

AN ORDINANCE AMENDING SECTION 18 OF ORDINANCE NO. 403 OF THE CITY OF MALAD CITY, STATE OF IDAHO, BY AMENDING, CHANGING, AND DEFINING WHAT CONSTITUTES TRESPASS WITHIN THE CITY LIMITS OF MALAD CITY UPON COMMERCIAL RESIDENTIAL AND PUBLIC PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

SECTION I.

Section 18. of Ordinance No. 403 of the City of Malad is hereby repealed and deleted in its entirety and amended and substituted to read as follows:

Section 18. Trespass - Acts Constituting. Every person who wilfully commits any trespass, by either:

1. Maliciously injuring or severing from the freehold of another, anything attached thereto, or the produce thereof; or
2. Digging, taking, or carrying away from any lot situated within the limits of this city, without the license of the owner or legal occupancy thereof, any earth, soil, stone; or
3. Digging, taking, or carrying away from any land within the corporate limits of Malad City, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone; or
4. Wilfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar or fence of another and wilfully leaving it open, or using the corral or corrals of another without the permission of the owner; or
5. Wilfully covering up or encumbering in any manner, the land or city lot of another, without written permission from the owner or custodian thereof; or
6. Every person, except under landlord-tenant relationship, who, being first notified in writing, or verbally by the owner or authorized agent of the owner

of real property, to immediately depart from the same and who refuses so to depart after being so notified; or

7. Entering upon commercial, residential or public property within the Malad City Limits without permission of the owner or owner's agent which said commercial, residential or public property is posted with a sufficient no-trespassing sign, no loitering sign or other like signage imparting notice to such person that they are not to trespass or loiter after designated business or visiting hours to be set forth on such signage. Said no trespassing or no loitering after business or visiting hours signs shall be placed at conspicuous locations either upon the building, in the windows of the building or on posts at such locations on the premises which will impart notice to such person: [;]

Is guilty of a misdemeanor.

SECTION II.

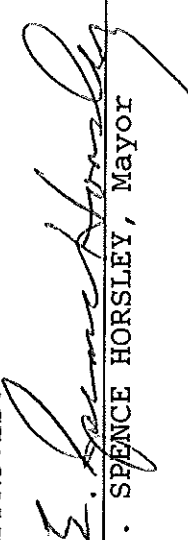
Except as expressly amended and changed above, the balance of Ordinance No. 403 is hereby ratified and confirmed without further change.

SECTION III.

The Ordinance shall be in full force and effect after passage, and approved by the City Council and Mayor of Malad City, Idaho, and publication as provided by law.

PASSED by the City Council of Malad City, Idaho this 10 day of April, 1996.

APPROVED:


E. SPENCE HORSLEY, Mayor

ATTEST:


SUSAN J. WITTMAN, City Clerk