

ORDINANCE NO. 13

AN ORDINANCE DEFINING AND PUNISHING OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS, AND GENERAL WELFARE AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

Section 1. DEFINITIONS.

(a) SHORT TITLE. This ordinance shall be known as the police ordinance and may be so cited and pleaded.

(b) OFFENSES. The doing of any act or thing prohibited or the failing to do any act or thing commanded to be done in this ordinance within the corporate limits of the City of Brookings and within such other areas as may be specified in this ordinance is hereby declared to be an offense against the public peace, safety, health, morals, and general welfare of the people of the City of Brookings.

(c) DANGEROUS OR DEADLY WEAPON. The term "dangerous or deadly weapon" shall mean any firearm, dirk, dagger, knife, brass knuckles, sap, sling shot, or any similar instrument capable of injuring persons or property.

(d) PEACE OFFICER. The term "peace officer" shall mean any sheriff of a county or constable of a precinct, marshal, or an officer of the Bureau of Police.

(e) PERSON. The term "person" shall mean and include any natural person, firm, co-partnership, association, or corporation, whether he or it is acting for himself or itself or as the clerk, servant, employee, or agent of another, and the singular number shall include the plural, and the plural the singular.

PENALTIES

Section 2. PENALTY. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for not exceeding six (6) months, or by both such fine and imprisonment.

Section 3. WORKING MALE PRISONERS. Any male person sentenced to imprisonment for a violation of any ordinance of the City of Brookings, or imprisoned for the nonpayment of any fine imposed for the violation of any such ordinance, shall be subject and liable to work upon the public squares, parks, streets, or other property of the City, or of which the City has charge or control. All prisoners while so laboring and while detained at such place of labor, and at all times, shall be in the custody and under the supervision and control of the Chief of Police.

Section 4. WORKING FEMALE PRISONERS. Any female prisoner sentenced to imprisonment for a violation of any ordinance of the City of Brookings, or committed to prison for the nonpayment of any fine

imposed for the violation of any such ordinance, shall be subject and liable to work and labor upon any kind of work which the City may have and which is suitable employment for women.

Section 5. Any person sentenced to pay a fine for the violation of any provision of this ordinance who shall either be unable to, or shall fail or refuse to pay such fine in full, shall be imprisoned in the City jail one day for every Two Dollars (\$2.00) of such fine not paid.

Section 6. CREDITS FOR GOOD BEHAVIOR. All persons in the custody of the Chief of Police for the purpose of serving jail sentences imposed by the Municipal Court or who are in his custody for nonpayment of fines imposed by such court for violation of city ordinances and also all persons in custody of the Chief of Police by virtue of a judgment of the Circuit Court of the State of Oregon for Curry County in cases appealed from the Municipal Court to said Circuit Court shall be entitled to credits for good behavior and for special work performed under the direction of the Chief of Police and for the City, as follows:

Prisoners confined in jail and who are assigned no special duties or who refuse to do special work upon request shall be entitled to credits for good behavior as follows:

- (a) Where the judgment imposes a jail sentence: one day for each ten days of such sentence shall be credited to the prisoner.
- (b) Where the judgment imposes a fine: \$2.00 for each \$20.00 of such sentence shall be credited to the prisoner.

The aforesaid credits shall be allowed as a matter of course except in cases where in the judgment of the Chief of Police the prisoner's conduct has been such as not to entitle him to said credits, and in such case a notation shall be made on the defendant's record to that effect.

Prisoners who perform special work for the City shall be entitled to credits as follows:

- (a) Where the judgment imposes a jail sentence: the prisoner shall be allowed a credit for one day for each day's work so performed.
- (b) Where the judgment imposes a fine: the prisoner shall be allowed a credit of \$2.00 for each day's work performed in addition to the \$2.00 allowed by law.

In the event a prisoner escapes or attempts to escape from custody or violates any law while in custody no credits whatsoever shall be allowed such prisoner.

All prisoners assigned to special work shall be confined in the City jail except during the time actually engaged in such work.

No other credits than those set forth herein shall be allowed prisoners.

Prisoners serving sentences for violations of this ordinance or any other ordinance and confined in the county jail of Curry County, Oregon, shall be entitled to the credits for good behavior provided by the general statutes of Oregon applicable to state or county prisoners.

Any person violating any of the rules or regulations of the City jail shall not be entitled to any credits. The Chief of Police shall, however, have power to restore credits for such reasons as may to him seem proper. It shall be the duty of the Chief of Police to report to the Mayor of the City of Brookings at the end of each month the number of prisoners confined in the City jail, together with a statement of the allowance of credits as provided for in this ordinance. The Chief of Police shall have authority to release any person confined to the City jail upon the expiration of his term of sentence as provided herein.

Section 7. SAVING CLAUSE. If any clause, sentence, paragraph, section, article or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this ordinance directly involved in the controversy in which judgment is rendered.

#### ORDER AND PEACE

Section 8. DISORDERLY CONDUCT. It shall be unlawful for any person to commit any violent, riotous or disorderly act, or to use any profane, abusive or obscene language in any street, house, or place whereby the peace or quiet of the City is or may be disturbed, or to commit any indecent or immoral act or practice.

Section 9. ASSAULT AND BATTERY. It shall be unlawful for any person to assault, or assault and beat another.

