

ORDINANCE NO. 309

AN ORDINANCE RELATING TO OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS, AND GENERAL WELFARE.

Canby does ordain as follows:

Section 1. The term "person" as used in this ordinance shall be deemed to include any natural person, firm, copartnership, association, or corporation.

Section 2. DISORDERLY CONDUCT. Any person who shall be guilty of any violent, riotous, or disorderly conduct, or any obscene, immoral, indecent, lewd, or licentious act, or who shall use any profane or obscene language in any place, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 3. VAGRANCY. Any person without visible means of living who has the physical ability to work and who does not for the space of ten days seek employment nor labor when employment is offered him; every healthy beggar who solicits alms as a business; 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 purpose, without the permission of the owner or party entitled to the possession thereof, and every lewd and dissolute person who lives in or about a house of ill fame, and every common prostitute, shall be deemed guilty of vagrancy and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 4. ASSAULT AND BATTERY. Any person who shall attack, assault, or commit battery upon another, whether or not armed with a dangerous weapon, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 5. CONCEALED WEAPONS. It shall be unlawful for any person to carry concealed, about his person in any manner whatever, a revolver, pistol, or other firearm or any knife (other than an ordinary pocketknife), or any dirk or dagger, slung shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of another. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$200 or by imprisonment in the city jail for a term of not less than 2 nor more than 100 days or by both such fine and imprisonment, in the discretion of the court.

Section 6. FIREARMS, DISCHARGING OF. Any person who shall discharge any type of firearm shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$25 or by imprisonment in the city jail for a term of not less than 2 nor more than 12 days or by both such fine and imprisonment, in the discretion of the court; provided, however, that nothing herein contained shall apply to any peace officer while acting in performance of his duties, nor to any person lawfully using a firearm in defense of his property or person.

Section 7. DRUNKENNESS. Any person found in an intoxicated or drunken condition on any street or in any public place shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$25 or by imprisonment in the city jail for a term of not less than 2 nor more than 12 days, or by both such fine and imprisonment, in the discretion of the court.

Section 8. SLOT MACHINES. Any person or corporation, either as owner, agent, or lessee, who shall operate or allow to be operated what is commonly known as a "slot machine" or shall operate or allow to be played on their premises any game or device in which it is necessary to pay anything of value for the right to operate or play, within the corporate limits of Canby, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 9. GAMBLING. Any person who shall engage in, operate, or assist in the operation of any gambling game played for money or other representative of value shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 10. LOTTERIES. Any person who shall operate or assist in the operation of any lottery shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term

of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 11. BAWDYHOUSES. Any person who shall operate or assist in the operation of any bawdyhouse or other place kept for purposes of prostitution, fornication, lewdness, or other immoral practices shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$250 or by imprisonment in the city jail for a term of not less than 50 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

In any prosecution for the offense defined herein, common fame shall be competent evidence in support of the charge.

Section 12. SOLICITATION. Any person who shall solicit another to visit or enter any bawdyhouse or other place kept for purposes of prostitution, fornication, lewdness, or other immoral practices shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$250 or by imprisonment in the city jail for a term of not less than 50 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 13. MINORS, CAUSING TO BECOME DELINQUENT OR DEPENDENT. Any person who shall wilfully do 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, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$250 or by imprisonment in the city jail for a term of not less than 50 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 14. OBSCENE PHOTOGRAPHS, LITERATURE, AND OTHER MATERIAL. Any person who shall design, copy, draw, photograph, prepare, publish, sell, lend, give away, distribute, show or exhibit or have in his possession with intent to sell, lend, give away, distribute, show or exhibit any article or instrument of indecent or immoral use or any obscene or indecent book, paper, printed matter, picture, drawing, photograph, or engraving shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 15. INDECENT ACTS. Any person who shall wilfully and wrongly commit any act which grossly injures the person or property of another, which grossly defiles the peace or the public health, or which grossly outrages public decency and is injurious to public morals, if no punishment is expressly prescribed therefor in this ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$200 or by imprisonment in the city jail for a term of not less than 2 nor more than 100 days or by both such fine and imprisonment, in the discretion of the court.

