

# Code #10

## CHAPTER 1

### BICYCLES

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- 10-1-1: Effect of Regulations:

(A) It shall be unlawful for any person to do any act forbidden or fail to perform any act required herein.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter.

(C) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any public thoroughfare or public path set aside for the exclusive use of bicycles.

10-1-2: License Required: It shall be unlawful for any person, residing in the Municipality, to ride or propel a bicycle on any public thoroughfare unless such bicycle has been licensed and a license plate is attached hereto.

10-1-3: Application: Application for a bicycle license and license plate shall be made to the Clerk. A fee of one dollar (\$1.00) per annum shall be paid before such license is issued.

10-1-4: Issuance:

(A) The Clerk upon receiving proper application therefore is authorized to issue a bicycle license which shall be effective until the end of the calendar year.

(B) The Clerk shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, the number on the frame of the bicycle and a record of all bicycle license fees collected.

10-1-5: Attachment of License Plate:

(A) The Clerk upon issuing a license shall also issue a license plate bearing the license number assigned to the bicycle which shall include the name of the Municipality and the calendar year.

(B) Each license plate shall be firmly attached to the bicycle in such a position as to be plainly visible.

(C) It shall be unlawful for any person to remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled.

10-1-6: Inspections: The Clerk shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.

10-1-7: Transfer of Ownership: Upon the sale or transfer of a licensed bicycle the licensee shall remove the plate and shall either surrender the same to the Clerk or may upon proper application, but without payment of an additional fee, have said plate assigned to another bicycle owned by the applicant.

10-1-8: Rental Agencies: A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto.

10-1-9: Traffic Laws Apply: Every person riding a bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver a vehicle except as to those provisions of law which by their nature can have no application.

10-1-10: Obedience to Traffic-Control Devices:

(A) Any person operating a bicycle shall obey the instructions of official traffic-control signs, signals and other control devices applicable to vehicles unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right, left or U turn is permitted, is shall be unlawful for any person operating a bicycle to disobey the direction of any sign, except where a person dismounts from the bicycle to make such turn in which event such person shall then obey the regulations applicable to pedestrians.

10-1-11: Riding on Bicycles:

(A) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(B) Person riding bicycles upon a roadway shall not ride more two (2) abreast except on paths or parts of roadways set aside for the exclusive use of such.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path.

10-1-12: Speed: It shall be unlawful for any person to operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

10-1-13: Emerging From Alley or Driveway: The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

10-1-14: Clinging to Vehicles: It shall be unlawful for any person riding upon any bicycle to attach the same or himself to any vehicle upon any public thoroughfare.

10-1-15: Carrying Articles: It shall be unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the rider from keeping a least one hand on the handle bars.

10-1-16: Parking: It shall be unlawful for any person to park a bicycle in such a manner as to interfere or obstruct pedestrian traffic.

#### 10-1-17: Riding on Sidewalks

(A) It shall be unlawful for any person to ride a bicycle upon a sidewalk within a business district.

(B) The Clerk is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon and when such signs are in place it shall be unlawful for any person to disobey the same.

#### 10-1-18: Lamps and Other Equipment:

(A) Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and a red reflector on the rear of a type which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

(B) It shall be unlawful for any person to operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100') except that a bicycle shall not be equipped with any siren or whistle.

(C) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement. (1959 Code)

## CHAPTER 2

### TRAFFIC REGULATIONS

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10-2-1: Definitions: For the purpose of this Chapter the word "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, provided that a bicycle or a ridden animal shall be deemed a vehicle. The word "street" shall mean any public street, avenue, boulevard or alley. (Ord. 18; 2-4-58)

10-2-2: Speed Limit:

(A) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding

with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) Where no special hazard exists that required lower speed for compliance with subsection (A) of this Section the speed of any vehicle not in excess of the limits specified in the Section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this Section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and this it is unlawful:

1. Twenty Five (25) miles per hour on Main Street or U.S. Highway No, 95.
2. Fifteen (15) Miles per hour in residential districts.

(C) The driver of every vehicle shall, consistent with the requirements of subsection (A), drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (Ord 33; 8-18-69, Eff. 9-18-69)

10-2-3: Operation on Streets: No vehicle shall be operated or driven upon any street with the corporate limits of the City otherwise than upon the right one-half (1/2) thereof, when looking in the direction the vehicle is traveling, nor shall any vehicle be driven upon or across any sidewalk otherwise than at a place where a regular driveway shall have been constructed.

