

ORDINANCE NO. 45

AN ORDINANCE RELATING TO OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS, AND GENERAL WELFARE: PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE PEOPLE OF THE TOWN OF DUNDEE DO ORDAIN AS FOLLOWS:

Section 1. The term "person" as used in this ordinance shall be deemed to include any natural person, firm, co-partnership, 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 within the corporate limits of the Town of Dundee, or who shall use any profane or obscene language in any public place within the corporate limits of said Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 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 10 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 purposes, 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 \$1 nor more than \$50, or by imprisonment in the town jail for a term of not less than 1 day nor more than 30 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, within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 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 within the corporate limits of the Town of Dundee to carry, concealed about his person in any manner whatever, a revolver, pistol, or other firearm, or any knife (other than an ordinary pocket knife), dirk, 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. 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 6. FIREARMS. Any person who shall discharge any type of firearm within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 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, or the property or persons of members of his immediate family.

Section 7. DRUNKENNESS. Any person found in an intoxicated or drunken condition on any street or in any public place within the corporate limits of the Town of Dundee or on any private property within the said Town without the consent of the owner or occupant thereof, shall be deemed guilty of a misdemeanor and, upon

conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 8. DRINKING IN PUBLIC PLACES. Any person who shall drink any intoxicating liquor upon any street or in any public place within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court; provided, however, that nothing in this section contained shall be deemed to apply to the drinking of any intoxicating liquor in any establishment wherein the same may be sold for consumption on the premises under the laws of the State of Oregon.

Section 9. DRIVING WHILE DRUNK. Any person who is an habitual user of narcotic drugs, or any person who is under the influence of intoxicating liquor or narcotic drugs, who shall drive any vehicle upon the streets or alleys of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100 and in addition to said fine shall be imprisoned in the Town jail for a period of not less than 10 days nor more than 60 days.

Section 10. AFTER HOURS. Any person roaming or wandering about the streets of the Town of Dundee at late or unusual hours of the night without having any lawful business or occasion to be upon such streets at such time shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 11. GAMBLING. Any person who shall operate or assist in the operation of, or play or participate in any gambling game played for money or representative of value within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 12. LOTTERIES. Any person who shall operate, or assist in the operation of, any lottery, within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days or by both such fine and imprisonment, in the discretion of the court.

Section 13. 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 within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days or more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

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

Section 14. 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, within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 15. BAWDYHOUSES, VISITING. It shall be unlawful for any person to go into or to visit for immoral purposes any bawdyhouse or other place kept for purposes of prostitution, fornication, lewdness or other immoral practices, within the corporate limits of the Town of Dundee. It shall be unlawful for any person to procure, request, or in any wise 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, and any person procuring, requesting, or inducing any minor to enter or visit any such place, and any person, other than a minor, going into or visiting such place for immoral purposes shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 16. MINORS, CAUSING TO BECOME DELINQUENT OR DEPENDENT. Any person who shall willfully 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 law of the State of Oregon, within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the Court.

Section 17. INDECENT EXPOSURE. Any person who shall willfully and lewdly 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, within the corporate limits of the Town of Dundee, or who shall make other exhibition of himself to public view, within said Town, such as is offensive to decency or is adapted to excite vicious or lewd thoughts or acts, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by both such fine and imprisonment, in the discretion of the court.

Section 18. OBSCENE MATERIALS. Any person who shall design, copy, draw, photograph, prepare, publish, sell, lend, give away, distribute, show, 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 \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 19. LASCIVIOUS COHABITATION. If any man and woman, not being married to each other, shall lewdly or lasciviously cohabit or associate together within the corporate limits of the Town of Dundee, such man and woman, and each of them, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 20. LIVING ON EARNINGS OF PROSTITUTE. If any man shall live in or about a house of ill fame or habitually associate with or live on a common prostitute or receive from a common prostitute any part of her earnings, or solicit or attempt to solicit any male person or persons to have sequal intercourse with a prostitute within the corporate limits of the Town of Dundee, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 21. INDECENT ACTS. Any person who shall willfully and wrongfully commit any act within the corporate limits of the Town of Dundee which grossly injures the person or property of another, which grossly disturbs the peace or the public health, or which grossly outrages public decency or 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 \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 22. MASHING PROHIBITED. Any male person who shall insolently or without cause accost a female over the age of 14 years, within the corporate limits of the Town of Dundee, or who impertinently seeks to attract or gain the attention

