

An Ordinance defining and punishing offenses against the public peace, safety, morals, and general welfare, and declaring an emergency.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1. Definitions.

(a) The term "person" as used in this ordinance shall be deemed to refer to and include any natural person, firm, copartnership, association, or corporation whether he or it is acting for himself or itself or as the clerk, servant, employee, or agent of another.

(b) 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 Lakeside is hereby declared to be an offense against the public peace, safety, morals, and general welfare of the people of the City of Lakeside.

Section 2. Disorderly Conduct.

It shall be unlawful for any person to engage in any violent, riotous, or disorderly conduct, or to perform any obscene, immoral, indecent, lewd, or licentious act, or to use any profane or obscene language in any public place.

Section 3. Assault and Battery.

It shall be unlawful for any person, whether or not armed with a dangerous weapon, to attack, assault, or commit battery upon another, or to engage in any brawl, tumult or fight.

Section 4. Throwing Objects.

It shall be unlawful for any person to throw any rock, snowball, eggs, or other substance which is likely to injure the person or property of another.

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, sling shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of another, unless a permit to carry the same has been lawfully issued to any such person and if any revolver, pistol or other firearm or any other instrument as hereinabove set forth shall be found upon any person who has not been duly issued a permit to carry the same under the laws of the State of Oregon, the same shall be taken from such person and shall be surrendered to the Judge before whom such person shall be taken. At the expiration of six months from the surrender of the same, the Judge shall cause such fire arm or other instrument as hereinabove defined to be destroyed or rendered entirely ineffective and useless for the purpose for which it was manufactured; provided, however, that in the event such fire arm or other instrument has been stolen and is thereafter recovered from the thief or from his transferee the same shall not be destroyed but shall be restored to the lawful owner thereof as soon as its use as evidence has been served, and upon proof of identification and ownership thereof.

Section 6. 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, to advance or to loan money to such person, or to have any dealing with any such person respecting the title of property.

Disorderly Houses.

It shall be unlawful for any person to set up, operate, or maintain, or to aid, abet, or assist in the setting up, operating, or maintaining of any disorderly house. The term "disorderly house" as used in this ordinance shall be held to include any house or place kept for the purpose of prostitution, obscenity, lewdness, or other immoral practices, or any house or room maintained as a place for the use of narcotic drugs. In any prosecution for the offenses defined herein, common fame shall be competent evidence in support of the charge.

Section 8. Disorderly Houses, Visiting.

It shall be unlawful for any person to be an inmate or resident of any disorderly house or for any person to visit or frequent any such house; provided, that this section shall not apply to physicians or officers acting in the discharge of their professional or official duties.

Section 9. Disorderly Houses, Leasing Property For.

It shall be unlawful for any person to lease or let his house or building for the purpose of keeping therein any disorderly house or knowingly to permit his house or building to be so used. It shall be the duty of any person who upon ascertaining that his house or building is so occupied and used to oust the occupants thereof immediately.

Section 10. Solicitation.

It shall be unlawful for any person to solicit another to visit or enter any disorderly house.

Section 11. Prostitutes, Living on Earnings of.

It shall be unlawful for any person to live in or about a house of ill fame, or habitually to associate with or live off a common prostitute, or to receive from a common prostitute any part

person to have sexual intercourse with a prostitute.

Section 12. Minors, Visitation Disorderly Houses.

It shall be unlawful for any minor to go into or visit under any pretext or for any purpose whatever any disorderly house. It shall be unlawful for any person to procure, request, or induce any minor to go into or visit any such place. Any minor violating the provisions hereof shall forthwith be taken into custody and remanded to the jurisdiction of the juvenile court for such action as such court may deem appropriate under the circumstances.

Section 13. 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.

Section 14. Begging. It shall be unlawful for any person to beg or solicit alms or other gratuities upon the streets or in any public place; provided, however, that this section shall not apply to the solicitation of gratuities by recognized charitable or eleemosynary associations or institutions.

Section 15. Spitting on Sidewalks.

It shall be unlawful for any person to spit or expectorate upon the sidewalk, street, parking, or on any building or in any public place, except in receptacles provided for that purpose, or to defile in any manner whatsoever any drinking fountain used by the public.

Section 16. 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 17. Animals, Poisoning of.

It shall be unlawful for any person to put out or place any poison where the same is liable to be eaten by any horse, cattle, sheep, hog, dog, or other domestic animal.

Section 18. Animals, Cruelty to.

It shall be unlawful for any person to overwork, torture, beat, mutilate, deprive of necessary sustenance, or cruelly kill any animal.

Section 19. Animals, Vehicles Injuring.

Any person operating a vehicle, as defined by the Uniform Traffic Act of the state of Oregon, upon the streets of the City of Lakeside 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. 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.

Section 20. 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 21. Fire-Arms and Weapons.

It shall be unlawful for any person to discharge any fire-arm, bomb, air gun or to use any bean shooter, sling shot, or other similar weapon or device.

Section 22. 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 23. Building Entrances, Obstructing.