Section 10. EXAMINATION OF PREMISES OF PAWNBROKER, JUNK SHOP OR SECONDHAND DEALER. The Chief of Police may in writing empower any member of the Bureau of Police, whenever such member is in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker, or his business premises, or the business of any junk shop, keeper or dealer in secondhand merchandise or intelligence office keeper, and such member of the force thereunto authorized in writing as aforesaid shall be allowed to examine any property purporting to be pawned, pledged or deposited in the possession of whomever such property may be; but no such property shall be taken from the possessor thereof without due process or authority of law.

Section 11. DRAWING DANGEROUS WEAPONS. It shall be unlawful for any person except a peace officer to draw any dangerous or deadly weapon upon the person of another.

Section 12. UNAUTHORIZED DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS PROHIBITED. The term "firearms" as used in this section shall mean any pistol, revolver, gun, rifle, cannon, artillery piece or other ordnance which acts by the force of gunpowder or other explosive, including any instrument or device designed to propel any missile by the use of jet or rocket propulsion.

It shall be unlawful for any unauthorized person to fire or discharge any firearm within the limits of the City of Brookings. The prohibition contained herein shall not apply to any federal, state, county or local police officer, or federal, state, county or local governmental employee having authority to or required by his employment or office to carry or use firearms; to any person having a valid permit issued by competent authority to carry or use firearms, or to any person lawfully defending his life or property or the life or property of another from any person engaged in the commission of a felony or attempting the commission of a felony.

Section 13. AIR GUNS PROHIBITED. The term "air gun" as used in this section shall mean any small gun or rifle capable of discharging a leaden or metallic bullet, or any pellet capable of injuring persons or property, by means of a spring or air pressure.

- (a) It shall be unlawful for any minor in the City of Brookings to have in his possession, carry or discharge any air gun.
- (b) It shall be unlawful for any minor or adult person to discharge any air gun within the limits of the City of Brookings.
- ~~(c) It shall be unlawful for any person to give, sell or otherwise dispose of, any air gun to any minor.~~
- (d) It shall be unlawful for any parent or guardian of any minor to permit such minor to carry or discharge any air gun in the City of Brookings.

Section 14. CARRYING CONCEALED WEAPONS PROHIBITED. It shall be unlawful for any person, not authorized by law, to carry any dangerous or deadly weapon in a concealed manner.

Section 15. WEAPONS.

- (a) SEIZURE OF WEAPONS. It shall be the duty of every police officer to seize and take possession of any dangerous or deadly weapon being carried or used in an unlawful manner or for an unlawful purpose by any person. The police officer taking possession of any such dangerous or deadly weapon shall immediately turn the same over to the Chief of Police who shall hold it subject to disposal as hereinafter provided.
- (b) DISPOSITION OF SEIZED WEAPONS. If any person from whom any dangerous or deadly weapon is taken, as provided in (a), shall within ninety days make satisfactory showing

to the Judge of the Municipal Court that said dangerous or deadly weapon was being lawfully carried or used, said Judge shall issue an order to the Chief of Police to restore such dangerous or deadly weapon to said person, and thereupon it shall be the duty of the Chief of Police to comply with said order. If the person from whom any such dangerous or deadly weapon is taken as provided herein shall fail to make such satisfactory showing to the Judge of the Municipal Court within the time provided above, then such dangerous or deadly weapon shall be and the same hereby is declared to be confiscated, and all such confiscated weapons shall be kept and disposed of by the Chief of Police in any manner as he may hereafter be directed by the Council.

Section 16. BURGLAR'S TOOLS, POSSESSION OF A MISDEMEANOR. It shall be unlawful for any person to possess or to have possessed burglar's tools, or implements of any kind commonly used by burglars in breaking or entering houses, who does not have or fails to disclose lawful purpose for possession of said tools.

Section 17. TRESPASS. It shall be unlawful for any person to trespass upon or damage any real or personal property of another.

Section 18. CLIMBING ON AUTOS. It shall be unlawful for any person except a peace officer, without the consent of the owner or person lawfully in charge of any motor vehicle, to climb upon or into such motor vehicle, whether same be at rest or in motion; or while such motor vehicle is at rest or unattended, attempt to manipulate any of the levers, the starting crank or other device, brakes, or mechanism, or to set said vehicle in motion, or to remove therefrom any article or thing whatsoever.

Section 19. VAGRANCY. It shall be unlawful for any person to be or become a vagrant. The following persons are declared to be vagrants:

- (a) Any idle or dissolute person without visible lawful means of living, or a lawful occupation, who has an ability to work but who does not seek employment, or refuses to labor when employment is offered.
- (b) Any person who, being in or upon any public way or place within the corporate limits of the City of Brookings, shall in any manner, or by any means, method, or device whatsoever, beg, or solicit, or accept, alms or charity; or any vendor of merchandise, or entertainment, or personal services who, without a valid license or permit so to do, shall sell, or solicit, or offer or expose for sale or exchange, or as a gift, any article, or entertainment, or service, or anything whatsoever, as an inducement to the giving of alms or charity; or any person who with intent to defraud, shall make, or draw, or utter, or deliver any check, draft or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in or credited with such bank or other depository, for the payment of such check, draft or order in full upon its presentation.

