

Ordinance No. 2821  
3120  
Sec. 57 Reg. 3462

**ORDINANCE NO. 2821**

**AN ORDINANCE DEFINING OFFENSES; PROVIDING A PENALTY; AND REPEALING ORDINANCES NO. 1496 AND 1896.**

**Section 1: DEFINITIONS**

(1) As used in this Ordinance except where the context indicates otherwise:

- |                 |  |
|-----------------|--|
| a) City         | The City of Albany   |
| b) Council      | The City Council of the City of Albany   |
| c) Minor        | Any person under the age of twenty-one (21) years  |
| d) Person       | Every natural person, firm partnership, association or corporation   |
| e) Public Place | Any building, place or accomodation open and available to the general public, including all municipal buildings. |

(2) As used in the Ordinance, the singular includes the plural and the masculine includes the feminine.

**Section 2: ASSAULT AND BATTERY**

No person shall with or without a weapon attack, assault or commit a battery upon any other person.

**Section 3: DISORDERLY CONDUCT**

(1) No person shall disturb the peace by:

- a) Being intoxicated in a public place.
- b) Participating or abetting in any rude, indecent, riotous, drunken or violent conduct.
- c) Using any vulgar, obscene or abusive language in any public place.
- d) Committing any obscene, indecent or immoral act in any public place.
- e) Inciting any other person to commit any breach of the peace.

(2) No person shall knowingly permit any disorderly conduct on any premises owned or controlled by him.

**Section 4: DISTURBANCE OF LAWFUL ASSEMBLIES**

No person shall knowingly interrupt, disturb or annoy any lawful assemblage, either public or private, by any offensive acts committed within such assembly or so near the same as to disturb the order of the meeting.

**Section 5: AFTER HOURS**

It shall be unlawful for any person to roam or wander about the streets at late or unusual hours of the night without having any lawful business or occasion to be upon such streets at said time.

**Section 6: DRUNKENNESS**

It shall be unlawful for any person to be found in an intoxicated or drunken condition on any street or in any public place.

**Section 7: DRINKING IN PUBLIC PLACES**

It shall be unlawful for any person to drink any intoxicating liquor upon any street or in any public place; provided, however, that nothing in this section contained shall be deemed to apply to the drinking of any intoxicating liquor in any establishment wherein the same may be sold for premise consumption under the laws of the State of Oregon.

**Section 8: DRUNKS**

**Selling or Pledging Property.** It shall be unlawful for any pawnbroker, junk dealer, chattel-loan broker, or any other person to purchase property from any person who is in an intoxicated condition or under the influence of any narcotic drug, or to advance or to loan money to such person, or to have any dealings with any such person respecting the title to real or personal property.

**Section 9: TRAIN SIGNALS**

It shall be unlawful for any person or persons running, conducting or managing the locomotive train, electric cars, or electric trains within the corporate limits of the City of Albany, to cross any street intersection in the City between the hours of 5:00 a.m. or 11:00 p.m. without first sounding a bell, gong, or other signal while approaching any such street intersection.

Section 10: FLYING SWITCHES

It shall be unlawful for any firm or corporation having charge of the moving of any railroad cars within the corporate limits of the City of Albany to make any flying switches or to move any such cars by the process commonly known as kicking without first having stationed a competent person at each street intersection where such cars may cross to warn traffic on such street of the approaching of such cars.

Section 11: CONCEALED WEAPONS

No person other than an authorized peace officer or person licensed pursuant to ORS 166.290 shall carry concealed on or about his person in any manner any revolver, pistol, or other firearm, or any knife, other than an ordinary pocket knife, or any dirk, dagger, stiletto, metal knuckles or any other weapon by the use of which injury could be inflicted upon person or property.

Section 12: SWITCH-BLADE KNIVES PROHIBITED

It shall be unlawful for any person to manufacture, cause to be manufactured, sell, keep for sale, offer, give, loan, carry or possess any instrument or weapon having a blade which projects or swings into position by force of a spring or other device, including, but not limited to what is commonly known as a switch-blade knife.