Section 16. POOL HALLS, MINORS VISITING. It shall be unlawful for any minor to enter into, visit, or loiter in or about any poolroom, billiard room, or cardroom. Any person operating any pool hall, billiard hall, or cardroom, either as owner, proprietor, or as employe, servant, or agent of such owner or proprietor, who shall permit any minor to enter into, visit, or loiter about any such premises shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine and imprisonment, in the discretion of the court.

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Section 17. MINORS, GAMBLING. Any person or firm carrying on or engaged in any trade or business within the corporate limits of Canby where minors are allowed to be or frequent who shall allow any minor to shake dice or play cards or other games of chance, whether for some consideration of value or otherwise, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine and imprisonment, in the discretion of the court.

Section 18. MINORS, EMPLOYMENT IN CERTAIN PLACES PROHIBITED. Any person who shall employ a minor in or about a beer parlor, cardroom, poolroom, billiard room, shooting gallery, or dance hall shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine and imprisonment, in the discretion of the court.

Section 19. MINORS, TOBACCO SALES TO. Any person who, for himself or as the clerk, servant, employe, or agent of another, shall directly or indirectly or by any pretense or device sell, offer for sale, keep for sale, exchange, barter, dispose of, or give away to any minor any cigarettes, cigars, smoking or chewing tobacco or tobacco in any other form shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 20. SPITTING ON SIDEWALKS. Any person who shall spit or expectorate upon any sidewalk, street, parking, or on any building or in any public place, except in receptacles

provided for that purpose, or who shall defile in any manner whatsoever any drinking fountain used by the public shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$10 or by imprisonment in the city jail for a term of not less than 2 nor more than 5 days or by both such fine and imprisonment, in the discretion of the court.

Section 21. CRUELTY TO ANIMALS. Any person who shall overwork, torture, beat, mutilate, or cruelly kill any animal or deprive it of necessary sustenance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50 nor more than \$250 or by imprisonment in the city jail for a term of not less than 25 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 22. DEFRAUDING INNKEEPER. Any person who shall, with the intent to defraud, obtain food, lodging, or other accommodations at any hotel, apartment house, boardinghouse, tourist camp, or restaurant or who, after having obtained such food, lodging, or other accommodations at any such hotel, apartment house, boardinghouse, tourist camp, or restaurant, shall surreptitiously remove his baggage and clothing from such hotel, apartment house, boardinghouse, tourist camp, or restaurant without first paying or tendering payment for such food, lodging or other accommodations shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 23. POSTED NOTICES, DEFACEMENT OF. Any person who shall wilfully deface or tear down any notice, bulletin, or sign before its date of expiration shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 24. POSTERS, UNAUTHORIZED. Any person who shall, in any manner, affix a placard, bill, or poster upon any personal or real property, private or public, without first obtaining permission of the owner or proper public authority shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine and imprisonment, in the discretion of the court.

Section 25. PRIVATE PROPERTY, DESTRUCTION OR DEFACEMENT OF. Any person or persons who shall wilfully injure, deface, or destroy any building or fixtures therein or injure, destroy, take, or secrete any goods, chattels, or valuable papers of another or injure or destroy any fence or fruit trees or shrubbery or flower gardens or any kind of public or private property or deface sidewalks with painted or printed hand bills or signs, posters, or other advertisements or letters or words shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100 or by imprisonment in the city jail for a term of not less than 2 nor more than 50 days or by both such fine and imprisonment, in the discretion of the court.

Section 26. INJURIOUS SUBSTANCES, DEPOSIT ON STREETS PROHIBITED. Any person who shall wilfully place or deposit upon any street or public way any substance tending to mar the appearance or detract from the cleanliness or safety of such street or public way or which shall obstruct such street or public way shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine and imprisonment, in the discretion of the court.

Section 27. OBSTRUCTION OF SIDEWALKS. Any person who shall wilfully remain standing, lying, or sitting down upon any of the sidewalks of Canby in such a manner as to obstruct the free passage of foot travelers on any portion of the same or who shall wilfully remain standing, lying, or sitting thereon in said manner after being requested to move on by any peace officer of Canby shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine and imprisonment, in the discretion of the court.