- (c) Any person who habitually roams about from place to place without any lawful business.
- (d) Any person having no lawful occupation who habitually loiters around any moorage, bus depot, banking institution, place of amusement, public card room, public billiard room, beer tavern, soft drink establishment, street corner, or crowded thoroughfare.
- (e) Any person who wanders about the streets at late or unusual hours of the night, without any visible of lawful business.
- (f) Any person who, without permission of the owner or of the person in the lawful possession, lodges in any barn, shed, shop, outhouse, vessel, or other place which is not designed or intended for lodging purposes.
- (g) Any person commonly known as a panderer or pimp.
- (h) Any person who frequents or who stays in or about a house of ill fame.
- (i) Any person who is a habitual user of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, cannabis indica (marihuana), cannabis sativa (marihuana), sometimes known as "Indian Hemp", or chloral hydrate, or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound contained in or containing any of the foregoing substances or their salts, derivatives or compounds.

Section 20. MINORS SELLING OR SERVING SPIRITUOUS, VINOUS OR MALT LIQUORS. It shall be unlawful for any person to permit or employ any person under 21 years of age to sell or to serve spirituous, vinous or malt liquors in any place where such liquors are to be drunk on the premises, and it shall be unlawful for any person under 21 years of age to sell or serve spirituous, vinous or malt liquors in any place where such liquors are to be drunk on the premises.

Section 21. SERVING WINE OR BEER TO PERSONS SEATED IN AUTOMOBILES. It shall be unlawful for any person lawfully possessed of a retail beer license to serve wine or beer for immediate consumption to a person or persons seated in automobiles.

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Section 22. Intoxication in Public Places. It shall be unlawful for any person to drink alcoholic liquor containing more than 4 per cent of alcohol by weight in any public auditorium or stadium, public park, public baseball stadium, grandstand or bleachers, or upon any public street or highway. It shall be unlawful for any person to be intoxicated upon any street or in any public place within the City.

Section 23. RESISTING PEACE OFFICER. It shall be unlawful for any person to resist any peace officer, or refuse to assist him in the discharge of his duties, or to aid or assist any person to escape from the custody of such officer whether such escape be effected or not.

Section 24. RIGHT OF CITY OFFICERS AND EMPLOYES TO ENTER BUILDINGS. Any duly authorized officer or employe of the City of Brookings may enter any building during business hours for the purpose of inspection or of enforcing any ordinance, when such inspection or enforcement is in the line of his duty, and it shall be unlawful for any person to refuse admission to any such officer or employe or to obstruct him in the performance of his duty.

Section 25. FALSE ASSUMING TO BE AN OFFICER. It shall be unlawful for any person to assume to be, or to act as, a peace officer, or to wear the star of any such officer, or the adopted uniform of the police officers of the City of Brookings, or any star or uniform similar thereto, unless such person is duly authorized.

Section 26. FALSE FIRE ALARM FORBIDDEN. It shall be unlawful for any person to give or cause to be given an alarm of fire without having reasonable grounds for giving such alarm.

Section 27. FALSE POLICE REPORTS. It shall be unlawful for any person to give or cause to be given to the Bureau of Police, or any police officer, a false statement, report or call to the effect that a felony or misdemeanor has been committed or is about to be committed, knowing that such felony or misdemeanor has in fact not been committed or is not about to be committed.

Section 28. USING PREMISES TO PROMOTE CRIME. It shall be unlawful for any person to make use of any premises as a place for planning or promoting crime, vandalism or violating any city ordinance. It shall be unlawful for any person having the possession and control of any premises to allow such premises to be used as a rendezvous or congregating place for planning or promoting any such thing.

#### DRUGS AND NARCOTICS

Section 29. PEDDLING OF MEDICINES. It shall be unlawful for any person to hawk or peddle any salve, liniment, drug or medicine on the streets.

Section 30. FREE DISTRIBUTION OF SAMPLE MEDICINES. It shall be unlawful for any person to distribute on the streets or from house to house, or from place to place, within said City, free samples of any medicine or tablet or medical preparation.

Section 31. SALE OF DRUGS. It shall be unlawful for any person to purchase, sell, barter, exchange or give away any opium, morphine, eng-she (cooked opium), cocaine, heroin, chloral hydrate, cannabis indica (marihuana), cannabis sativa (marihuana), or any salt or derivative of any of them, except for medicinal purposes, and only on a licensed physician's, dentist's or veterinary's prescription, or signed federal order form; provided, however, that it shall be lawful for a registered pharmacist to sell any preparation, solid, semi-solid or liquid, that contains codeine, or not more than 1/8 grain of heroin, or not more than two grains of opium, or not more than 1/2 grain of morphine, or not more than ten grains of chloral hydrate, 1/6 grain of cocaine, or 4 grains of cannabis indica (marihuana), cannabis sativa (marihuana), or any salt or derivative

of any of them in any fluid ounce, or if a solid or semisolid preparation, one avoirdupois ounce; and provided, further that there is no limitation on the percentage of narcotic drugs which external preparations may contain if they also contain ingredients rendering them unfit for internal administration and the package containing the same must be plainly marked to show the contents poisonous if taken internally. Notwithstanding the foregoing exceptions, it shall be unlawful to sell paregoric, except upon a physician's, dentist's, or veterinary's prescription. Use of any preparation for oral, nasal, ocular, rectal, urethral, or vaginal purposes is not regarded as external use and does not come within the exception.