Section 13: DISCHARGE OF WEAPONS

(1) No person other than an authorized peace officer shall fire or discharge within the City any air gun or weapon which acts by force of gunpowder or other explosive, or by the use of jet or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon by:

- a) Any person in the defense or protection of his property, person or family.
- b) At any place duly designated or commonly used for target practice.

Section 14: ESCAPE OF PRISONERS FROM CUSTODY

(1) No person shall aid or attempt to aid in the escape of a confined prisoner or make available or provide anything calculated to aid in such escape.

(2) No person shall knowingly aid an escaped prisoner by offering shelter, clothing, food or any other thing or service which would aid or abet the escape of such prisoner.

(3) No person shall, while a prisoner in the City Jail, or in any other place where City prisoners are kept or confined, escape or attempt to escape from such custody or confinement.

Section 15: INTERFERENCE WITH POLICE

(1) No person shall hinder, delay, obstruct or resist any Police Officer or person duly empowered with police authority who is acting in the discharge of his duty.

(2) No person shall offer or endeavor to assist any person in the custody of a Police Officer or a person duly empowered with police authority to escape or attempt to escape from such custody.

(3) No person shall impersonate, falsely assume or pretend to be a law enforcement officer.

(4) No person shall use or permit the use of property for planning or promoting criminal activities or violation of City Ordinances.

(5) No person shall operate any generator or electromagnetic wave or cause a disturbance of such magnitude as to interfere with the proper functioning of any Police Radio Communication system of the City.

(6) No person shall knowingly make or file with the Police Department of the City any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime.

Section 16: FIRE CONTROL

(1) No person shall intentionally give any false alarm of fire or aid or abet in the commission of such an act.

(2) No person at a fire shall conduct himself in a disorderly manner or refuse

ORDINANCE NO. 2823, cont'd.

to obey promptly any order of any member of the Fire Department or to resist, obstruct or hinder any member of the Fire Department. For the purposes of this section all members of the Fire Department are endowed with the same powers of arrest as are conferred upon peace officers for violations of the City Ordinances.

(3) It shall be unlawful for any person or persons to tamper with any fire-alarm boxes or with the wire of fastenings or any of the apparatus connected with the fire-alarm system or with the fire engines, heaters, leaders, water supply, or anything connected with or pertaining to the City fire apparatus or wantonly to injure or impair the same of the City of Albany, or for any person to turn in any false fire alarm.

(4) It shall be unlawful for any person to lead, ride, or drive any horse or other animal or to operate any vehicle over or upon any fire hose or to disturb or injure in any manner any hose, engine, appliance or apparatus belonging to or used by the Fire Department.

Section 17: NARCOTICS AND BARBITURATES

No person shall, without proper authority, sell, use or possess for any purpose whatsoever any narcotic drug or barbiturate.

Section 18: OBSTRUCTING PASSAGEWAYS

(1) No person shall, except as otherwise permitted by Ordinance, obstruct, cause to be obstructed or assist in obstructing pedestrian or vehicular traffic on any sidewalk or street.

(2) The provisions of this section shall not apply to the delivery of merchandise or equipment, provided that no person shall permit such merchandise or equipment to remain on any street or sidewalk beyond a reasonable time.

(3) No person shall, from sunset to sunrise, permit any merchandise, equipment or other obstruction to remain on any street or sidewalk unless a warning light or lights are placed by such obstruction in such a position as to be clearly visible for a distance of at least 200 feet both ways. Provided however, that such obstructions will be allowed only upon express authorization obtained from the Chief of Police, when such obstruction will not unduly hinder or impede traffic.

(4) No person shall use any street or sidewalk or any portion thereof for the selling, storing or display of merchandise or equipment except as may otherwise be provided by Ordinance.

(5) No person shall deposit any earth or other debris upon any street or sidewalk.

