

Ordinance No. 138.

an ordinance concerning Offenses and disorderly conduct
 of the People of Albany do ordain
 as follows:

Ord No. 138
 Repealed
 1506

Section I. That any person or persons who shall be guilty of any violent, riotous or disorderly conduct, or who shall use any profane, abusive, or obscene language in any street, house or place within the City of Albany, where by the peace or quiet of the city is or may be disturbed, or shall be guilty of any indecent or immoral act or practice in said city, shall upon the conviction thereof in the Recorders Court, pay a fine of not less than five (5) dollars nor more than one hundred (100) dollars, or be imprisoned in the City Jail not less than two days, nor more than fifty days or both at the discretion of the court.

Section II. That any person or persons, who shall be guilty of any assault, or assault and battery, within the limits of the City of Albany shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorders Court shall be fined not less than five dollars nor more than one hundred, or imprisonment in the City Jail not exceeding fifty days or both at the discretion of the court.

Section III. That any person or persons, who shall draw any species of fire arms or any stick, dagger, or knife, or other deadly or dangerous weapon upon the person of another, within the limits of the City of Albany, shall upon conviction thereof before the Recorders Court, be fined not less than twenty dollars nor more than one hundred dollars, or imprisoned in the City Jail, not more than fifty days or both at the discretion of the court.

Section IV. That any person or persons who shall resist any peace officer, or who shall refuse to assist him, in the discharge of his duties, or who shall by any means whatever aid or assist any person in custody upon a charge of a violation of a city ordinance, in his endeavors to escape such custody, whether such escape be effected or not, shall on conviction before the Recorders Court be fined not less than twenty, nor more than one hundred dollars, or shall be imprisoned in the City Jail not more than thirty days or both at the discretion of the court.

Section V. No person or persons shall ride or drive any horse or horses, mule, or mules, or beast of burthen, nor shall any person or persons, or any corporation run or cause to be run, any railroad locomotive within the corporate limits of this city, at a greater speed than six miles an hour, and any person or persons who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorder's Court, shall be fined not less than five dollars nor more than fifty dollars or confined in the City Jail not exceeding twenty days.

Section VI. Any person who shall throw or deposit in sidewalk, foot path or alley of the City of Albany, any broken glass bottles, crockery, nails, tin cans, or other substance, in a manner whereby the feet of horses, pedestrians or any beast of burthen may be injured, or throw deposit or sweep into or upon any street, sidewalk, alley or foot path of the City of Albany, any paper or other substance, except snow or dirt resulting from travel, or throw or deposit into or upon any street, sidewalk, foot path, alley or any vacant lot in the City of Albany, any manure or refuse of any kind, shall upon conviction thereof, in Recorder's Court be fined not less than five dollars, nor more than fifty dollars, or imprisonment in the City Jail not more than ten days.

Section VII. That any person or persons who shall carry any firearms or deadly weapons of any kind, in a concealed manner within the corporate limits of the City shall upon conviction thereof before the Recorder's Court be fined not less than ten dollars, nor more than one hundred dollars, or imprisonment in the City Jail not more than twenty days, provided that peace officers shall be exempt from the provisions of this section.

Section VIII. That any person or persons, who shall fire off or discharge any ordnance gun, pistol, rifle, or other firearms, or in the corporate limits of the City of Albany, or ignite fire, or fuses, any fire crackers, bombs, torpedos, or other fireworks of any description whatever, in that portion of the City bounded by Third Street on the south, Jackson Street east, One Street west and the Williamette river north, shall upon conviction before the Recorder's Court, be fined not less than five.

dollars, nor more than fifty dollars, or imprisonment of not more than twenty days, provided that the Mayor may permit upon national holidays and other festive days, the discharge of cannon or anvils, fire crackers and fire works.

Section IX. That any person or persons, who shall blow a police whistle or any whistle whose noise resembles a police whistle within the corporate limits of the City of Albany, shall upon conviction thereof before the Recorder's Court, be fined not less than five dollars nor more than twenty dollars, or imprisonment in the City Jail not more than ten days, provided that a person may blow such whistle when in distress and needing the aid and assistance of a policeman.

