

MISDEMEANORS

ORDINANCE NO. 20

(Passed August 11, 1879).

363. Section 1. Every person who shall be found drunk or in a state of intoxication in any highway, street or other public place in this city, or who shall be drunk and disorderly in any private house or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than two dollars nor more than fifty dollars; and it shall be the duty of the city marshal and of all police officers of this city to arrest or cause to be arrested, with or without process, every person who shall be guilty of a violation of any of the provisions of this section, and to commit such person to the city jail or other place of confinement in this city, until sober, at which time, or as soon thereafter as may be, such person shall be taken before the proper officer in said city to be dealt with according to law.

364. Section 2. Any person who shall in this city cruelly beat, injure or otherwise abuse any dumb animal, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than five nor more than fifty dollars.

Note: Secs. 3, 4, 5, and 6 are repealed. See Ordinance No. 66.

365. Section 7. Any person who shall keep a gambling house in this city, or set up or keep any gambling table or gaming device, at which any game of chance shall be played for money or property, or anything representing money or shall at any such table or device, or at any game of chance, bet, win, or lose any money or property, either in specie or by means of anything representing the same, or shall suffer any such table or device at which any game of chance is played, to be set up or used in any tenement in his possession, or under his control, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than three hundred dollars.

366. Section 8. Any person who shall, in this city, engage in or carry on, or cause to be carried on, any gift enterprise, or any sale, scheme, proceeding or business whatever, whereby a gift or prize of any kind, or the hope of a gift or prize shall be held out to the purchasers as an inducement to purchase any card, photograph, ticket, article, property, or thing whatsoever, as an inducement to pay or invest any sum of money, or any property, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

367. Section 9. Any person who shall, in this city, sell or exhibit any obscene or immoral publication, print, picture, or illustration, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than two hundred dollars.

368. Section 10. Any person who shall, in this city, appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make an indecent exposure of his or her person, or shall be guilty of an indecent or lewd act or behavior, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than two hundred dollars.

369. Section 11. Any person who shall, in this city, write, draw, paint, stain, cut, carve, mark, scratch, brand, engrave, or otherwise make any gross, indecent or obscene word or words, language, picture or device whatsoever, so that the same shall be exposed to public view, upon any wall, fence or other thing, in any highway, street, avenue, alley, or other public place, or place visible to persons in such public place, or stick or put up on or in any place aforesaid, any paper, wood or other thing, on which or from which any such word or words, language, picture, or device, shall have been ex-

pressed, shaped or made, in any of the ways aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

370. Section 12. Any person who shall, in this city, exhibit or perform, or permit to be exhibited or performed, upon premises under his or her management or control, any indecent, immoral or lewd play or other representation, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than ten nor more than three hundred dollars.

371. Section 13. Any person who shall, in this city, sell or give away any intoxicating, malt, vinous, mixed or fermented liquor to any insane, idiotic or distracted person, habitual drunkard, or minor, under the age of eighteen years, knowing him to be such minor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five nor more than one hundred dollars.

372. Section 14. Any person who shall instigate, cause or encourage a dog fight in any public or private place, in this city, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than fifty dollars.

373. Section 15. Any person who shall, on Sunday, give or hold any theatrical performance or other exhibition, within this city, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than one hundred dollars.

374. Section 16. Each and every of any two or more persons who shall come together in this city for the purpose of doing any unlawful act, with force or violence, against the property of this city, or against the property or person of another, or against the peace or to the terror of others, or who being together shall, in concert, make any movement or preparation therefor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

375. Section 17. Any person who shall, in this city, cause, engage in, instigate or encourage any riot, rout, affray, or fight, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than three hundred dollars.

376. Section 18. Any person who shall in this city disturb the peace of others by loud and unusual noises, or shall disturb others by violent, tumultuous, offensive or obstreperous conduct or carriage, or by unseemly profane, obscene or offensive language, calculated to provoke a breach of the peace, or shall permit any such conduct in or upon any house, building or premises in this city owned or possessed by him, or under his management or control, so that others in the vicinity shall be disturbed thereby, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

377. Section 19. Any keeper of a dram shop, beer house, ale house, saloon, hotel or other place of public resort, in this city, who shall disturb the public peace, by permitting breaches of the peace, or disturbances of public order and decorum through noisy, riotous, or disorderly conduct, on or about any such place, sufficient to make any such place a disorderly house, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than three hundred dollars.

378. Section 20. Any person who shall in this city disturb any congregation or assembly met for religious worship by making a noise, or by rude or indecent behavior or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than fifty dollars.