It shall be unlawful for any person to obstruct any entrance, stairway, or hall leading to any building.

Section 24. Fire Apparatus, Injury to.

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, or appliance or apparatus belonging to or used by the fire district.

Section 25. Fire Alarms.

It shall be unlawful for any person to turn in any false fire alarm.

Section 26. Sidewalks, Obstructing.

It shall be unlawful for any crowd or collection of persons to gather or to stand upon any sidewalk or street crossing so as to prevent, interrupt, or obstruct the travel or free passage over the same by the public or for any person to fail or refuse to

disperse or move on when directed to do so by any police officer.

Section 27. Streets and Sidewalks, Obstructing.

It shall be unlawful for any person to place or deposit upon any street or sidewalk any article which tends to prevent, interrupt, or obstruct the travel or free passage of pedestrian and vehicular traffic.

Section 28. Fires, Disorderly Conduct at.

It shall be unlawful for any person at or near a fire to conduct himself in a disorderly manner or to refuse to observe promptly any order of any member of the fire district force or to resist, obstruct, or hinder any member of the fire district force.

Section 29. 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 30. 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 31. Posted Notices, Defacement.

It shall be unlawful for any person to willfully deface or tear down any official notice or bulletin posted in conformity with law.

Section 32. Posters, Unauthorized.

It shall be unlawful for any person to paste any poster, bill, placard or other paper upon any real or personal property, public or private, in the City of Lakeside unless the same be

pasted upon a billboard commonly and ordinarily used for such purpose and it shall be unlawful for any person to fix a placard, bill, or poster which is not pasted to any real or personal property, public or private, without first obtaining permission of the owner.

Section 33. 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. Markings placed upon the street, 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.

Section 34. Property, Malicious Destruction.

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

Section 35. Trespass.

It shall be unlawful for any person to trespass upon the property or premises of another.

Section 36. Injurious Substances, Deposit on Streets.

It shall be unlawful for any person willfully to place or deposit upon any street or public way or to sweep from the sidewalk into the street any substance tending to mar the appearance or to detract from the cleanliness or safety of such street or public way.

Section 37. Slaughterhouse.

It shall be unlawful for any person to maintain a slaughterhouse or tannery within the corporate limits of the City of Lakeside.

Section 38. Water Pollution.

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 Lakeside, or to place any such substances in such position that high water or natural seepage will carry the same into any such waters. (7)

Section 39. 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 accumulated upon the sidewalks abutting 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 p.m., the same shall be removed within two hours after it shall cease to fall or within two hours after 7 a.m. on the next succeeding day, as the case may be.

Section 40. Attractive Nuisances.

It shall be unlawful for any owner, lessee, occupant, or any person having the 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 without a safe and tight cover thereon.

Section 41. Noises, Unnecessary.

It shall be unlawful for any person to create, assist in creating, permit, continue, or permit to continuance of any loud, disturbing, or unnecessary noise in the City of Lakeside. The follow-

ing 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, street car, or other vehicle, any engine, stationary or moving instrument, device, or thing so out of repair, so loaded or operated in such a 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, street car, 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 use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle.

(f) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.

(g) The use of a "muffler cutout" on any motor vehicle upon any street.

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

Section 42. Police Officers, Resisting.

It shall be unlawful for any person to hinder, delay, obstruct, or resist any peace officer who is acting in the performance of his duties. It shall further be unlawful to aid, abet, or assist

the escape of any person in the custody of any such officer, whether such escape be successfully effected or not.

Section 43. Police Officers, Impersonating.

It shall be unlawful for any person to impersonate, falsely assume to be, or pretend to be an official peace officer of the City of Lakeside.

Section 44. Escape from Custody.

It shall be unlawful for any person in custody of any city police officer, state policeman or other law enforcement officer to escape or attempt to escape from custody of such officer

Section 45. 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 46. 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 a facility designated as a city jail one day for each \$25.00 of such fine, provided that notwithstanding the amount of such fine, confinement shall not be less than one day.

Section 47. Penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than \$5.00 nor more than \$1,000.00 in the discretion of the court.

Section 48. Complaint Filed by Private Party.

The District Court 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 District 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 therefor, such cash bond may in the discretion of the Judge be forfeited to the City of Lakeside.

Section 49. Constitutionality.

If any clause, sentence, paragraph, section 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 such judgment is rendered.

Section 50.

It is hereby declared necessary for the peace, health, safety and general welfare of the inhabitants of the City and to enable the police officers of the City to exercise order, control and efficiently maintain the peace, that this ordinance be in full force and effect immediately and on account thereof the Council hereby declares an emergency to exist, and that this ordinance shall be in full force and effect immediately upon passage by the Council and its approval by the Mayor.

The foregoing Ordinance was duly passed by the City Council of the City of Lakeside and approved by the Mayor this 21st day of January, 1975.

APPROVED:

J. Robert Friend

J. Robert Friend,

Mayor

ATTEST:

S. E. Herman
S. E. Herman,

Recorder