10-2-4: Traffic at Intersections:

(A) Wherever there is, or is hereafter established, at an intersection, a fixed stop sign, every vehicle that approaches such a sign from the direction toward which the sign is turned shall be stopped before the same shall have reached the intersection, and before the same shall have entered any pedestrian crosswalk that has been established and marked upon the surface of the street; and no persons shall drive or operate a vehicle past such a stop sign without first bringing the same to a complete stop.

(B) Where traffic at intersections is not controlled, a vehicle first entering the intersections shall have the right of way therein over a vehicle approaching, as as between two (2) vehicles approaching such an intersection and equidistant there from, the vehicle approaching from the right shall have the right of way over a vehicle approaching from the left.

(C) A vehicle traversing an alley shall come to a complete stop before crossing the pedestrian walk, and shall sound a horn or other signal before proceeding to cross such pedestrian walk. (Ord. 13; 7-2-57)

(D) Stops at through streets: It shall be unlawful for the driver of a vehicle approaching a street intersection in a direction against which there is placed by authority of the Mayor and

Council at such intersections a sign bearing the word "Stop" to fail to bring such vehicle to a full stop before entering or crossing such intersection.

10-2-5: "U" Turns: "U" Turns will be permitted only at the intersection of streets in the City. No "U" turns shall be permitted at the intersections of alleys and streets or at intersections in the City where warning signs prohibiting the same have been posted by order of the Chief of Police with the approval of the Mayor and Council of the City. (Ord. 13; 7-2-57)

10-2-6: Drug Addicts and Intoxicated Persons Prohibited from Driving:

(A) It is unlawful and punishable as provided in subsection (D) of this Section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this City.

(B) In any criminal prosecution for the violation of subsection (A) of this Section relating to driving a motor vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other body substance shall give rise to the following presumptions:

1. If there was at the time one-tenth percent (0.10%) or less by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

2. If there was at the time one-tenth percent (0.10%) by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

3. Percent by weight of alcohol in blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood.

4. The foregoing provisions of subsection (B) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(C) It shall be unlawful and punishable as provided in subsection (D) of this Section for any person who is a habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle within the City. The fact that any person charged with a violation of this subsection is or has been entitled to use such drugs under the laws of the State of Idaho shall not constitute a defense against any charge of violating this subsection.

(D) Every person who is convicted of a violation of this Section shall be punished by imprisonment in the County or Municipal Jail for not less than thirty (30) days, nor more than six



(6) months, or by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) or both such fine and imprisonment. (Ord. 42; 2-2-71)

10-2-7: Reckless Driving: No person shall operate or drive a vehicle upon any street or alley with the City carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

10-2-8: Negligent Driving: It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along any street or alley in the City. For the purpose of this Section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle upon any street or alley in the City in such a manner as to endanger or be likely to endanger any persons or property.

The Offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner.

10-2-9: Accidents: The driver or operator of any vehicle involved in an accident involving the death or injury of any persons or substantial damage to any property within the City as soon as it is possible, report the happening to the Chief of Police of the City, the office of the Sheriff of Idaho County, or a highway patrolman of the State of Idaho, and no vehicle involved in such an accident shall be removed from the scene thereof until an investigation has been made by an officer of the Chief of Police, Sheriff's Office, or such State Highway Patrolman.

10-2-10: Operation of Vehicles on Streets or Alleys Closed For Construction or Repair: No person shall drive or operate a vehicle upon any portion of any street or alley within the City that is being constructed or repaired when access thereto shall have been blocked by barriers set up and established by the City or a person engaged in performing such work on its behalf.

10-2-11: License Required of Driver: No person shall drive or operate a motor-driven vehicle upon any street or alley within the City without having in his possession a valid subsisting operator's license issued by the State of Idaho, or some other State, authorizing such person to drive and operate such vehicle at such time. (Ord. 13; 7-2-57)

10-2-12: Parking Regulations: It shall be unlawful for the driver of a vehicle to disobey the directions as to time, or manner of parking, or kind of vehicle permitted to park at any place, given by any sign, signal stripe or line, erected or placed on the public streets by authority of the Mayor and Council. (Ord. 18; 2-4-58)

(A) Manner of Parking: Vehicles shall be parked parallel to and with the right wheels not more than fifteen inches (15") from the curb on the right side of such vehicle when facing

toward the front thereof, except in such portions of the City as shall be marked for angular parking by lines upon the surface of the streets. Whenever such lines have been placed upon the surface of the street, vehicles shall be parked within the same, and at the same angle shown thereby; provided, however, that where angular parking shall have been directed, no vehicle having an overall length in excess of two hundred and forty inches (240") shall be so parked.

(B) Limitation of Time or Parking: No vehicle shall remain continuously parked upon any street in the City for more than twenty-four (24) hours.