No physician shall prescribe any of the above-mentioned drugs or any preparation therefrom for any person addicted to the use thereof, or to any other person, except for the cure of disease, and only in such case and in such quantities as are recognized by medical scientists as proper and fit.

Section 32. RECORD TO BE KEPT. Every person who prescribes any of said drugs shall keep a record open to public inspection, containing a statement showing the date of the prescription, the name and residence of the patient, the disease for which he prescribed, and the quantity and the periods of time the patient was instructed to use the medicine containing any of said drugs.

Section 33. UNLAWFUL POSSESSION. It shall be unlawful for any person to have in his possession any opium, morphine, eng-she (cooked opium), cocaine, heroin, chloral hydrate, cannabis indica (marihuana), cannabis sativa (marihuana), or any preparation containing any of said drugs, unless said person be a regularly licensed and practicing physician, dentist or veterinary surgeon, or duly registered or licensed pharmacist, or has obtained said drug upon a lawfully issued prescription of a regularly licensed and practicing physician, dentist or veterinary surgeon. It shall not be unlawful to have in possession for medicinal purposes any preparation containing any of said drugs which may be lawfully sold without a prescription.

Section 34. POSSESSION AS EVIDENCE. Possession of any of said drugs, or of any salt or derivative of said drugs, or any preparation containing said drugs, shall be prima facie evidence of a violation of this ordinance.

Section 35. UNLAWFUL USE. It shall be unlawful for any person to permit to be administered to him, and it shall be unlawful for any person to administer to another, any opium, morphine, eng-she (cooked opium), cocaine, heroin, chloral hydrate, cannabis indica (marihuana), cannabis sativa (marihuana), or any salt or derivative of any of them, or any preparation containing any of said drugs, unless the person administering the same be a regularly licensed and practicing physician, dentist or a nurse in the performance of duties under the direction of a physician or dentist.

Section 36. KEEPING HOUSE FOR SMOKING OPIUM. It shall be unlawful for any person to set up, open or cause to be opened, or use or rent, or permit to be used or rented, any house, resort or place for smoking opium or for administering or using morphine, laudanum or

cocaine; or to sell morphine, laudanum or cocaine to persons frequenting such house, place or resort, for the purpose of smoking, or to be administered by means of a hypodermic syringe or otherwise.

Section 37. OPIUM LAYOUTS. It shall be unlawful for any person to sell, give or furnish to another or to have in his possession any opium pipe or layout used in smoking opium, or to permit another to use any such opium pipe or smoking layout.

Section 38. DISPOSITION OF FINE AND UTENSILS. The Municipal Judge, upon a conviction under the provisions of this part of ordinance No. 13, shall cause to be paid to the person giving information leading to such conviction, one-third of the fine collected, and any pipes, layouts, hypodermic syringes or other utensils used in smoking opium or administering morphine or cocaine and captured by the police, shall be destroyed upon the order of the Municipal Judge.

Section 39. BARGAINING FOR OR BUYING OPIUM. It shall be unlawful for any person to bargain for or purchase any opium, morphine, eng-she (cooked opium), cocaine, heroin, chloral hydrate, cannabis indica (marihuana), cannabis sativa (marihuana), or any salt or derivative of any of them, to be smoked, used or administered on the premises, and it shall be unlawful for any person to purchase or offer to purchase any opium, morphine, eng-she (cooked opium), cocaine, heroin, chloral hydrate, cannabis indica (marihuana), cannabis sativa (marihuana), or any salt or derivative of any of them, or any hypodermic syringe, except upon a written prescription of a licensed physician, dated upon the date of said purchase, except as otherwise provided in this article.

Section 40. SMOKING OPIUM. It shall be unlawful for any person to smoke opium in any house or place or, without lawful business, to be in any house or place where opium is being smoked.

Section 41. EXCEPTIONS. This article shall not apply to the purchase, sale or possession of any narcotic or hypodermic needle or hypodermic syringe by regular licensed dealers in drugs and medicines in pursuance of ordinary trade between one dealer and another or to regularly licensed physicians, dentists and veterinarians, and it shall not be necessary in the first instance for the City of Brookings to allege or prove that the party charged did not have legal authority to sell, deliver or furnish such narcotics or was within any of the exceptions provided by this ordinance.

#### WOMEN AND MINOR CHILDREN

Section 42. MASHING. It shall be unlawful, insolently, or without cause, to accost a female, OR commit the act commonly known as mashing.

Section 43. SALE OF TOBACCO TO MINORS. It shall be unlawful for any person to sell, barter, trade, or give, or in any manner furnish, to any person under the age of eighteen years any tobacco, cigar or cigarette in any form, or any compound of which tobacco forms a

component part, either with or without a written consent or order of such minor's parent or guardian.

Section 44. USE OF TOBACCO BY MINORS. It shall be unlawful for any person under the age of eighteen years to smoke, chew or in any manner use or have in his possession, any cigar, cigarette or tobacco in any form whatsoever, in any public highway, street, alley, place, park, square or resort including any public school grounds or premises.

Section 45. UNLAWFUL TO PERMIT MINOR TO PLAY CERTAIN GAMES. It shall be unlawful for any owner, lessee, manager, or employee of any establishment to permit any person under twenty-one (21) years of age to play any game of chance and/or game of skill by the use of any mechanical machine or device, located in such establishment, whether a fee is charged for permission to play such device or mechanical machine or not.

