private property, unless the parent or legal guardian, or the person having actual physical custody of the child was, at the time of the malicious, wilful or unlawful acts of the child, exercising due diligence in the supervision of the activities of the child. Any person, including parent or guardian who, by any act or neglect, encourages a child to wilfully, maliciously or unlawfully damage, injure, mar, deface, remove or otherwise destroy public or private property shall also be liable for the cost of restoration and restitution for the damages to such public or private property.

(Ord. 3108, Added, 08/23/1971)

**Section 6-17-06                    PROHIBITED ACTS ON THE BOISE RIVER**

This Ordinance is intended to address certain acts on or about the Boise River. Through regulation of those acts, the Ordinance seeks to preserve the natural habitat of the Boise River and ensure the protection of life and property. The provisions of this Ordinance shall apply to all public property surrounding the river for a distance of seventy (70) feet horizontally landward from the ordinary high water mark into and including the river itself. In the above delimited area it shall be unlawful to:

- A. Damage, cut, carve, transplant or remove, without a permit from the Supervisor of Urban Forestry, any tree, shrub or plant or to strip any bark, pick any flowers or collect any seeds from any such tree, shrub or plant. Nor shall any person:
  - 1. Use any bungee, rope, wire or other such similar object attached, to any tree or plant except as may be authorized by the Parks and Recreation commission by duly promulgated rule or regulation.
  - 2. Dig or disturb any natural habitat area or in any other way disturb, impair or injure the natural habitat of the area.
- B. Hunt, molest, harm, frighten, kill, trap, chase, tease, annoy, shoot, or throw objects at any animal, reptile or bird within the habitat area. Boise City Parks Department staff, representatives of Idaho State Fish and Game or Ada County Animal Control, may, in the performance of their duties, with the concurrence and approval of the Boise Park System Director, do such acts necessary to protect life or property or improve the wildlife habitat. Nor shall any person collect any nests or eggs from any wild bird or reptile. Nothing in this subsection shall be construed to prohibit lawful fishing activities on or in the Boise River.

(6842, Amended, 05/08/2012; 5236, 05/08/1990)

(Ord. 5236, 5-8-90)

C. Operate or park any motor vehicles. This Section specifically excludes watercraft, emergency vehicles, motorized wheelchairs or other similar vehicles used by the physically or mentally challenged or those vehicles authorized by the Department of Parks and Recreation.

(Ord. 5236, 5-8-90)

D. Fire or discharge any firearms of any description, or any air rifles, spring guns, bow and arrows, slings or any other form of weapon potentially inimical to wild life and dangerous to human safety, except for duly authorized animal control officers and law enforcement personnel certified by the Idaho Department of Police Officer Standards and Training in the course and scope of their employment as law enforcement officials. Nor shall any person use any instrument that can be loaded with and fire blank cartridges, or any kind of trapping devise. (Ord. 5236, 5-8-90)

E. Possess, transport or carry any air rifles, spring guns, bows and arrows, slings or any other form of non-firearm weapon potentially inimical to wild life and dangerous to human safety.

(Ord. 5236, 5-8-90)

F. Have in ones possession, any fireworks defined by Section 7-31-2, of the Boise City Code.

(Ord. 5236, 5-8-90)

G. Set up any tents, shacks, or other temporary shelter for the purpose of camping, as defined in BCC 9-10-02. No person shall be permitted to camp or otherwise remain in the proscribed area overnight.

(6757, Amended, 11/10/2009; Ord. 5236, 5-8-90)

H. Use, carry, or be in the possession of any beverage container made of glass.

(Ord. 5236, 5-8-90)

I. Deposit or discard any trash, rubbish or refuse as defined by Boise City Code, except in Parks Department refuse containers.

J. Use or ride in or upon the Boise River within the City of Boise.

1. An object commonly referred to as a "Boogie Board" "body board," or "river board," which for the purposes of this section shall be defined to mean any object regardless of the type of material from which it is constructed which creates a surf-type wave upon or within the water surface or is used to ride upon or against the current and which is secured by, tied to, held or belayed from any rope, line, cord, bungee, or the like attached at any time to any object or fixture within, adjacent to, or spanning any portion of the Boise River, except as may be authorized by the Parks and Recreation Commission by rule or regulation with notice of such posted by City of Boise in the location where the activity is permitted.

2. Any motorized watercraft except by personnel authorized by the Boise Fire Chief or designated representative for the purpose of safety and rescue, or Boise City Park System staff, Idaho State Fish and Game personnel or Ada County Animal Control staff in the performance of their duties and with the concurrence and approval of the Boise Park System Director. For the purpose of this section "motorized water craft" shall include but shall not be limited to craft propelled by jet propulsion, electric motor propeller and gasoline powered motor and propeller.

(6812, amended. 05082012; Ord. 5399, 06-16-1992; Ord. 5236, 5-8-90)

K. It shall be unlawful for any person to jump from, or throw or drop any object, including a person, from any bridge, tree or other landscape features into the Boise River within fifty (50) feet of any boater, floater, rafter or tuber.  
(6842, Amended, 05/08/2012; 6757, Amended, 11/10/2009; 5463, Amended, 06/29/1993; 5399, Amended, 06/16/1992; 5236, Enacted, 05/08/1990)

**Section 6-17-08 PENALTIES**

Any person in violation of the provisions of this Ordinance shall be guilty of a misdemeanor, except for a violation of Boise City Code 6-17-06J or K, which violation is an infraction, the penalty for which shall be as specified in the Idaho Infraction Rules for pedestrian and bicycle infractions. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100.00) and for which no period of incarceration may be imposed. There is no right to trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

(6843, Amended, 05/08/2012; 5456, Renumbered, 06/15/1993; 4094, 10/17/1977)