10-2-13: Parking in Alleys: No vehicle shall be stopped and left unattended in any alley within the City but it shall be lawful for any vehicle to be stopped in any such alley and loaded or unloaded, and the same may remain stopped therein for such time as is reasonably required for such loading or unloading; provided, however, that a vehicle stopped in an alley shall wherever possible be so located therein as to permit the passage of other vehicles through the said alley and provided further, that no vehicle shall be parked unattended in any alley for more than two (2) minutes.

10-2-14: Double Parking: No vehicle shall be stopped upon any street within the corporate limits of the City unless the same shall be parked as hereinbefore required, or shall have been brought to a temporary stop at an intersection where traffic is being controlled, as fixed stop sign established, or when its progress is prevented by some obstruction of the street.

10-2-15: Parking in Front of Fire Hydrant, Fire Station, or Private Driveway: No person shall park a vehicle or permit it to stand, whether attended or unattended upon any street or alley within the City in front of a private driveway or within fifteen feet (15') in either direction from a fire hydrant or the entrance to a fire station.

10-2-16: Restricted Parking Zones: The Mayor and Council may, by resolution duly adopted, establish zones upon any street within the City within which parking shall not be permitted or shall be restricted as to the users or the use thereof. When any such zone or zones shall have been so established and marked by signs giving notice of such restriction or restrictions no persons shall park a vehicle therein in violation of such restriction or restrictions.

10-2-17: Crossing Fire Hose; No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or alley, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command. (Ord. 13; 7-2-57)

(A) No traffic on Street Used by Fire Department: Vehicles shall not travel along or upon the portion of a street where the fire hose is laid for any purpose except by permission of the Chief of the Fire Department. (Ord. 18; 2-4-58)

10-2-18: Driving through Funeral or Other Procession: No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Code. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

10-2-19: Required Position and Method of Turning at Intersections: The driver of a vehicle intending to turn at an intersection shall do as follows:

(A) Both the approach for a right turn and a right turn shall be made as close as practical to the right hand curb or edge of the roadway.

(B) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(C) Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

(D) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

10-2-20: Prevention of Noise; Muffler Required:

(A) No person shall operate a motor vehicle on any street or alley of the City in such a manner as to cause excessive noise. (Ord. 13; 7-2-57)

(B) Mufflers Required: Every automobile, or motor vehicle or motorcycle using gasoline or other explosive mixture as motor power shall use a muffler which shall be sufficient to deaden the sound of the explosion, and such muffler shall not be disconnected or cut out while such automobile, motor vehicle, or motorcycle is being operated on any street, alley, or park within the limits of the City. (Ord. 18; 2-4-58)

10-2-21: Emerging From Alley or Private Driveway: The driver of a vehicle emerging from a alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right of way to any pedestrian as may be necessary to avoid collisions, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

10-2-22: Public Employees To Obey Traffic Regulations: The provisions of this Chapter shall apply to the driver of any vehicle owned by or used in the service of the United States

Government, the State, County, of the City, and it shall be unlawful for any said driver to violate any of the provisions of this Chapter or by the State Statute.

10-2-23: Emergency Equipment to Have Right of Way: The Fire Department, Ambulances, Police Cars, when on emergency runs, and funeral processions shall have the right of way on any street in the City; provided that, upon the approach of any Police or Fire Department vehicle or other emergency vehicle, the driver of any such vehicle shall give an audible signal by bell, siren or exhaust whistle, of his approach. (Ord. 13; 7-2-57)

(A) Right of Way in Streets: The Fire Department, ambulances, funeral processions and City sprinkler have the right of way in any street or through any procession, in the order named. (Ord 18; 2-4-58)

10-2-24: School Buses; Regulations: All school wagons, trucks, cars or other vehicles used for transporting or conveying children to or from school, run, operated, maintained or controlled by any School District, Highway District or other municipal corporation or body politic, hauling children to or from school, within the City shall be driven to the curb or sidewalk nearest the school house, and the children shall be taken there from or placed therein from the side of such truck, car, wagon or other conveyance, nearer the sidewalk or from the rear end thereof, and shall not be permitted to enter or depart from such truck, car, wagon or other conveyance, from the side towards the streets.

10-2-25: Passing School Buses When Loading or Unloading Unlawful: No persons shall pass or drive any automobile, car, wagon or other conveyance of any kind of nature past any truck, car, wagon or other conveyance used for transporting children to or from school while the children are entering or departing from such truck, car, wagon, or other conveyance, within the corporate limits of the City.