Section 19: ANIMALS

(1) No person shall torture, abandon, mutilate or needlessly kill any animal or bird; nor shall any person transport or permit to be transported any animal in a cruel and inhumane manner.

(2) No person shall fail to provide any animal in his custody with food, drink and protection from the elements.

(3) No person shall place or distribute any poison or other substance with the intent of poisoning any animal, except those animals commonly recognized as pests or rodents.

(4) No person shall keep any dangerous animal, wild or domesticated, within the City.

Section 20: BURGLARS' TOOLS

No person shall possess any burglars' tools, or implements of any kind commonly used by burglars in breaking or entering, unless it is shown that such possession is innocent or for a lawful purpose.

Section 21: BUYING, RECEIVING OR CONCEALING STOLEN PROPERTY

No person shall buy, receive or conceal or attempt to buy property that is known or should be known to such person to have been stolen.

Section 22: DISORDERLY HOUSES

(1) No person shall establish, maintain or aid in the establishment or maintenance of a disorderly house as that term is defined in subsection (2) of this section.

ORDINANCE NO. 2623, cont'd.

(2) Disorderly house shall mean any house or place kept or maintained for the purpose of prostitution, fornication, lewdness, gambling or other immoral purposes, including any place, room or building used for the consumption, sale or disposition of narcotic drugs contrary to law.

(3) No person shall knowingly visit or frequent any disorderly house.

(4) No person shall knowingly lease any building under his control for the purpose of permitting the establishment of a disorderly house. Any person whose property has been leased and is used as a disorderly house shall, upon learning of its use, immediately take appropriate action to oust the occupants thereof.

(5) No person shall solicit or entice another person to visit or enter a disorderly house.

Section 23: GAMBLING

(1) No person shall participate in, operate or assist in operating any gambling game or activity, including a lottery.

(2) The term gambling shall mean the use or possession of any game, machine or device, whether played for money, check, credit or other representative of value in which the element of chance is controlling, and all machines and contests in which a charge is made to participate and in which the winner is selected primarily on the basis of chance.

(3) No person shall have in his possession any property, instrument or device designed or adapted for use in any type of gambling activity. Any such property, instrument or device is a nuisance and may be summarily seized by any Police Officer. Property so seized shall be placed in the custody of the Chief of Police. Upon conviction of the person owning or controlling such property for a violation of this section, the Municipal Judge shall order such property confiscated and destroyed.

Section 24: IMMORAL PRACTICES

(1) No person shall willfully and indecently expose his person in any public place or any place in which other persons might be offended thereby, or make any exhibition of himself to public view in such a manner as to be offensive or designed to excite vicious or lewd thoughts.

(2) No person shall:

- a) Import, print, publish, sell, lend, give, distribute or show or have in his possession any lewd, obscene, or indecent book, magazine, pamphlet, newspaper, picture, drawing, photograph or other instrument or article of an obscene or indecent character.
- b) Draw, write or otherwise deface the interior or exterior walls, doors, or windows of any building used by the public with any obscene or immoral writing, printed matter, paper, picture, drawing or photograph.
- c) Permit any obscene or lewd or immoral writing, printed matter, paper, picture or photograph to remain on any interior or exterior wall of any building used by the public which is under his control or supervision.

(3) No man and woman not married to each other shall cohabit together in a lewd or lascivious manner.

(4) No person shall permit or take part in or witness any show, play, exhibition, entertainment or motion picture which is of an indecent, lewd, or immoral character.

(5) No person shall bathe or swim in any lake, river, stream, pond, slough or creek or in any public natatorium or swimming pool where such facilities are simultaneously used by both sexes, without wearing suitable bathing attire. "Suitable Bathing Attire" shall mean that attire which is generally used, recognized and accepted by the public and which is not offensive to public morals and which does not expose the bather or swimmer indecently.

(6) No male person shall make improper advances or indecent remarks or impudently seek to attract the attention of any female person upon the streets or in public places.

ORDINANCE NO. 2823, cont'd.