OF any such female, within said city, or who vulgarly ogles, or makes improper advances or indecent remarks to any such female, within said city, or who indulges in the practice commonly known as "mashing" upon the streets or in public places in the Town of Dundee, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 23. SALE OF LIQUOR TO MINORS. Any person who shall sell, barter, trade, or give away to any minor any intoxicating liquor, within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 24. POOL HALLS, MINORS VISITING. It shall be unlawful for any minor to loiter in any pool hall, billiard hall, or cardroom within the corporate limits of the Town of Dundee. Any person operating any pool hall, billiard hall, or cardroom, either as owner or proprietor, or as employee, servant, or agent of such owner or proprietor, who shall knowingly permit any minor to loiter in any such premises within said Town, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 25. MINORS, EMPLOYMENT IN CERTAIN PLACES PROHIBITED. Any person who shall employ a minor under the age of 18 years in or about a beer parlor, cardroom, poolroom, or billiard room within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 26. MINORS, TOBACCO SALE TO. Any person who, for himself or as the clerk, servant, employee, or agent of another, shall, within the corporate limits of the Town of Dundee, directly or indirectly, or by any pretense or device, knowingly sell, offer for sale, keep for sale, exchange, barter, dispose of, or give away to any minor under the age of 18 years, 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 27. TOBACCO, USE BY MINORS. It shall be unlawful for any minor under the age of 18 years to purchase, accept, smoke, or in any way use any cigars, cigarettes, or tobacco in any form, within the corporate limits of the Town of Dundee. Any such minor being in possession of any cigars, cigarettes, or tobacco in any form, within the corporate limits of said Town shall immediately upon demand divulge to any police officer of said Town the place and person or persons from whom such cigar, cigarettes, or tobacco were obtained. 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 28. SPITTING ON SIDEWALK. Any person who shall spit or blow the nose upon any sidewalk, or on or in any building within the corporate limits of the Town of Dundee, except in receptacles provided for that purpose, or who shall defile in any manner whatsoever any drinking fountain used by the public within said Town, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 29. OCCULT ARTS PROHIBITED. Any person practicing fortune telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, or spiritualism, or who conducts any spiritualistic readings, sittings, or exhibitions of any character for hire or profit, within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the city jail for a term

Page 4. Ordinance No. 45.

of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court; provided, however, that this section shall not be deemed to prohibit any person from conducting or carrying on any of the above mentioned arts in connection with any duly licensed circus, carnival, or side show operating under a temporary permit in the Town of Dundee, or in any duly licensed theater, or in connection with any religious establishment, or any recognized medical practice.

Section 30. BEGGING. It shall be unlawful for any person to beg or solicit alms or other gratuities on the streets or any public place; provided, however, that this section shall not apply to the soliciting of gratuities by recognized charities or eleemosynary associations or institutions. Any person violating any of 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 31. CRUELTY TO ANIMALS. Any person who shall overwork, torture, beat, mutilate, deprive of necessary sustenance, or cruelly kill, any animal within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 32. DEFRAUDING AN 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, within the corporate limits of the Town of Dundee, 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment in the discretion of the court.

Section 33. PLANTS, DESTRUCTION OF. Any person who shall maliciously or wantonly cut down, destroy, or injure any flower, plant, bush, shrub, or tree standing or growing upon the property or another or in the public streets or on public property within the corporate limits of the Town of Dundee, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day or more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 34. POSTED NOTICES, DEFACEMENT OF. Any person who shall willfully deface or tear down any official notice or bulletin posted in conformity with law within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 35. PROPERTY, MALICIOUS DESTRUCTION OF. Any person who shall maliciously deface, injure, or destroy any personal or real property of another or any public or municipal property within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment in the discretion of the court.

Section 36. SIDEWALKS, DRIVING ON. It shall be unlawful for any person to drive any horse or other animal or any motor vehicle on, along, over, or across any sidewalk, except by permit issued by the city recorder for such purpose, whereupon a proper incline or crossing shall be provided for such purpose. 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 \$1 nor more than \$20, or be imprisoned in the Town jail for a term of not less than 1 day nor more than 10 days or by both such fine and imprisonment, in the discretion of the court.

Section 37. CONTROL OF WEEDS. It shall be unlawful for the owner or occupant of any property adjoining any street or alley in the Town of Dundee, to permit dog, fennel, weeds, thistles, grass, or blackberry bushes to grow along, on, or over such property so that the same may droop over any sidewalk or crosswalk in said city. Any person violating any of 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 \$1 nor more than \$20, or by imprisonment, in the Town jail for a term of not less than 1 day nor more than 10 days, or by both such fine and imprisonment, in the discretion of the court.

