

Chapter 9.40 - DISORDERLY CONDUCT ¹

Sections:

- 9.40.010 Disorderly conduct--Unlawful acts designated.
- 9.40.020 Disturbing the peace--Unlawful acts designated.
- 9.40.030 Disorderly conduct--Unlawful acts--Penalty.
- 9.40.040 Loitering

9.40.010 Disorderly conduct--Unlawful acts designated.

It is unlawful for any person to engage in any illegal or improper diversion or to use insulting, indecent or immoral language, or to be guilty of any indecent, insulting or immoral conduct or behavior. (Prior code §6-1-9).

9.40.020 Disturbing the peace--Unlawful acts designated.

It is unlawful for any person, willfully, maliciously, intentionally or unnecessarily to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct, or for any person to threaten, quarrel, fight or provoke an assault or battery or curse or swear or utter any obscene or vulgar or indecent language in the presence of another. (Prior code §6-1-11).

9.40.030 Disorderly conduct--Unlawful--Penalty.

Every person who commits of the following acts is guilty of disorderly conduct:

1. Any person who, during the nighttime, loiters or wanders upon the streets without apparent reason or business, and who refuses to identify and account for his presence when requested by a peace officer; or
2. Any person who, loiters, prowls or wanders upon the private property of another, in the nighttime, without lawful business with the owner or occupant of such property; or
3. Any person who, while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without lawful business with the owner or occupant thereof.

Any person found guilty of violation of this section, or any part thereof, shall be punished by imprisonment in the county jail up to thirty days, a fine of up to three hundred dollars or both such imprisonment and fine. (Ord. 1984-D §1, 1984).

9.40.040 Loitering. ²

- 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

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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.

----- **NOTES** -----

(1)For statutory provisions defining disorderly conduct, see Idaho Code 18-6409.

(2)Ordinance 2008-B, 2008