(7) No female person shall frequent, loiter or be employed in any tavern, cabaret or night club for the purpose of soliciting a male person to purchase drinks. No proprietor of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this subsection. Provided however, that this section shall not apply to female persons regularly employed as barmaids and waitresses.

(8) Except for the lawful occupant of property, no person shall look into or be found loitering around or within view of, any window or door with the intent of looking through such window or door.

Section 25: PROSTITUTION

(1) No woman shall, with or without remuneration, engage in the practice of prostitution.

(2) No woman shall in any manner solicit any person for the purpose of prostitution.

(3) No person shall knowingly transport or offer to transport any other person to any place or building for the purpose of prostitution.

(4) No person shall bring together, offer to bring together or aid in bringing together in any manner two or more persons for the purpose of prostitution.

(5) No person shall solicit, request, entice or attempt to entice any female person to become a prostitute or to enter a place of prostitution.

(6) In all prosecutions under this section common fame or reputation shall be competent evidence.

Section 26: INKEEPERS, DEFRAUDING OF

(1) No person shall, with intent to defraud, obtain food, lodging, or other accommodations at any hotel, apartment house, boarding house, tourist camp, trailer camp or restaurant.

(2) No person shall, after having obtained food, lodging or other accommodation at any hotel, apartment house, boarding house, tourist camp, trailer camp or restaurant surreptitiously remove his baggage and clothing from such hotel, apartment house, boarding house, tourist camp, trailer camp or restaurant without first paying or tendering payment for such food, lodging or other accommodation.

Section 27: LODGING ACCOMODATIONS

(1) No person shall write or cause to be written, or knowingly permit to be written, in any register in any hotel, lodging house, rooming house or other place where transients are accommodated in the City, any other or different name or designation than the true name or designation of the person so registered, or the name or designation by which such person is generally known.

(2) No proprietor, manager or other person in charge of a hotel, lodging house, rooming house or other place where transients are accommodated shall:

- a) Rent or assign rooms for joint and private occupancy by persons of the opposite sex unless such persons shall be registered as husband and wife, or as parent and minor child.
- b) Rent or assign rooms for joint and private occupancy by persons of the opposite sex if, notwithstanding the lawful appearance of the registration, he has reasonable cause to believe such transients are not husband and wife or parent and minor child.

Section 28: OCCULT ARTS

(1) No person shall for hire or profit engage in any practice of occult arts, either public or private, as that term is described and defined in subsection (2) of this section.

(2) The term "occult art" means the use or practice of fortune-telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism or any other practice or practices generally recognized to be unsound and unscientific whereby an attempt or pretense is made:

- a) To reveal or analyze past incidents or events.
- b) To analyze or define the character or personality of a person.

ORDINANCE NO. 2023, cont'd.

- c) To foretell or reveal the future.
- d) To locate by such means, lost or stolen property.
- e) To give advice or information concerning any matter or event.

(3) Nothing contained in this section shall be construed to prohibit or prevent:

- a) Any duly organized and recognized religious organization which promulgates religious teachings or beliefs involving spiritualism or similar media from holding their regular meetings or services.
- b) Any school, church, fraternal, charitable or other benevolent organization from utilizing occult arts for any bazaar or money raising project, provided that all money so received is devoted wholly and exclusively to the organization sponsoring such affair. In such case the money so received shall be considered as a donation for benevolent and charitable purposes.

Section 29: VAGRANCY

(1) No person shall be a vagrant as that term is defined in subsection (2) of this section.

(2) "Vagrant" shall mean:

- a) Every person without visible means of living, who has the physical ability to work, and who does not for the space of 10 days seek employment, nor labor when employment is offered to him.
- b) Every beggar.
- c) Every idle or dissolute person, or associate of known thieves, who wanders about the streets or highways at late or unusual hours of the night, or who lodges in any place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof.
- d) Every lewd or dissolute person who lives in or about disorderly houses.
- e) Every prostitute.
- f) Every person who conducts himself in a disorderly manner as defined in Section 3 of this Ordinance.
- g) Every person upon whom or in whose possession shall be found any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or Ordinance violation, and who shall fail to account satisfactorily for the possession of the same.
- h) Every person who keeps or maintains a place or establishment where lost or stolen property is concealed.
- i) Every person who by the common law is classified as a vagrant whether included in the foregoing classification or not.