Section X. That any person or persons who may be found roaming about the streets at night, after the hour of twelve o'clock, without having any law business upon the streets at that time, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorder's Court shall be punished by a fine of not less than five dollars, nor more than fifty dollars, or imprisonment in the City Jail not less than exceeding twenty days.

Section XI. That no minor shall be permitted to go abroad upon or wander about the streets of the City after the hour of nine o'clock at night, unless such minor shall have the permission of his or her parent, or guardian or shall be accompanied by such parent or guardian or unless such minor shall have necessary business upon such street or streets, and any minor who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor and on conviction thereof before the Recorder's Court shall be fined not less than five dollars, nor more than fifty dollars or imprisonment in the City Jail not more than ten days.

Section XII. That the wearing by or putting a bell upon any animal, owned or kept by any person or persons, in corporate limits of the City of Albany, is hereby prohibited and the Marshall of said City is hereby empowered and authorized to remove such bell, any person or person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof

before the Recorder's court shall be punished by a fine not exceeding twenty dollars, or imprisoned in the city jail not more than ten days.

Section XIII. That any person or persons who shall between the hours of ten o'clock, P.M. and five o'clock, A.M. of the following morning, make any noise or disturbance, so as to disturb the peace and quiet of the occupants of dwellings and places of residence, adjacent to where such noise or disturbance is made, shall be deemed guilty of a misdemeanor and upon conviction thereof before the Recorder's court shall be fined not less than five dollars, nor more than one hundred dollars, or imprisonment in the city jail not more than twenty days, and if any person or persons shall permit any noise or disturbance as provided in this section, to be made on the premises occupied by him or them, or over which he or they may have control, they shall be deemed guilty of a misdemeanor, and upon conviction thereof, before the Recorder's court, shall be fined not less than five dollars nor more than fifty dollars, or imprisonment in the city jail, not more than twenty days. Provided: that before any person or persons can be convicted of violating the provisions of this section, it shall be the duty of the person or persons so disturbed to notify such person or persons to discontinue said noise or disturbance.

Section XIV. If any person or persons, shall exhibit or cause to be exhibited, upon the streets, or in any house or public place within the city limits, any crippled, maimed or deformed person or persons, they shall be deemed guilty of a misdemeanor, and upon conviction thereof, before the Recorder's court, shall be fined not less than twenty dollars, nor more than one hundred dollars, or imprisonment in the city jail not less than ten days nor more than fifty days. Provided that the Recorder by and with the advice and consent of the committee on licenses, may issue a licence for the public exhibition of such persons, as may be deemed curiosities.

Section XV. If any person shall tether or fasten any horse, man or mule, or other beast of burden to any awning or shade tree, at the base or top around a shade tree he shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorder's court shall be fined not less than five dollars nor more than twenty dollars or imprisonment in the city jail not more than five days.

Section XVI. No person or persons, having or using any animal, except it be attached to a dray or truck, shall leave such animal without securely fastening the same, and no person or persons having or using any animal or animals attached to a dray or truck, with first securely locking dray wheels, fastening the lines to the vehicle to which it shall be attached, any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorders Court shall be punished by a fine not less than five dollars nor more than fifty dollars, or imprisonment in the city jail not less than two days nor more than twenty days.

Section XVII. Any person or persons who shall haul or put on any of the public grounds, of this city, any timber, brush, rubbish or refuse matter, or place any obstruction or material thereon for any purpose, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before the Recorders Court shall be punished by a fine not less than ten dollars nor more than fifty dollars or imprisonment in the city jail not less than five days nor more than twenty days. Provided: the Mayor may by written permission, grant the privilege to any person or persons, to use such public grounds for storing purposes.

Section XVIII. If any person unless authorized by the committee on streets and public property, shall place any obstructions in the streets or alleys in this city, such as fuel, lumber or building materials and refuse to remove such obstructions when ordered to do so by the marshal, he shall be deemed guilty of a misdemeanor and upon conviction thereof before the Recorders Court shall be punished by a fine not less than five dollars, nor more than twenty dollars, or imprisonment in the city jail not more than ten days. Provided, that the persons or persons placing such obstructions in the streets or alleys, where they are likely to endanger the passage of foot-passengers or teams, shall at night place a sufficient light thereon to properly designate them.