Section 46. 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 dealing 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 47. MINORS, CAUSING TO BECOME DELINQUENT OR DEPENDENT. It shall be unlawful for any person to do willfully any act which causes or tends to cause any minor child to become dependent or delinquent, as such dependency or delinquency is or may be defined by the laws of the State of Oregon.

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Section 48. 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 49. 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 50. CHILDREN ON STREET AT NIGHT.

- (a) It shall be unlawful for any child under the age of 18 years to be in, or remain in, or upon any street, alley, park or other public place between the hours of 10:30 o'clock p. m. and 6 o'clock a. m. during every month of any year, unless such child is accompanied by a parent, guardian, or other proper companion of the age of 21 years, or more specially chosen by the parent or guardian to escort the child on the occasion in question or, by a person over 21

years of age having the care and custody of such child or, unless such child is then engaged in an employment or in night school, or going to, or from, an employment or night school which makes it necessary to be in or upon, such street, alley, park, or other public place, during the night-time between such specified hours. Any child under the age of eighteen years employed shall obtain from the employer, and the employer shall issue to such child employed, a card showing such employment. A child failing to carry, and produce, such card shall not be deemed to be within the protection of this section of this ordinance.

- (b) It shall be unlawful for any parent or guardian, or the person having the care or custody of any child under the age of 18 years, to permit, or by inefficient control to allow such child to be in or remain in or upon any street, alley, park or other public place between the hours herein above set forth in paragraph (a) of this section contrary to the provisions of this section. Proof that such child was on any street, alley, park or other public place at a time prohibited shall, prima facie, be sufficient evidence to sustain a conviction of a violation of this section.
- (c) All police and other peace officers are authorized to arrest any child violating any of the provisions of this section and for the first violation to take or send such child home and notify the parent, guardian, custodian or person in control or charge of such child of the violation, or may, if such officer find the child is beyond the power of the parent or person having care or custody to exercise efficient control, surrender said child to any court having jurisdiction over juveniles in the County of Curry, State of Oregon, to be dealt with by said court. In case any child under the age of 18 years shall again violate any of the provisions of this section, such child may be apprehended as a juvenile delinquent and offender and may be brought before any court having jurisdiction over juveniles in the County of Curry, State of Oregon, to be dealt with accordingly by such court.

#### PUBLIC MORALS AND DECENCY

Section 51. EXHIBITING CRIPPLE, DEFORMED OR DISEASED PERSON OR ANIMAL. It shall be unlawful for any person to exhibit, or cause to be exhibited, any crippled, maimed, deformed or diseased person, animal or fowl upon the street or in any shop window bordering on the street, or in any house or place visible from the street or in any house or public place.

Section 52. BAWDY HOUSES. It shall be unlawful for any person to open, set up, or keep any bawdy house or houses or place where fornication is enacted, or to frequent, reside in, or become an inmate thereof.

Section 53. SOLICITING FOR PROSTITUTION. It shall be unlawful for any person to stand, or sit at, in or near any door, window or place in any bawdy house or place so as to be observed by passers-by, or by any sign, token, or motion while in any such house, or place, to attract the attention of passers-by, or to be or remain at or in any door, window, or place in any such bawdy house or place in such condition, attitude or dress so as to attract the attention of persons passing along the street, or to be on or remain at or in any door, window, or place in any such bawdy house or place in such condition, attitude, or dress as to be or become offensive to public decency, or in any way to solicit any person to visit or enter any house of ill fame or bawdy house, or any house or place for the purpose of lewdness or prostitution.

Section 54. PROSTITUTES SOLICITING ON STREETS. It shall be unlawful for any woman to be or become a common prostitute or to solicit prostitution on the public streets or at the windows or doors of any building.

Section 55. WOMEN ON STREETS AT NIGHT. It shall be unlawful for any woman to roam about the streets at night and accost men on the public streets.

Section 56. IMMORAL WOMAN. It shall be unlawful for any woman to be or become an immoral woman. An immoral woman for the purpose of this ordinance is any woman who offers herself to any man for immoral purposes, or any woman who permits herself to be so offered, or any woman who offers or consents to lewdly consort with any man for or without price.

Section 57. PLACING WIFE IN HOUSE OF PROSTITUTION. It shall be unlawful for any man to place or leave his wife in a house of prostitution of ill fame, or to procure, connive at, consent or permit the placing or leaving of his wife in a house of prostitution or ill fame, or to allow or permit her to remain therein.

Section 58. COHABITING WITH PROSTITUTES. It shall be unlawful for any male person to live with, or live off of, in whole or in part, or accept any of the earnings of money of a prostitute or landlady of a house of prostitution or ill fame, or to connive in or solicit or attempt to solicit any male person or persons to have sexual intercourse, or cohabit with a prostitute or landlady of a house of prostitution or ill fame, or to invite, direct, or solicit any person to go to a house of ill fame for any immoral purposes. It shall be unlawful for any person to entice, decoy, place, take or receive any female child or person under the age of eighteen years into any house of prostitution or ill fame or disorderly house, or any house for the purpose of prostitution, or having custody or control of such child to dispose of her to be so received, or to be received in or for any obscene, indecent or immoral purpose, exhibition, or practice.