10-2-26: Penalty For Passing School Bus Unlawfully: Any person violating any of the terms or conditions of Section 10-2-24 and 10-2-25 shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not to exceed the sum of one hundred dollars (\$100.00) and costs and upon default or failure to pay such fine and costs, shall be confined in the City Jail at hard labor, until such fine and costs shall have been paid, allowing one day for every one dollar fifty cents (\$1.50) of such fine and costs. (Ord. 13; 7-2-57)

10-2-27: Motor Vehicles Not To Be Parked With Engines Running: No driver of a motor vehicle shall leave the same unattended upon any street or public place while any part of the machinery is running or in motion.

10-2-28: Hitching Horses and Other Animals: No person shall leave standing on any street any horse or team or animal except at places designated at hitching areas by the Chief of Police with the approval of the Mayor and Council. When such horses, team or animal are left in such hitching areas, they shall be securely tied to a post, or otherwise, in sufficient manner to

prevent said horse, team or animal from wandering about the street or running away, without breaking loose; provided, however, that such horse, team or animal may be tied to a weight sufficiently large to securely hold such horse, team or animal.

10-2-29: Powers of Police Officers: The police officers of the City are given power and authority to regulate and control traffic to the extent of clearing any street, or parts thereof, of vehicles and diverting traffic there from; also as to the placing, stopping, starting, approaching or departing of vehicles from any place; and the manner of taking up or setting down passengers, loading or unloading goods in any place.

10-2-30: Duty to Obey Orders of Police Officers: When a police officer displaying his badge or star and when engaged in directing traffic shall signal any vehicle to take any direction, or to stop or proceed, or shall order that a vehicle be parked in a specified manner, or be moved from a parking place, it shall be the duty of the driver of such vehicle to obey such directions and to comply with the orders of such officer.

10-2-31: Driving Against Warnings Prohibited: No vehicle shall be driven over any street or pavement at which there is a person, barrier or sign, warning traffic from such street or pavement.

10-2-32: Starting Parked Vehicles: No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

10-2-33: Racing Prohibited: No race or contest for speed shall be held upon any street, road or highway, in the City without the permission of the Mayor and Council.

10-2-34: Reckless Driving: Any person who drives any vehicle in the corporate limits of the City carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in any manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving and upon conviction shall be punished as provided in this Chapter.

10-2-35: Driver to Be Competent: No vehicle shall be moved, run or be operated on the streets within the limits of this City by any person unable to control and properly operated the same with due regard to the safety of the public and other vehicles; provided, that, in all cases, any person in a state of intoxications is deemed conclusively to be unable to control and operate the same.

10-2-36: Unlawful to Permit Car to Be Driven by Unqualified Driver: It shall be unlawful for the owner of any motor vehicle to entrust to or allow the same to be driven or operated with the City by any person who is not qualified under the laws of the State of Idaho.

10-2-37: Unqualified Drivers Prohibited: It shall be unlawful for any person not qualified under the laws of the State of Idaho to drive or operate any motor vehicle upon the streets, highways or public places of the City.

10-2-38: Hitching on or Riding on Rear of Vehicles Prohibited:

(A) No person riding any sled or other conveyance shall hitch or hold on to any part of any vehicle, with or without the consent of the driver thereof.

(B) No person shall ride upon the rear of any vehicle without the consent of the driver, and , when riding, no part of his body shall protrude beyond the limits of the vehicle.

10-2-39: Impaired Visibility of Driver Prohibited: No person shall drive a vehicle that is so closed in or constructed so as to prevent the driver from having sufficient view of the traffic at the sides of such vehicle.

10-2-40: Smoking Exhausts, Gongs, Sirens and Whistles Prohibited: No vehicle shall be operate with an excessive smoking exhaust upon any road, street or highway within the limits of this City. Gongs and sirens or whistles shall not be used on any vehicle other than ambulances, or vehicles operated by a Police Department, Fire Department, Sheriff, or other peace officer, or upon any such vehicle except when moving in response to emergency calls.

10-2-41: Lighting Equipment of Vehicle: Every vehicle upon the public streets of the City during the period for one half (1/2) hour after sunset to one half (1/2) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the streets at a distance of two hundred feet (200') ahead, shall be equipped with lighted front and rear lamps as provided in Section 49-548 of the Idaho Code, and provided, further, that all such lighting equipment be of the standard required by the laws of the State of Idaho.

10-2-42: Brakes: Every motor vehicle when operating within the corporate limits of the City shall be equipped with brakes adequate to control the movement of such vehicle and to stop and hold such vehicle and the requirements for brake equipment shall be as provided under Section 49-458 Idaho Code.