Section 38. GARBAGE CONTROL. It shall be unlawful for any person to accumulate any manure, slop, rubbish, garbage, filth, or other foreign substance, or to allow such materials to remain on any lot or parcel of ground owned or occupied by such person; provided, however, that it shall be unlawful for any person, firm, corporation or association to dump or cause to be dumped in or upon the city dump grounds any combustible materials, or any fruit, vegetables, meat, or other perishable materials, except in compliance with the rules and regulations provided for the governing and operation of said city dump. Any person violating any of 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 \$2 nor more than \$100 or by imprisonment in the Town jail for not less than 5 days nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 39. INJURIOUS SUBSTANCES, DEPOSIT ON STREETS PROHIBITED. Any person who shall unlawfully place or deposit upon any street or public way within the corporate limits of the Town of Dundee any substance tending to mar the appearance or detract from the cleanliness or safety of 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 \$1 nor more than \$50, or by both such fine and imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, in the discretion of the court.

Section 40. PIGSTIES PROHIBITED. Any person who shall keep or maintain a pigsty, slaughterhouse, or tannery within the corporate limits of the Town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court; provided, however, that this section shall not apply to the maintenance and operation of poultry and rabbit killing establishments.

Section 41. OFFENSIVE SUBSTANCES, DEPOSIT OF PROHIBITED. Any person who shall put any animal carcass, or part thereof, any excrement, or any putrid, nauseous, decaying, deleterious, or offensive substances in any street, well, spring, brook, ditch, pond, or other inland waters within the corporate limits of the Town of Dundee, or who shall place any such substances in such position that high water or natural seepage will carry the same into any such waters, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court; provided, however, that the provisions of this section shall not apply to sewers, and drains now established and in use within the corporate limits of the Town of Dundee.

Section 42. ANIMAL CARCASS, REMOVAL OF. No person being the owner of any animal, shall, if it dies, suffer or permit the carcass of the same, or any part thereof, to remain upon the public streets or ways or on private property within the corporate limits of the Town of Dundee, and no person who is the owner or occupant of any property within said city shall suffer or permit the carcass of any animal or any part thereof, to remain on such property. That it shall be the duty of any such person, owner, or occupant, forthwith to cause such carcass, or part thereof, to be buried or other sanitary 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court; provided, however, that the provisions of this section shall not apply to the storage, handling, or sale of meats and foot products within said Town, provided the same is conducted and carried on in a sanitary and wholesome manner.

Section 43. MEDICINE SAMPLES, DELIVERY TO MINORS PROHIBITED. No person shall knowingly distribute or give away samples of any medicines or drugs to any (minor) person within the corporate limits of the Town of Dundee. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 44. SURFACE WATERS, DRAINAGE OF. It shall be unlawful for the owner, lessee, or occupant of any building or structure within the corporate limits of the Town of Dundee to suffer or permit rain water, ice, or snow to fall from any such building or structure upon any street or sidewalk or to flow across any such sidewalk. Every such owner, lessee, or occupant shall at all times keep and maintain in a proper state of repair adequate drain pipes or drainage system sufficient to carry any overflow water accumulating on the roof or about such building, to the street. 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 45. POISONING ANIMALS. Any person who shall put out or place any poison within the corporate limits of the Town of Dundee, where the same is liable to be eaten by any horse, cow, sheep, dog, cat, 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 \$10 nor more than \$100, or by imprisonment in the Town jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 46. VEHICLES INJURING ANIMALS. Any person operating a vehicle, as defined by the Oregon Motor Vehicle Act, upon the streets of the Town of Dundee, 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 punished by a fine of not less than \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 47. KILLING BIRDS PROHIBITED. Any person who shall discharge any firearm, air gun, or similar device at any bird, or who shall throw any missile at any bird within the corporate limits of the Town of Dundee, with intent to kill or injure said bird, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 or more than \$50, or by imprisonment in the city jail for a term of not less than 1 day or more than 30 days, or by both such fine and imprisonment, in the discretion of the Court.