Section 59. BRINGING PERSONS TOGETHER FOR UNLAWFUL PURPOSES. It shall be unlawful for any person to bring together, offer to bring together or aid or assist in bringing together by automobile, telephone or in any other manner directly or indirectly two or more

persons for the purpose of lewdness, assignation or prostitution.

It shall be unlawful for the driver of any public vehicle to transport or carry any woman, man, or any man and woman, over, upon or along the streets, alleys or public ways, by means of an automobile or other vehicle for immoral purposes.

Section 60. PIMP AND PIMPING. It shall be unlawful for any male person to be or become a pimp or to practice pimping. A "pimp" is any male person who solicits or procures any other male person to have intercourse with or engage in any immoral act with a prostitute woman, or who lives with, or in whole or in part off the earnings of a prostitute or a landlady of a house of prostitution or ill fame, or who accepts the earnings of money of a prostitute or landlady of a house of prostitution or ill fame, or who solicits, requests, entices, or attempts to entice any female person to become a prostitute or to enter a place of prostitution or house of ill fame for an immoral purpose.

Section 61. COMMON FAME COMPETENT EVIDENCE. In prosecutions under this ordinance, common fame or reputation shall be competent evidence to prove that the defendant is a prostitute, landlady of a house of prostitution or ill fame, maguereau, pimp or vagrant, or that the house or place mentioned in the complaint is a bawdy house, house of ill fame, or a disorderly house. Any house or place used or occupied for the purpose of prostitution, fornication or lewdness, or where prostitution, fornication or lewdness is practiced or carried on, is taken and deemed to be a bawdy house, house of prostitution, house of ill fame or disorderly house. It shall not be necessary for the City of Brookings in a prosecution in which defendant is charged with being a prostitute, to prove an overt act of sexual intercourse against said defendant.

Section 62. PUBLIC NOTICE OF SAME. It shall be unlawful for any person to publish or cause to be published in any newspaper or magazine under the head of personals or otherwise, or publish or circulate in any form or manner any advertisement or notice, the substance or effect of which is that any person desires to meet or to make the acquaintance of or to correspond with another person of the opposite sex, with matrimony as the object, or that such person desires a companion of the opposite sex.

Section 63. DISTRIBUTION OF OBSCENE LITERATURE.

- (a) It shall be unlawful to import, print, publish, sell, lend, give away, distribute, or to show or have in possession, advertise, or otherwise offer for loan, gift, sale or distribution, any lewd, obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, picture, drawing, photograph, engraving or post card suggestive of lewdness, indecency or immorality, or any article of lewd or indecent or immoral use.
- (b) It shall be unlawful for any person to draw, write or otherwise place upon the interior walls, partitions, doors or

windows or on exterior walls, doors, or windows of any lavatory, water closet or rest room in any theatre, hotel, apartment house, office building, warehouse, store or other building not his own, any indecent, obscene, or immoral writing, printed matter, paper, picture, drawing or photograph.

- (c) It shall be unlawful for any person maintaining any lavatory, water closet, or room or area which is open to the public to suffer or permit any indecent, obscene or immoral writing, printed matter, pictures or photographs to remain upon the interior or exterior walls, partitions, doors or windows of such lavatory, water closet or room or area for a longer period than ninety-six hours.

Section 64. **INDECENT EXPOSURE.** It shall be unlawful for any person willfully and lewdly to expose his person or the private parts thereof in any public place or in any place where there are present other persons to be offended or annoyed thereby, or to make any other exhibition of himself to public view such as is offensive to decency or is adapted to excite vicious or lewd thoughts or acts.

#### GAMBLING

Section 65. **GAMBLING HOUSES.** It shall be unlawful for any person to open, set up, keep, frequent, enter or visit any gaming or gambling house or place where any banking or any other game is played with cards, dice, machine, buttons, or any other device for anything of value, whether the same is played for money, checks, credits or any other representation of value.

Section 66. **PLAYING ANY GAME FOR MONEY.** It shall be unlawful for any person in any house, room or place, to engage in, or play in or at, or bet at or upon any game played with cards, dice, cheen, buttons, or any other device, for anything of value, whether the same be played for money, checks, credits, or any other representative of value.

Section 67. **MONEY SLOT MACHINES.** It shall be unlawful for any person to set up, keep or have in possession or to manufacture, sell or distribute any nickel-in-the-slot or other money slot machine or similar device adapted, devised or designed for the purpose of playing any games of chance for money or property. It shall be unlawful for any person to have in possession any operating part capable of being assembled or used in any such machine or device.

Section 68. **SLOT MACHINES, SOLICITATION.** It shall be unlawful for any person to request or solicit another person to permit, authorize or allow the former to place, install or furnish to the latter person, or in or on any premises under the control of the latter person any nickel-in-the-slot or other money slot machine or similar device

adapted, devised or designed for the purpose of playing any game of chance for money or property, or disposing of or distributing any money, merchandise, article or thing by chance.

Section 69. KEEPING ANY PLACE FOR GAMBLING. It shall be unlawful for any person to open, set up, or keep any house, shop, or place resorted to for the purpose of gambling, or to permit or suffer any person in any house, shop, or place under his control or care, to play at any game for anything of value, whether the same be played for money, checks, credits or any other representative of value.