Section XIX. No person or persons shall suffer or permit to go or lead, drive, or ride any horse, mule, or any beast of burden or cattle, upon any sidewalk, within the corporate limits of the City of Albany, and any person violating the provisions of this section shall upon conviction before the Recorders Court be punished not less than five dollars nor more than fifty dollars, or imprisonment in the city jail, not

more than twenty days, or both at the discretion of the Recorder.

Section XX. That all sidewalks that are eight feet wide shall be left entirely unencumbered, with in a space of six feet, these ten feet wide, eight feet, and these narrow marks projection, and all articles left within the allotted space, shall be placed against the building any persons or person violating the provisions in the foregoing sections shall be deemed guilty of a misdemeanor, and upon conviction of the same before the Recorder's court, shall be punished by a fine of not less than five dollars, nor more than twenty dollars, or imprisonment in the City Jail not exceeding ten days.

Section XXI. All owners or occupants of houses within the limits of the City of Albany, shall keep the back yards adjoining such houses, free from all filth and garbage of any kind and any persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, before the Recorder's court shall be punished, by a fine of ten dollars, for the first offence and twenty dollars for each subsequent offence, or imprisonment in the City Jail five days for the first offence, and ten days for each subsequent offence.

Section XXII. Any persons, or person, who shall in or upon the street, sidewalk, or crosswalk, within the ^{limits of} City of Albany after being notified to remove by any police officer of said City, shall upon conviction thereof before the Recorder's court, be punished by a fine not exceeding ten dollars, or imprisonment in the City Jail not to exceed five days.

Section XXIII. If any person or persons shall use or cause to be used, or encourage the use of any bean shooter, or other contrivance or invention used in shooting or throwing bean stones, pebbles, or other substance or things in or upon any street, sidewalk, common alley, or any public ground or place in the limits of the City of Albany, they shall be guilty of a misdemeanor, and upon conviction thereof, before the Recorder's court shall be fined not less than five dollars, nor more than fifty dollars or imprisonment in the City Jail not more than twenty days.

Section XXIV. Any person or persons who shall cut saw or split any wood upon the sidewalk, within the limits of the City,

of Albany, shall be guilty of a misdemeanor and upon conviction thereof, before the Recorders Court, shall be fined not more than twenty dollars, or imprisonment in the City Jail, not more than ten days.

Section XXV. Any person or persons who shall trespass upon manorly or maliciously or damage any real or personal property belonging either to the City of Albany or any public or private corporation, or to any individual or individuals, or insult any person or persons, through the street, or through fairs of the City, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in the Recorders Court, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in the City Jail not exceeding thirty days, or both at the discretion of the Court.

Section XXVI. Any person or persons, who shall in any street or in any public place in the limits of the City of Albany, utter repeat any lewd or obscene word, or words, or mark in any manner any obscene word or words, or figure or figures on any building, wall, fence, post or anything whatsoever, shall be deemed guilty of a misdemeanor and upon conviction thereof, in the Recorders Court, shall be fined not less than ten dollars, nor more than fifty dollars, or confined in the City Jail, not more than twenty days or both at the discretion of the Court.

Section XXVII. Any person or persons, who shall erect or establish any offensive trade, manufactory or business of any kind or continue the same after it has been established or neglect to purify any unwholesome privies, which may be on his or their property, or shall do anything that is injurious to health, or indecent or offensive to the senses or any act which is an obstruction to the free use of property, so as to, interfere with the comfortable enjoyment of life and health, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Recorders Court, shall be fined not less than twenty dollars, nor more than one hundred dollars, or imprisonment in the City Jail not more than thirty days or both at the discretion of the Court.

Section XXVIII. Any person or persons who shall keep a house of ill fame resorted to for the purpose of prostitution, shall upon conviction of the same before the

Recorder, shall be fined not less than twenty dollars, nor more than one hundred dollars, or imprisoned in the City Jail not more than thirty days or both at the discretion of the court.

