

Chapter 8.16 – NUISANCES ¹

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8.16.010 Definitions

- A. "*Nuisance*" means anything which is injurious to the health or morals of others, indecent or offensive to the senses of others, or an obstruction to the free use of property of others, so as to interfere with the comfortable enjoyment of life or property of others is declared a nuisance, and as such shall be abated.
- B. "*Junk*" discarded material with no apparent value; cheap, shoddy or useless material; trash; any items or material which is broken or otherwise damaged beyond reasonable repair or re-use.

8.16.020 Barbed wire and electric fences prohibited.

It is unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire, or with any spike, nail, barb, or pointed instrument affixed or placed so to project therefrom, or to use such fences as a guard to any parking lot or parcel of land, except as provided in 8.16.25. A violation of this section shall be deemed a nuisance and constitute a misdemeanor.

8.16.025 Exceptions to barbed wire electric fence prohibition.

- A. A political subdivision of the United States of America or the State of Idaho, The County of Butte, Idaho, or the City of Arco, after applying to, and receiving approval from, the City Council of the City of Arco, may erect or maintain any barbed wire or electric fence for the purpose of securing or protecting any building, facility or land owned by such entity.
- B. A person or entity, other than those described in subsection (A) of this section may also, after applying to, and receiving approval from, the City Council of the City of Arco, may erect or maintain any barbed wire or electric fence for the purpose of securing or protecting any building, facility, or land owned by such entity. The applicant must show that it has good cause for the use of such a fence to secure or protect the applicants property and that such fence will not be harmful to the general public.

8.16.030 Depositing injurious materials on thoroughfares prohibited.

It is unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property.

8.16.040 Junk prohibited when--Location restrictions.

It is unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public park, public grounds, business buildings or residences without first providing proper and tight buildings for the storage of the same.

8.16.050 Loudspeakers or sound trucks prohibited without permit.

It is unlawful to play, operate or use any device known as a sound truck, loudspeaker, sound amplifier, radio, phonograph, or any instrument of any kind or character which emits loud and raucous noises of any kind and is attached to and upon any motor vehicle, unless such person in charge of such vehicle shall have first applied to and received permission from the City Council to operate any such vehicle or equipment. The City Council shall issue a permit for use of such devices upon application by the operator showing the name, address and telephone number of the person using such device, together with an identification of the vehicle being used. In the event that the use of the said device creates a nuisance, the person actually operating the device and the person applying for the permit shall be guilty of a misdemeanor.

8.16.060 Excessive noise.

- A. It shall be deemed a nuisance for the owner or operator of any motor vehicle or a person exercising control over any motor vehicle or structure to cause or allow music or other amplified audio to be generated from or by the audio system of said motor vehicle or structure where such music or audio:
1. Creates percussion or vibration that a person outside the motor vehicle or structure can detect.
 2. Is, at any time, at a volume that is plainly audible at a distance of thirty feet or more from the motor vehicle or fifty feet from the structure.
 3. Contains profanity or graphic violent or sexual content and that is plainly audible anywhere outside the motor vehicle or structure.

The term "feel" as used in this section does not include the physical sensation of hearing. The provisions pertaining to a distance of thirty feet shall not apply to any emergency vehicle or any vehicle that is participating in any authorized parade or other event that is licensed, governed, sanctioned, or regulated by the city or school district.

- B. It shall be deemed a nuisance for the owner and/or operator of any motor vehicle to operate engine brakes (also known as compression or "jake" brakes) within the city limits or area of city impact. This section shall not prohibit the use of said braking system when it can be demonstrated that such use is the result of an emergency or similar necessity.

8.16.070 Deemed misdemeanor.

Any person who willfully and knowingly maintains, creates or harbors a nuisance as herein defined shall be guilty of a misdemeanor

TITLE 8 - HEALTH AND SAFETY
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(1) For statutory provisions regarding nuisances, see Idaho Code Title 52. For provisions to define and to abate nuisances up to three miles outside the city limits, see Idaho code 50-334 of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land.