Section 70. GAMBLING PARAPHERNALIA. It shall be unlawful for any person to have in his possession any property, instrumentality, or device designed or peculiarly adapted for use in any gambling game. Any such property, instrumentality, or device is hereby declared to be a nuisance, and it shall be the duty of any police officer to seize any such gambling paraphernalia and forthwith to deliver the same into the custody of the Municipal Judge. Upon the conviction of any person violating the provisions of this section, it shall be the duty of the Municipal Judge to order any gambling paraphernalia so taken from such person to be confiscated and destroyed.

Section 71. POOL SELLING AND BOOKMAKING. It shall be unlawful for any person to conduct any bookmaking establishment or to sell pools or tickets, or to gamble in any manner whatsoever, upon animal races, conducted either within or without the corporate limits of the City of Brookings. This section shall not apply to pari-mutuel betting taking place at the track or at race meets conducted under the supervision of the Oregon Racing Commission.

Section 72. OCCULT ARTS. It shall be unlawful for any person to engage in the practice of fortunetelling, astrology, phrenology, palmistry, clairvoyance, mesmerism, or spiritualism, or to conduct any spiritualistic readings or exhibitions of any such character for hire or profit; provided, however, that this section shall not be deemed to prohibit any person from conducting or carrying on any of the above mentioned arts if duly licensed so to do under any of the ordinances of the City of Brookings.

#### PROTECTION OF PUBLIC INTEREST

Section 73. FEMALE DOGS NOT TO BE ON STREETS, ETC., AT CERTAIN TIMES. No slut or female dog in time of heat shall be permitted to run or be upon any public street or alley, or other public place, whether licensed or not.

Section 74. UNLAWFUL TO POISON DOGS. It shall be unlawful for any person, with intent to kill or injure any dog or dogs, to put out or place, where it is likely to be eaten by a dog or dogs, any meat or other dog food containing poison, ground glass or other substance likely to kill or seriously injure a dog.

Section 75. DRIVER INJURING DOG TO STOP. It shall be unlawful for the driver of any motor vehicle involved in injury or death to a dog upon any street or highway in the City of Brookings to fail immediately to stop such vehicle at the scene of such accident, or as close thereto as possible, to take reasonable steps to locate the owner of the dog so injured or killed and render such aid to the said dog as shall be reasonable under the circumstances, to remove such injured or dead dog to the curb, or away from the main traveled portion of the highway, and to leave his name and address and the registration number of the motor vehicle he is driving with such owner, if found.

Section 76. ANIMAL FIGHTS. It shall be unlawful for any person, wantonly or for the amusement of himself or others or for gain, to cause any bull, bear, cock, dog or other animal to fight, chase, worry or injure any other animal, or to be fought, chased, worried, or injured by any man or animal.

It shall be unlawful to permit any of said acts to be done on any premises, or to aid, abet, or to be present at such fighting, chasing, worrying or injuring of such animal as a spectator.

Section 77. TRAINING ANIMALS FOR FIGHTS. It shall be unlawful for any person to keep or train any bird or other animal with the intent that such bird or other animal shall be engaged in an exhibition of fighting, or to be present at any place, building or tenement where training is being had or preparations are being made for the fighting of birds or other animals, with the intent to be present at such exhibition, or to be present at such exhibition.

Section 78. CRUELTY TO ANIMALS. It shall be unlawful for any person to beat, cruelly torture, misuse, deprive of food or water, or otherwise treat any animal with cruelty.

Section 79. DANGEROUS ANIMALS NOT TO RUN AT LARGE. It shall be unlawful for any keeper, proprietor or owner of any bull, stallion, or dangerous or vicious dog, or other animal, to permit the same to run at large. It shall be unlawful for any owner, keeper or proprietor of any bear, cougar, lion, catamount or other wild beast, whether kept as a pet or otherwise, to permit the same to run at large, or keep the same within the city limits, unless within a safe enclosure so fenced as to prevent harm or injury to spectators or passersby.

Section 80. INNKEEPERS, DEFRAUDING OF. It shall be unlawful for any person to obtain, with intent to defraud, food, lodging, or other accommodations at any hotel, apartment house, boarding house, tourist camp, or restaurant. It shall be unlawful for any person who, after having obtained such food, lodging, or other accommodations at any hotel, apartment house, boarding house, or tourist camp, surreptitiously to remove his baggage and clothing from such hotel, apartment house, boarding house, or tourist camp without first paying or tendering payment for such food, lodging, or other accommodations.

Section 81. 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 82. RELIGIOUS ASSEMBLIES, DISTURBING. It shall be unlawful for any person to disturb or disquiet any congregation or assembly met for religious worship or for any other lawful purpose by making loud and unnecessary noises or by rude and indecent behavior or profane language within any place of assembly, or so near to the same as to disturb the order and solemnity of the meeting.

Section 83. PUBLIC RECORDS, TAKING OR RETENTION. It shall be unlawful for any person to take or remove any paper, document, or personal property owned by the City unless the permission of the legal custodian thereof is first obtained, and no person shall keep or retain any such paper, document, or other personal property after demand for the return thereof has been made by the legal custodian.

Section 84. PLANTS, DESTRUCTION. It shall be unlawful for any person maliciously or wantonly to cut down, destroy, or injure any flower, bush, shrub, or tree standing or growing upon the property of another.