Section 30: DESTRUCTION OF OFFICIAL NOTICES AND SIGNS

No person shall willfully deface or tear down any official notice or bulletin or any official sign or signal posted or placed in conformity with the law.

Section 31: INJURY TO OR REMOVAL OF PROPERTY

(1) No person shall willfully or negligently cut, remove deface or in any manner injure or damage real or personal property of the City within or without the corporate limits.

(2) No person shall willfully or negligently cut, destroy, remove or injure any plant, flower, shrub, tree or bush growing upon any property owned or controlled by the City within or without the corporate limits.

ORDINANCE NO. 2823, cont'd.

(3) No person shall deface, injure, tamper with or willfully break or destroy any property, real or personal, belonging to or under the control of another.

Section 32: SIDEWALKS

(1) No person or group of persons shall so gather or stand upon any sidewalk in such manner as to prevent, impede or obstruct the free passage of pedestrian traffic.

(2) No person or persons shall fail or refuse to disperse when lawfully ordered to do so by any Police Officer.

(3) No person shall permit any cellar door or grate located in or upon a sidewalk to remain open except when such entrance is being used, and when being used, such entrance shall be opened only with proper safeguards to protect pedestrians using such sidewalk.

Section 33: TAKING, RETENTION OR MUTILATION OF PUBLIC RECORDS

(1) No person shall without proper authority take or remove any Public Record, Document, Book, Paper or Personal Property of any kind owned by the City.

(2) No person without proper authority shall mutilate or destroy any Public Record, Document, Book, or Paper on file or kept on record in any Public Office of the City.

(3) No person shall retain any Public Record, Document, Book or Paper after lawful demand has been made for the return thereof.

Section 34: PETTY LARCENY

It shall be unlawful for any person to steal the property of another of the value of \$75.00 or less and for the purpose of this section "property" shall mean:

- a) Any goods or chattels
- b) Any government note, bank note, promissory note, bill of exchange, bond or other thing in action.
- c) Any book of accounts or order or certificate concerning money due or to become due or goods to be delivered.
- d) Any deed or writing containing a conveyance of land or any interest therein.
- e) Any bill of sale or writing containing a conveyance of goods or chattels, or any interest therein.
- f) Any valuable contract in force.
- g) Any receipt, release, or defeasance.
- h) Any writ, process, or public record.
- i) Any railroad, railway, steamboat or steamship passenger ticket or other evidence of the right of a passenger to transportation.

Section 35: EXPECTORATION

No person shall expectorate upon any sidewalk or street or on or in any public building or public place except in receptacles provided for that purpose.

Section 36: STENCH BOMBS

No unauthorized person shall throw, drop, pour, deposit or discharge upon the person or property of another any liquid, gaseous or solid substance which is injurious to person or property, or which is nauseous, sickening, irritating or offensive to any of the senses with intent to wrongfully injure, molest or coerce another in the use, management or control of his person or property. No person shall attempt or aid in the attempt or commission of any such prohibited act.

Section 37: INJURIOUS SUBSTANCES, DEPOSIT ON STREETS

It shall be unlawful for any person, firm, or corporation to permit to accumulate in or upon any yard, lot, place, or premises on any street, alley, or sidewalk adjacent to or abutting upon any lot, block, place, or premises owned or controlled by him or them, any stagnant or impure water, refuse, decayed or decaying substance, garbage, or filth of any kind or to suffer or permit such premises to be or remain in such condition as to cause or produce or create noisome or offensive smell.

Section 38: ANIMAL CARCASSES, REMOVAL

It shall be unlawful for any person to suffer or permit the carcass of any animal owned by him to remain upon the public streets or ways, and no person who is the owner or occupant of any property shall suffer or permit the carcass of any animal to remain thereon. It shall be the duty of such owner or occupant forthwith to cause such carcass to be buried or other disposition made of the same.