Section 48. UNNECESSARY NOISES PROHIBITED. It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any loud, disturbing, or unnecessary noise in the Town of Dundee. The following 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 noises shall disturb the comfort and repose of any person in the vicinity.
- (b) The use of any automobile, motorcycle, streetcar, or other vehicle, engine, or any stationary or moving instrument or device or anything 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, streetcar, or other vehicle on any street or public place of the Town of Dundee, except as a necessary warning or 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 erection, including excavating, demolition, alteration, or repair of any building, other than between the hours of 7:00 A. M. and 6:00 P. M. except upon special permit granted by the council.
- (f) The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicle.
- (g) The operation of any gasoline engine without having the same equipped with and using thereupon a muffler.
- (h) The use of a muffler cutout on any motor vehicle upon any street or alley.
- (i) The use or operation of any automatic or electric piano, phonograph, radio, loud speaker, or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such manner as renders the same a public nuisance; provided, however, that upon application to the police committee of the council, permits may be ~~grated~~ granted to responsible persons or organizations to broadcast programs of music, news, speeches, or general entertainment.
- (j) The conducting, operating, or maintaining of any garage within 100 feet of any building used as a private residence, apartment house, rooming house, or hotel in such manner as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 P. M. and 7:00 A. M.

The foregoing acts are declared to be nuisances, and any person violating any of 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 \$ 1 nor more than \$ 50. or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

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 within the corporate limits of the town of Dundee, 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 likely to attract children. It shall further be unlawful for any such owner, lessee, occupant, or other 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. Any person violating the terms of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$ 1. or more than \$ 50, or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 50. 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 successful or not, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$ 1. nor more than \$ 50. or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 51. IMPERSONATING AN OFFICER. Any person who shall, for any purpose whatsoever impersonate, falsely assume to be, or pretend to be an official peace officer of the town of Dundee shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$ 1 nor more than \$ 50, or by ~~both~~ imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section. 52. AIDING ESCAPE. Any person who, by any means whatsoever, shall aid, abet, or assist the escape of any person confined in the city jail of the town of Dundee, 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 \$ 10 nor more than \$ 100, or by imprisonment in the city jail for a term of

not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 53. ESCAPE FROM CUSTODY. Any person incarcerated in the city jail of the town of Dundee, whether held in custody pending hearing or serving sentence upon conviction, who shall escape or attempt to escape from such custody, or any person who shall escape or attempt to escape from the custody of a peace officer while in custody within the corporate limits of the town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$ 1 nor more than \$ 50, or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 54. LIQUOR, DELIVERY TO PRISONER PROHIBITED. Any person who shall deliver, by any method whatsoever, any intoxicating liquor or any narcotic drug, as defined by the Uniform Narcotic Drug Act of the State of Oregon, to any person who is confined in the city jail of the town of Dundee, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$ 10 nor more than \$ 100, or by imprisonment in the city jail for a term of not less than 5 days nor more than 60 days, or by both such fine and imprisonment, in the discretion of the court.

Section 55. FIRECRACKERS, TORPEDOES and FIREWORKS. It shall be unlawful for any person to sell, purchase, give away, shoot, explode, discharge, or set off any firecracker, torpedo, or fireworks of any kind within the corporate limits of the town of Dundee, except by permission of the public authority concerned. Any person violating the terms of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$ 10.00 nor more than \$ 100.00, or by imprisonment in the city jail for a term of not less than 10 days nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 56. SLINGSHOTS, AIR RIFLES AND BEAN SHOOTERS. It shall be unlawful for any person to shoot or discharge any slingshot, air rifle, or bean shooter within the corporate limits of the town of Dundee. 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 \$ 1 nor more than \$ 50, or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 57. MINOR CHILDREN, REGULATION OF HOURS. It shall be unlawful for any minor under the age of 18 years to go upon or be present upon the public streets or any public property within the corporate limits of the town of Dundee between the hours of 10:00 P. M. and 6:00 A.M. on any day unless such minor child shall be accompanied by his parent, parents or guardian, or by some responsible adult person who is in full charge of such minor child or unless such minor child have in his possession written consent signed by his parent or guardian authorizing him to be so present at said time and stating the purpose to be served by the presence of said minor in such public place at said time. Any such written consent may be taken up by any police officer of the town of Dundee and retained for the purpose of investigating its authenticity. 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 \$ 1 nor more than \$ 50, or by imprisonment in the city jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 58. LOITERING IN PUBLIC PLACES. It shall be unlawful for any persons to lunge, idle, loiter, loaf or congregate on any public street or in any public place within the corporate limits of the town of Dundee in such manner as to create a public nuisance or obstruct free passage through or the use of such street or place. 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 \$ 1 nor more than \$ 50, or by imprisonment in the city jail for a period of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 59. 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
Page 9. Ordinance No. 46

Town of Dundee under the direction of the proper authorities.

Section 60. 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 \$1 nor more than \$50, or by imprisonment in the Town jail for a term of not less than 1 day nor more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Section 61. 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 council October 18, 1948.

Signed and approved by the mayor October 18, 1948.

Earl Hamik

MAYOR.

Attest:

Edward Allen

Recorder.