10-2-43: Vehicles Backing, Due Diligence: Before backing any vehicle, ample warning shall be given by the operator of such vehicle, and while backing due diligence must be exercised by the operator so as to protect persons and property.

10-2-44: Obstruction of Streets by Vehicles Unlawful: It shall be unlawful for any person, association, corporation or employee thereof operating cars, engines, drays, wagons, vehicles, or other implements of transportation, within the City to operate or handle the same in such a way as to cause any impediment of obstruction to the common and ordinary use of the streets.

10-2-45: Obstruction of Intersections or Crossings Prohibited: Any person having charge of or in any way controlling or assisting in the control of any car, engine, dray, wagon, vehicle or other implement of transportation who shall stop or cause the same to stop and remain upon any street crossing or intersection of streets for the space of five (5) minutes, shall be guilty of a misdemeanor.

10-2-46: Persons Responsible: Any person or employee thereof or any person having charge or control of or who shall assist in the operation or control of any car, engine, dray, wagon, vehicle or other implement of transportation who shall allow the same to stand or remain in one place upon any street for the purpose of loading or unloading during a space of fifteen (15) minutes without special permission from the Chief of Police shall be guilty of a misdemeanor.

10-2-47: Vehicles With Projecting Lugs: It shall be unlawful for any person or persons to drive any vehicle having projecting metallic lugs, points, cleats or bars on the wheels, tracks or treads thereof, across or upon any paved or lied street or any bridge crossing or culvert in the in City without using said pavement, oiled street, bridge crossing or culvert for the purpose of securing its safety, four (4) stout pieces of plank, each of which shall be at least ten feet (10') in length, twelve inches (12") in thickness, tow (2) of said pieces of plank to always be under the wheels of said vehicle.

10-2-48: Laws of the State Applicable in Part: In matters not covered by this Chapter, the Rules of the Road maintained in the laws of the State of Idaho governing operation of vehicles on the public highway shall apply to and govern the operation of vehicles and traffic upon the streets of the City. (Ord. 18; 2-4-58)

10-2-49: Penalty For Violation: Any person violating any of the provisions of this Chapter shall be guilty of an offense, and upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars (\$300.00), with costs of prosecution, and in default of payment, shall be confined in the County or City hail at the rate of one day for each five dollars (\$5.00) of such fine and costs. Each violation of any provisions or provisions of this Chapter shall be deemed to constitute a separate offense and shall be punishable as such. (Ord. 33; 8-18-69; Eff. 9-18-69)

10-2-50: Exceptions: The provisions of this Chapter shall not apply to vehicles operated by members of the Police or Fire Departments or ambulance when operated in response to an emergency call or proceeding to the scene of a fire or when parked pursuant to such a call or at the scene of a fire. (Ord. 13; 7-2-57)

## CHAPTER 3

### DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS; NEGLIGENT OR RECKLESS DRIVING

10-3-1: Driving Under the Influence of Liquor or Drugs

10-3-2: Negligent or Reckless Driving

10-3-3: Persons Under the Influence of Intoxicating Liquor or Drugs

10-3-1: Driving Under the Influence of Liquor or Drugs: It shall be unlawful for any person to operate a vehicle of any type on any public thoroughfare while under the influence of any kind of intoxicating liquor or of any narcotic drugs. Any person convicted of such act shall be dealt with according to the provisions of Chapter 7, Title 1 of this Code.

10-3-2: Negligent or Reckless Driving: It shall be unlawful for any person to operate a vehicle of any type on any public thoroughfare in a negligent or reckless manner so as to endanger or be likely to endanger any person or property. (Revised Code 1959)

10-3-3: Persons Under the Influence of Intoxicating Liquor or Drugs:

(A) It is unlawful and punishable as provided in subsection (D) of this Section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this City.

(B) In any criminal prosecution of the violation for Subsection (A) of this Section relating to driving a motor vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath or other body substance shall give rise to the following presumptions:

1. If there was at the time one-tenth percent (0.10%) or less by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

2. If there was at the time more than one-tenth percent (0.10%) by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;

3. Percent by weight of alcohol in blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood.

4. The foregoing provisions of subsection (B) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

(C) It shall be unlawful and punishable as provided in subsection (D) of this Section for any person who is a habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle within this City. The fact that any person charged with a violation of this



subsection is, or has been entitled to use such drugs under the laws of the State of Idaho shall not constitute a defense against any charge of violating this subsection.

(D) Every person who is convicted of a violation of this Section shall be punished by imprisonment in the County of Municipal jail for not less than thirty (30) days, nor more than six (6) months, or by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred (\$300.00), or by both such fine and imprisonment. (Ord. 42; 2-2-71)