Section 39: OFFENSIVE SUBSTANCES, DEPOSIT OF

It shall be unlawful for any person to put any animal carcass or part thereof, or any excrement, or any putrid, nauseous, decaying, deleterious, or offensive substances in any stream, well, spring, brook, ditch, pond, or other inland waters within the corporate limits of the City of Albany, or to place any such substance in such position that high water or natural seepage will carry the same into any such waters.

Section 40: SURFACE WATERS; DRAINAGE

It shall be unlawful for the owner, lessee, or occupant of any building or structure to suffer or permit rain water, ice, or snow to fall from any such building or structure upon any street or sidewalk or to flow across any such sidewalk, and every such owner, lessee, or occupant shall at all times keep and maintain in a proper state of repair adequate drainpipes or a drainage system sufficient to carry to the street any overflow water accumulating on the roof or about such building.

Section 41: ICE AND SNOW, REMOVAL

It shall be the duty of the owner, lessee, occupant, or person having the control or custody of any premises or unimproved property to remove all snow or ice which has fallen or has accumulated upon the sidewalks abutting upon such premises or property within two hours after such snow or ice has ceased to fall thereon; provided, however, that if such snow is falling or such ice accumulating after the hour of 6:00 p.m., the same shall be removed within two hours after it shall cease to fall or within two hours after 7:00 a.m. on the next succeeding day, as the case may be.

Section 42: ATTRACTIVE NUISANCES

It shall be unlawful for any owner, lessee, occupant, or any person having control or custody or management of any premises to suffer or permit to remain unguarded upon such premises any machinery, equipment, or other device having the characteristics of an attractive nuisance or which is liable to attract children. It shall further be unlawful for any such owner, lessee, occupant, or person having control or custody or management of any such premises to suffer or permit to remain unguarded upon such premises any pit, quarry, cistern, well, or other excavation.

Section 43: NOISES, UNNECESSARY

It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the City of Albany. The following acts are declared to be violations of this section, but such enumerations shall not be deemed to be exclusive:

- a) The keeping of any animal which by frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity.
- b) The use of any automobile, motorcycle, streetcar, or other vehicle, any engine, stationary or moving instrument, device, or thing so out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, or other noises.
- c) The sounding of any horn or signal device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the City, except as a necessary warning of danger to property or person.
- d) The use of any mechanical device operated by compressed air, steam, or otherwise, unless the noise created thereby is effectively muffled.
- e) The erection, including excavation, demolition, alteration, or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m. except upon special permit granted by the Common Council.
- f) The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle.
- g) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.
- h) The use of a "muffler cutout" on any motor vehicle upon any street.
- i) The use or operation of any automatic or electric piano, phonograph, radio, loud speaker, or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders the same a public nuisance;



ORDINANCE NO. 2823, cont'd.

provided, however, that upon application to the Common Council permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment.

- j) The conducting, operating, or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house, or hotel in such a manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m..

The foregoing acts are declared nuisances and any person violating any of the provisions of this section shall be deemed guilty of an offense.

Section 44: CAUSING TO BECOME DELINQUENT OR DEPENDENT

(1) The definitions of "delinquent child" and "dependent child" as set forth in ORS 419.502 and 419.102 respectively are hereby adopted by reference and made a part of this Ordinance.

(2) No person shall encourage, cause or contribute to the delinquency of any child, or shall command or by threat or persuasion induce any child to perform any act or follow any course of conduct which would cause such child to become or tend to become a delinquent child.

(3) No person shall by any willful act or by failure to perform any duty cause or tend to cause any child to become a dependent child.

Section 45: MINORS, EMPLOYMENT IN CERTAIN PLACES

It shall be unlawful for any person to employ a minor in or about any cardroom, poolroom, billiard room, shooting gallery, or dance hall.

