

ORDINANCE NO. 82

AN ORDINANCE AMENDING ORDINANCE NO. 7, NUISANCE ORDINANCE, OF THE CITY OF LAKESIDE BY AMENDING CERTAIN PROVISIONS AND ADDING OTHER PROVISIONS.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1: Section 1, Definitions is amended adding following definitions:

"(c) Person in charge of property - an occupant, ~~lessee~~, contract purchaser, person other than the owner, having possession or control of the property.

(d) Public Property. A building, way, place of accommodation, whether publicly or privately owned, open and available to the general public.

(e) Private Property. A building, way, place or accommodation, privately owned, not open and available to the general public."

Section 2: Section 2, Disorderly Conduct, is amended to read as follows:

"Disorderly Conduct. It shall be unlawful for any person to, with intent to cause inconvenience, annoyance or alarm to another, or recklessly create a risk thereof, to engage in any of the following acts:

(a) Engage in fighting or in violent, tumultuous or threatening behavior; or

(b) Make unreasonable noise; or

(c) Use abusive or obscene language, or make an obscene gesture, in a public place;

(d) Disturb any lawful assembly of persons without lawful authority; or

(e) Obstruct vehicular or pedestrian traffic on a public way; or

(f) Congregate with other persons in a public place and refuse to comply with a law of the police to disperse; or

(g) Initiate or circulate a report it to be false, concerning an alleged o

ing fire, explosion, crime, catastrophe or other emergency; or

(h) Create a hazardous or physically offensive condition by any act which he is not licensed or privileged to do.

Section 3: Section 45, Offenses, Attempt to Commit, is amended to read as follows:

"Any person who shall attempt to commit any of the offenses mentioned in this Ordinance shall be guilty of the offense of attempting to commit the particular offense. A person is guilty of an attempt to commit an offense when he intentionally engages in conduct which constitutes a substantial step toward commission of the offense.

Section 4: Section 46, Fines, Payment Enforced, is amended to read as follows:

"When a person sentenced to pay a fine under this ordinance defaults in the payment thereof, the court on motion of the district attorney or upon its own motion may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.

A. Unless the person fined shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or a specified part thereof is paid.

B. The term of imprisonment for contempt for nonpayment of fines shall be set forth in the commitment order, and shall not exceed one day for each \$25 of the fine not to exceed 30 days. A person committed for nonpayment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

C. If it appears to the satisfaction of the court that the default in the payment of a fine is not contempt, the court may enter an order allowing the defendant additional time for payment reducing the amount thereof or