379. Section 21. Any person who shall, in this city, disturb any lawful assemblage of people, other than the kind specified in the last preceding section, by rude and indecent behavior, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than fifty dollars.
380. Section 22. Any person or persons who shall, in this city, be found stopping or loitering on any highway, street or sidewalk, to the obstruction of passengers, or shall be found stopping or loitering in the vicinity of any place of amusement, and refuse to disperse or vacate such place when requested so to do by the city marshal, or any other person doing police duty, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than five nor more than twenty-five dollars.
381. Section 23. Any person who shall, in this city, intentionally give or make any false alarm of fire, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than two hundred dollars.
382. Section 25. Any person who shall, within this city, immoderately ride or drive any animal or animals in any highway, street, alley, or other public place, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars. And it is hereby made the duty of the city marshal, and all public officers, and it shall be lawful for any citizen, to stop any person who may be immoderately riding or driving as aforesaid.
383. Section 26. Any person who shall leave any horse, horses, or other animals attached to any carriage, wagon, cart, sleigh, sled, or other vehicle, in any street, alley, avenue, or lane, within this city, without the same being fastened by a chain or strap from the bit to a metal weight upon the ground, such weight weighing at least fifteen pounds for a single horse, or other animal, and twenty-five pounds for a team, or otherwise securely fastened shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than three nor more than one hundred dollars.
384. Section 28. Any person who shall engage in any sport or exercise likely to scare horses, injure passengers, or embarrass the passage of vehicles, or shall maliciously do anything to frighten any horse, horses, or other animals when being rode or driven within this city, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than three nor more than one hundred dollars.
385. Section 29. In all cases of persons meeting each other in vehicles on any highway or thoroughfare or upon or near any bridge within this city, each person so meeting shall in all cases turn off and go to the right side, so as to enable each vehicle to pass without accident. Whoever shall violate this section shall be subject, on conviction, to a fine of not less than one nor more than twenty-five dollars.
386. Section 30. Any person who shall hitch any horse, mule or other animal to any lamp post, hydrant, fence, railing or tree planted along the sidewalks of this city, or shall for the purpose of advertising any business, or for any other cause whatever, place any writing, printing or other device upon any of the hydrants, lamps or lamp posts belonging to this city, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two nor more than twenty dollars.
387. Section 31. Every person, whether engaged in public or private work, who shall dig or cause to be dug any excavation whatsoever in or adjoining any highway, street, sidewalk, or other public place in this city, shall cause the same to be guarded with a substantial fence or railing not less than three feet high, and so placed as to prevent persons, animals or vehicles from falling therein, and every person digging or causing such excavation
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to be made in such street or highway, shall cause to be kept burning during the night one or more lights as the case may require, which shall be securely and conspicuously posted on or near such excavation, to prevent danger from such excavation to persons or animals. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

388. Section 32. Whoever shall dig, or cause to be dug, a vault in any highway, street or sidewalk in this city, and shall not arch or cover the same over, and secure the grating or covering of the opening thereof in such manner as to prevent persons, animals and vehicles from falling therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

389. Section 33. Whoever shall keep or leave open, or cause to be kept or left open, any cellar door, grating, or other covering of any vault or cellar in any highway, street or sidewalk in this city, or shall suffer any such door, grating or other covering belonging to premises occupied by him to be in an insecure state or condition, whereby there may be danger of persons, animals or vehicles falling into a cellar or vault, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

390. Section 34. All holes, depressions, excavations or other dangerous places within this city that are, or shall be, below the natural or artificial grades of the surrounding or adjacent highway or street, shall be properly inclosed with fences or walls, or be filled up so as to prevent persons and animals falling into them. The supervisor of streets shall notify the owner or occupant of premises on which such dangerous places exist to cause fences or walls to be built around them, or to cause the same to be filled up. Any owner or occupant so notified failing to comply forthwith with such notification shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

391. Section 35. Any person who shall, in this city, throw a stone or any other thing at any building, tree or any other property of the town, or shall throw a stone or any other thing at any building, tree or any other property of a private person, though no injury result thereby to any such property, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars.

392. Section 36. Whoever shall, in this city, make or cause to be made, without lawful authority, an excavation in any highway, street, alley, sidewalk, or other public place, or otherwise dig up or remove any stone, rock, gravel or earth in or from any such place, or remove any stones, stakes, or other landmarks, placed by any officer of said city, under authority thereof, or by any other duly authorized person, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined not less than five nor more than three hundred dollars.

393. Section 37. Any person who shall, in this city, willfully deface, tear down, destroy, or injure in any manner whatsoever any lamp post, bracket, awning, awning post, sign, fire-plug, hydrant, ornamental or shade tree, tree box, railings, fence or other inclosures, telegraph posts, telegraph wires, any bridge or its appurtenances, any carriage, hose or other property used by the fire department, any building or buildings, or other property whatsoever in this city, belonging to the city, or to any private corporation or person by cutting, hacking, breaking, burning, daubing with paint or other substance, hitching of horses or other animals, or by effecting such acts in any other manner, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

394. Section 38. Section thirty-eight (thirty-seven) shall not be construed to apply in any cases of any injury to property not specifically

enumerated in such section, and for which other provisions are made in the city ordinances.