Section 46: MINORS, EMPLOYMENT IN LIQUOR ESTABLISHMENT

It shall be unlawful for any person operating any establishment licensed under the laws of the State of Oregon to vend or distribute intoxicating liquor, to engage or permit any minor to handle, distribute, or sell any intoxicating liquor.

Section 47: MINORS, DELIVERY OF MEDICINE SAMPLES TO

It shall be unlawful for any person to distribute or give away samples of any medicine or drug unless the same be manually delivered to an adult person or mailed to an adult person through the United States mails.

Section 48: MINORS, PURCHASE OF PROPERTY FROM

It shall be unlawful for any person to purchase any property or article of value from any minor or to have any dealings respecting the title of any property in the possession of any minor without the written consent of the parent or guardian of such minor.

Section 49: MINORS, SALE OF LIQUOR TO

It shall be unlawful for any person to sell, barter, trade, or give away to any minor any intoxicating liquor.

Section 50: MINORS, VISITING POOL HALLS

It shall be unlawful for any minor to enter, visit, or loiter in or about any poolroom, billiard room, or cardroom unless said minor shall be delivering merchandise at the request of the operator of the premises. It shall be unlawful for any person operating or assisting in the operation of any pool hall, billiard hall, or cardroom to permit any minor to enter, visit, or loiter about any such premises.

Section 51: PERSONS UNDER 18 YEARS, TOBACCO SALES TO

It shall be unlawful for any person, directly or indirectly, or by any pretense or device, to sell, offer for sale, or keep for sale, or to exchange, barter, dispose of, or give away to any person under the age of eighteen (18) years any cigarettes, cigarette papers, cigars, smoking tobacco, or tobacco in any other form.

Section 52: MINORS, TOBACCO CONSUMPTION

It shall be unlawful for any person under the age of eighteen (18) years to use or consume any form of tobacco.

Section 53: LIQUOR, DELIVERY TO PRISONERS

It shall be unlawful for any person to deliver, by any method whatsoever, any intoxicating liquor or narcotic drug to any person confined in the City Jail or to

ORDINANCE NO. 2023, cont'd.

attempt to convey or deliver to any such person any article without the permission and consent of the officer in charge.

Section 54: PRISONERS, WORKING

In all cases of conviction for any of the offenses mentioned in this Ordinance, where the penalty fixed by the Court is confinement in the City Jail for any term, the Court additionally may order that such convicted person, during the term of his imprisonment, labor upon the streets or public works of the City under the direction of the proper authorities.

Section 55: OFFENSES, ATTEMPT TO COMMIT

Any person who shall attempt to commit any of the offenses mentioned in this Ordinance, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

Section 55(a): ABANDONMENT OF ICE BOXES

It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, snaplock or other locking device which may not be released from the inside, without first removing said door or lid, snaplock or other locking device from said ice box, refrigerator or container.

Section 56: FINES, PAYMENT ENFORCED

If any person shall neglect or refuse to pay any fine imposed upon conviction of a violation of this Ordinance he shall be confined to the City Jail one day for each Two Dollars (\$2.00) of such fine.

Section 57: PENALTIES

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by imprisonment in the City Jail for a period not to exceed One Hundred and Eighty (180) days, or by a fine not to exceed Five Hundred Dollars (\$500.00) or both.

Section 58: SEPARATE VIOLATIONS

Each violation of a provision of this Ordinance shall constitute a separate offense.

Section 59: SEVERABILITY

The sections and subsections of this Ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 60: REPEAL

The following Ordinances and parts of Ordinances are hereby repealed:

Ordinance No. 1496 and Ordinance No. 1896.

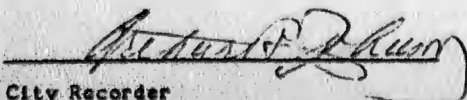
Passed by the Council: November 26, 1958

Approved by the Mayor: November 26, 1958

  
Mayor

Effective Date: December 25, 1958

ATTEST:

  
City Recorder