Section 28. CITY PROPERTY, DESTRUCTION OF. Any person or persons who shall in any way injure or molest any property belonging to the city of Canby shall be deemed guilty of a misdemeanor and, upon conviction thereof, before the mayor or recorder shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 29. TRAINS, RIDING ON. Any person other than a railroad employe or his assistants who shall get on or off of any moving railroad car or train at any place within the corporate limits of this town, except at the regular depot platform of such railroad company, or in any manner interfere with railroad cars or trains within the corporate limits of this town shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine or imprisonment, in the discretion of the court.

Section 30. ANIMAL CARCASS, REMOVAL OF. No person being the owner of any animal shall,

if it die, suffer or permit the carcass of the same to remain upon the public streets or ways and no person who is owner or occupant of any property shall suffer or permit the carcass of any animal to remain thereon. It shall be the duty of any such owner or occupant to forthwith cause such carcass to be buried or other disposition made of the same. Any person violating the provisions hereof shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$50 or by imprisonment in the city jail for a term of not less than 2 nor more than 25 days or by both such fine and imprisonment, in the discretion of the court.

Section 31. 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 such premises or property within 6 hours after such snow or ice has ceased to be deposited thereon; provided, however, that if such snow is falling or such ice accumulating after the hour of 6 p.m., the same shall be removed within 6 hours after it shall cease to be deposited or within 6 hours after 7 a.m. on the next succeeding day, as the case may be. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$25 or by imprisonment in the city jail for a term of not less than 2 nor more than 12 days or by both such fine and imprisonment, in the discretion of the court.

Section 32. POISONING ANIMALS. Any person who shall put out or place any poison where the same is liable to be eaten by any horse, cattle, sheep, hogs, or other domestic animal of value, with intent to poison such animal, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 33. VEHICLES INJURING ANIMALS. Any person operating a vehicle, as defined by the Oregon Motor Vehicle Act, upon the streets of the city of Canby who shall run over, strike, injure, maim, or kill any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass if such animal be killed, and such person shall in either case make due and diligent inquiry to determine the owner of such animal and if the owner be found he shall notify him of the occurrence. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$25 or by imprisonment in the city jail for a term of not less than 2 nor more than 12 days or by both such fine and imprisonment, in the discretion of the court.

Section 34. KILLING BIRDS PROHIBITED. Any person who shall discharge any firearm, air gun, or other similar device or who shall throw any missile at any nongame bird with intent to kill or injure the same shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$25 or by imprisonment in the city jail for a term of not less than 2 nor more than 12 days or by both such fine and imprisonment, in the discretion of the court.

Section 35. RESISTING PEACE OFFICER. Any person who shall resist any peace officer while acting in the performance of his duties or who shall, upon his request, refuse to assist any such officer in the discharge of his duties, or who shall, by any means whatever, hinder, delay, or obstruct any such officer while acting in the performance of his duties, or who shall aid, abet, or assist the escape of any person in the custody of such officer, whether such escape be successfully effected or not, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 36. IMPERSONATING OFFICER. Any person who shall for any purpose whatsoever, impersonate, falsely assume to be, or pretend to be, an official peace officer of the city of Canby shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 37. AIDING ESCAPE. Any person who, by any means whatsoever, shall 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, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 38. ESCAPE FROM CUSTODY. Any person incarcerated in the city jail, whether held in custody pending hearing or serving sentence upon conviction, who shall escape or attempt to escape from such custody shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 39. 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 40. 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 a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$250 or by imprisonment in the city jail for a term of not less than 2 nor more than 125 days or by both such fine and imprisonment, in the discretion of the court.

Section 41. If a clause, sentence, paragraph, section, or portion of this ordinance shall for any reason 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 such judgment is rendered.

Passed by the common council January 3rd, 1939.

Signed and approved by the mayor January 3rd, 1939.

J. R. Vinyard

Mayor

Attest:

Roy L. Mangus

Recorder