Section XXVIII. Any person or persons, who shall keep a house of ill fame, resorted to for the purpose of prostitution, fornication or lewdness, or who shall reside in such house for the purpose aforesaid, or any person or persons, to visit or enter any such house of ill fame for such purposes of lewdness or prostitution shall upon the conviction of the same before the Recorder, be fined not less than fifty dollars, nor more than one hundred dollars, or imprisoned not more than thirty days nor less than fifteen days, the common reputation of such houses or the occupants thereof, shall be sufficient evidence to warrant conviction.

Section XXIX. Any person or persons, who shall lease any house or building, for the purpose of prostitution, shall upon conviction thereof, before the Recorder, shall be fined not less than fifty dollars, nor more than one hundred dollars, or imprisoned not more than thirty days, or both at the discretion of the court.

Section XXX. It is hereby forbidden, and declared unlawful, for any person, either owner, proprietor, manager, employe or lessee, or otherwise to play, deal, set up, open, or cause to be opened, or to carry on, or cause to be carried on, or engage in any game of faro, monte, roulette, roudo, d'avis, roudo, twenty one, poker, draw poker, bluff, bragg, taro, taro ton or fan, fan for or with anything of value, or for or with anything the representative of value, whether the said games, or any of them be played, dealt, or set up, or carried on with cards, sticks or any other device, in any store, shop, building, hotel, or in any room, park, street, or public or private yard or place, and it shall be unlawful for any person, to bet at or upon any such game or games, and any store, shop, hotel, room, or building within which is played, dealt, opened, set up or carried on any game mentioned in this section, is to be deemed a gaming and a gambling house, any person violating any provisions of this section, or any person who shall be found in any such gaming or gambling house, without lawful business shall upon conviction in the Recorder's court, be punished by a fine not less than fifty dollars, nor more than one hundred dollars, or imprisoned not more than fifty days or both at the discretion of the court.

Section XXXI. That any person, or persons, who shall set up, or open, a house, or keep any house, as a resort for the purpose of smoking opium, or shall sell or furnish opium for the purpose of being smoked, upon the premises shall be guilty of a misdemeanor and upon conviction thereof in the Recorder's Court shall be fined not less than twenty dollars, nor more than fifty dollars, or imprisonment in the city jail not to exceed twenty days, and it shall be the duty of the Recorder to pay the informer in such cases, one third of the money collected as a fine, and whenever any pipes or other utensils used in smoking opium shall be captured by the police, they shall be destroyed, by order of the Recorder.

Section XXXII. That any person or persons, who shall smoke opium in any house, or place, or who shall be in any house or place, where opium is being smoked, without any lawful business, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before the Recorder's Court, shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, or imprisonment in the City Jail, not to exceed twenty days, or both at the discretion of the Court.

Section XXXIII. That any person or persons, who shall bargain for or buy any opium, in any house or place, to be smoked upon the premises, upon his or their account, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before the Recorder, shall be fined not less than twenty dollars, nor more than fifty dollars, or imprisoned in the City Jail not more than twenty days or both at the discretion of the Court.

Section XXXIV. Whenever any dangerous or suspicious person or persons shall be seen about the City, without any visible means of support it shall be the duty of the Marshal to arrest such person or persons, and take them before the Recorder, and cause them to show in what way or manner they obtain a livelihood, and if proper cause be not given, for such vagrancy, such person shall be fined, not less than ten dollars, nor more than ten dollars, or imprisonment in the City Jail not more than ten days.

Section XXXV. In all cases of conviction for any of the offenses mentioned in this ordinance, the Court shall adjudge the offender, to pay the costs of prosecution, and shall in default of payment of fine, and costs, Commit the offender, to the City Jail, for a term of imprisonment which shall not exceed fifty days, and it shall be the further duty of the Recorder, when anyone is committed to the City Jail, in default of payment,

of such fine and costs, to issue order to the Marshal,
to take such prisoners from the City jail, and make him do
any City work to be done, at the rate of one day for each five
of such fine and costs, including attorney fees.

Section XXXVI. All ordinances or parts of ordinances in con-
flict with this ordinance are hereby repealed.

Section XXXVII. This ordinance to be in force and effect five
days and after its publication,

Passed the Council, August 15th 1885.

Approved August 25th 1885. W. M. Ketchum

Attest:

N. J. Hernton
Recorder of the City of Albany.