Section 85. POSTED NOTICES, DEFACEMENT. It shall be unlawful for any person willfully to deface or tear down any official notice or bulletin posted in conformity with law.

Section 86. MARKING OR PAINTING UPON STREETS OR SIDEWALKS. It shall be unlawful for any person willfully to mark or paint upon any street, avenue, alley, or sidewalk within the City (except markings placed upon the streets, avenues, and alleys or sidewalks for purposes of traffic regulations by employees of the City or as are authorized by the Council are not included within this provision), provided, however, that the Commissioner of Police of the City may grant the right to place markings of washable material upon the sidewalks under such terms and conditions as he shall describe.

Section 87. PROPERTY, MALICIOUS DESTRUCTION. It shall be unlawful for any person maliciously to deface, injure, or destroy any personal or real property of another.

Section 88. ESCAPE FROM CUSTODY. It shall be unlawful for any person incarcerated in the City jail to escape or attempt to escape from such custody.

Section 89. ESCAPE, AIDING. It shall be unlawful for any person to aid, abet, or assist the escape of any person confined in the City jail, whether such person so confined be in custody pending hearing or serving sentence upon conviction, and whether such escape be successfully effected or not.

Section 90. 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 attempt to convey or deliver to any such person any article without permission and consent of the officer in charge.

Section 91. 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 92. COMPLAINT FILED BY PRIVATE PARTY. The Municipal Judge shall have the right in his sole discretion to require that any private individual who shall sign a complaint against any person for a violation of any of the provisions of this ordinance, post a cash bond in the sum of not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00) to assure the appearance of any such private prosecutor at the time set for the hearing of any such case before the Municipal Judge and if any such private prosecutor shall be required to post bond as herein provided and shall fail to appear at the time appointed therefore, such cash bond may in the discretion of the Municipal Judge be forfeited to the City of Brookings.

Section 93. It shall be unlawful for any person to cause the gas emanating from the exhaust pipe of any motor vehicle to be ignited or combusted by any gadget, fuse, spark or any other means whatsoever.

#### PREVENTION OF UNNECESSARY NOISES

Section 94. UNLAWFUL TO CREATE NOISE. It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing or unnecessary noise.

Section 95. WHAT CONSTITUTES A VIOLATION. The following acts are declared to be violations of this ordinance, but said enumerations shall not be deemed to be exclusive, namely:

- (a) The use of any automobile, motorcycle, streetcar, other vehicle, engine, stationary or moving, instrument, device, or thing so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (b) The sounding of any horn or signaling 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.
- (c) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle.
- (d) The creation of any excessive noise on any street adjacent to any hospital or other institution reserved for the sick, or any school while the same is in session.

- (e) The use of a muffler cutout on any motor vehicle upon a highway.

#### PROTECTION AGAINST PERSONAL INJURIES AND INCONVENIENCE

Section 96. WASTE MATERIAL. It shall be unlawful for any person to throw into or deposit upon any street, sidewalk or public place any junk, ashes, paper, leaves, dirt, rubbish, garbage, refuse, filth, litter or waste material, except at such dumping places or in such receptacles as may be designated by the department of public works, or throw into or upon any street, sidewalk or public place any glass, crockery, nails or other things whereby the feet of persons or animals may be injured.

Section 97. BROKEN GLASS. It shall be unlawful for any person directly or indirectly responsible for broken glass of any kind being upon any sidewalk or pavement, or upon any unimproved street or public place in the City of Brookings to fail, refuse or neglect to remove such broken glass immediately. Such failure, refusal or neglect shall be deemed a violation of this ordinance.

Section 98. PROTECTION AGAINST SPILLING. It shall be unlawful for any person to transport earth, sand, gravel, sawdust, stone, rock, rails, timber or lumber upon any car or vehicle without suitable protection so as to effectually prevent the spilling or depositing or scattering of such materials upon any street, or in the air.

Section 99. EARTH FROM ABUTTING PROPERTY FALLING INTO STREET. Any earth, debris or other material which caves or falls into or upon any street or sidewalk from any adjacent or abutting real property is a nuisance and the owner or occupant of such real property shall remove forthwith said earth, debris or material. It shall be unlawful for any owner or occupant of any real property to permit such earth, debris or other material to remain upon any street or sidewalk.

Section 100. OBSTRUCTION BY PEDESTRIANS. It shall be unlawful for any person to stand upon any street or sidewalk so as to obstruct the same, or to hinder, interfere with, obstruct or inconvenience the passage of any vehicle or pedestrian, or any traffic thereon.

#### PREVENTION OF PERSONAL INJURY

Section 101. BLASTING WITHOUT PERMIT PROHIBITED. It shall be unlawful, without first having received a permit from the City Engineer, to explode, or cause to be exploded, any gunpowder, dynamite, giant powder, gun cotton, or other explosive for the purpose of blasting out rock, gravel, earth or other substance within the corporate limits of the City of Brookings.

Section 102. EMERGENCY CLAUSE. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Brookings, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

Read by title and in full this 27 day of November, 1951.

Read a second time by title this 27 day of November, 1951.

Read third time by title and passed by the Council this 27 day of November, 1951.

Authenticated this 27 day of November, 1951.

Robert O. Dimmick  
Robert O. Dimmick, Mayor

Passed by the Council November 27, 1951

P.W. Guarrattos  
Recorder