395. Section 39. Any person who shall, in this city, discharge a cannon or fire-arms of any kind, or in any manner not otherwise specified cause to explode any gunpowder, blasting powder, giant powder, dynamite, nitro-glycerine, firecracker, or other thing containing combustible or explosive material without permission of the city mayor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than five nor more than three hundred dollars. Provided, that nothing in this section shall be deemed to prohibit ordinary fireworks or the firing of cannon and firecrackers on the fourth day of July in each year, between the hours of five o'clock a. m. and ten o'clock p. m. of said day. And, provided further, that no permission shall be granted to hold or conduct any shooting match or competitive trial of skill with firearms within the limits of this city, and that every permission issued by the mayor under this section shall limit the time of such firing, and shall be subject to be revoked by the mayor or City Council at any time after the same shall have been issued.

(Note: That portion of above Sec. relating to fire works is repealed by Ordinance No. 157, Page 71, passed November 5, 1937.)

396. Section 40. If any person shall assist or aid or attempt to assist or aid any person confined in the city jail or place wherein persons may be confined for violating city ordinances, to escape from such jail or place of confinement, or if any person shall, without the consent of the person in charge of the city jail or place wherein persons may be confined for violating city ordinances, introduce any spiritous or malt liquors, or any tool, implement, or other thing, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

397. Section 41. Any person able to work and support himself in some honest and respectable calling, not having wherewithal to maintain himself, who shall be found within this city loitering, strolling about, frequenting public places where liquor is sold, begging, or leading an idle, immoral or profligate course of life, shall be deemed a vagrant, and guilty of a misdemeanor, and, upon conviction thereof, be fined in a sum not less than five nor more than one hundred dollars.

398. Section 42. If any person shall injure or tear up any pavement or sidewalk, without due authority, or if any person shall hinder or obstruct the making or repairing of any pavement, side or cross-walk which is or may be in course of construction, pursuant to any ordinance, resolution or order of the city council, or shall hinder or obstruct any person employed by the city council, or the person employed by him in making or repairing any public improvement or work ordered by the City Council, every such person shall, on conviction, be fined for each offense in any sum not less than ten nor more than fifty dollars.

399. Section 43. Whoever shall, in this city, falsely represent himself to be an officer of this city, or shall, without being duly authorized, exercise or attempt to exercise any of the duties, functions or powers of a city officer, or shall hinder, obstruct, resist or otherwise interfere with any city officer in the discharge of his official duties, or attempt to prevent any such officer from arresting any person, or attempt to rescue from any such officer any person in his custody, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than five nor more than three hundred dollars.

400. Section 44. Whenever the city marshal or any officer of the police force of this city shall make an arrest, under this ordinance, it shall be the duty of the officer making such arrest to take from the person so arrested

any weapon found upon him at the time of making such arrest, and to retain the same until he or they shall have paid whatever fine and costs, if any, there shall have been adjudged against him or them.

401. Section 45. Every person who shall ride or drive any horse, mule, ox, or beast of burden upon or over any bridge within the corporate limits of this city faster than a walk, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five nor more than twenty-five dollars. And it is hereby made the duty of the city marshal and all police officers to arrest any person found violating any provision of this section, with or without warrant, and to take such person forthwith before the proper officer, to be dealt with according to law.

402. Section 46. Every druggist or other person who shall in this city deliver any deadly poison, knowing the same to be such, without the same being labeled in legible character, "Poison," shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not exceeding one hundred dollars.

403. Section 47. Every person who shall in this city fraudulently sell or offer for sale any adulterated drugs or medicines, or any milk adulterated with water or other substance, or any milk produced from diseased cows, or any bread that shall have been adulterated, or any bread that shall contain any substance injurious to health, or any liquor or fluid used or intended for drink which shall have been adulterated with any substance poisonous or injurious to health, or any other kind of diseased, corrupted, adulterated or unwholesome provisions, to be used for food or drink, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars.

404. Section 48. None of the provisions of this ordinance shall be construed to apply to sheriffs, constables or police officers, when employed in the execution of their legitimate duties.

(Note: Secs. 3, 4, 5, 6, 24 and 27 of this ordinance are repealed. See Ordinance No. 66.)

ORDINANCE NO. 32

(Passed April 5, 1886.)

405. Section 1. That it shall be unlawful for any person under the age of eighteen years to loiter in or upon the premises of any railroad within this city, or to catch hold of or hang on to the cars of any railroad while in motion, or to ride in or upon such cars for play or amusement, within this city, or to run along the side of such cars while in motion near enough thereto to be in danger of being caught by the wheels thereof in case such person should fall.

406. Section 2. That it shall be unlawful for persons to collect in groups, bodies or crowds upon the streets or other public places, or on vacant lots, or in public highways, in this city, for unlawful purposes, or for the purposes of sport and amusement, or any purpose to the disturbance or annoyance of citizens or travelers; or in any such place or places to make, or countenance, or assist in making any improper noise, riot, disturbance or breach of the peace, or use obscene, profane or abusive language.

407. Section 3. That any person violating any or either of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not more than fifty dollars.
