

ORDINANCE NO. 51-O-013

AN ORDINANCE DEFINING AND PUNISHING OFFENSES AGAINST THE PUBLIC PEACE, SAFETY, MORALS, AND GENERAL WELFARE; AND DECLARING AN EMERGENCY. [Effective November 27, 1951]

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The city of Brookings ordains as follows:

Section 1. Definitions.

A. Short title. This ordinance shall be known as the police ordinance and may be so cited and pleaded.

B. Offenses. The doing of any act or thing prohibited, or the failing to do any act or thing commanded to be done in this chapter within the corporate limits of the city of Brookings and within such other areas as may be specified in this chapter is hereby declared to be an offense against the public peace, safety, health, morals, and general welfare of the people of the city of Brookings.

C. Dangerous or deadly weapon. The term "dangerous or deadly weapon" shall mean any firearm, dirk, dagger, knife, brass knuckles, sap, slingshot, or any similar instrument capable of injuring persons or property.

D. Peace officer. The term "peace officer" shall mean any sheriff of a county or constable of a precinct, marshal, or an officer of the bureau of police.

E. Person. The term "person" shall mean and include any natural person, firm, copartnership, association, or corporation, whether he/she is acting for him/herself or itself, or as the clerk, servant, employee, or agent of another; and the singular number shall include the plural, and the plural the singular. [Section 1 as repealed by Ordinance No. 79-O-323, and reinstated by Ordinance No. 82-O-367]

Section 2. Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500.00, or by imprisonment for not exceeding six months, or by both such fine and imprisonment. [Section 2 as repealed by Ordinance No. 79-O-323, and reinstated by Ordinance No. 82-O-367]

Section 3. Working male prisoners. Any male person sentenced to imprisonment for a violation of any ordinance of the city of Brookings, or imprisoned for the nonpayment of any fine imposed for the violation of such ordinance, shall be subject and liable to work upon the public squares, parks, streets, or other property of the city, or of which the city has charge or control. All prisoners while so laboring, and while detained at such place of labor, and at all times, shall be in the custody and under the supervision and control of the chief of police.

Section 4. Working female prisoners. Any female person sentenced to imprisonment for a violation of any ordinance of the city of Brookings, or imprisoned for the nonpayment of any fine imposed for the violation of such ordinance, shall be subject and liable to work upon and labor upon any kind of work which the city may have and which is suitable employment for women.

Section 5. Failure or refusal to pay fine. Any person sentenced to pay a fine for the violation of any provisions of this ordinance who shall either be unable to, or shall fail or refuse to pay such fine in full, shall be imprisoned in the city jail one day for every \$2.00 of such fine not paid.

Section 6. Credits for good behavior. All persons in the custody of the chief of police for the purpose of serving jail sentences imposed by the municipal court, or who are in his custody for nonpayment of fines imposed by such court for violation of city ordinances, and also all persons in custody of the chief of police by virtue of a judgment of the circuit court of the state of Oregon for Curry County in cases appealed from the municipal court to said circuit court shall be entitled to credits for good behavior and for special work performed under the direction of the chief of police, as follows:

A. Prisoners confined in jail and who are assigned no special duties, or who refuse to do special work upon request, shall be entitled to credits for good behavior as follows:

1. Where the judgment imposes a jail sentence: one day for each ten days of such sentence shall be credited to the prisoner.
2. Where the judgment imposes a fine: \$2.00 for each \$20.00 of such sentence shall be credited to the prisoner.

The aforesaid credits shall be allowed as a matter of course except in cases where, in the judgment of the chief of police, the prisoner's conduct has been such as not to entitle him/her to said credits; and in such case a notation shall be made on the defendant's record to that effect.

B. Prisoners confined in jail and who perform special duties shall be entitled to credits for good behavior as follows:

1. Where the judgment imposes a jail sentence: the prisoner shall be allowed a credit of one day for each day's work so performed.

2. Where the judgment imposes a fine: the prisoner shall be allowed a credit of \$2.00 for each day's work performed in addition to the \$2.00 allowed by law.

C. In the event a prisoner escapes or attempts to escape from custody, or violates any law while in custody, no credits whatsoever shall be allowed such prisoner.

D. All prisoners assigned to special work shall be confined in the city jail except during the time actually engaged in such work.

E. No other credits than those set forth herein shall be allowed prisoners.

F. Prisoners serving sentences for violations of city ordinances, and confined in the county jail of Curry County, Oregon, shall be entitled to the credits for good behavior provided by the general statutes of Oregon applicable to state or county prisoners.

G. Any person violating any of the rules or regulations of the city jail shall not be entitled to any credits. The chief of police shall, however, have power to restore credits for such reasons as may to him seem proper. It shall be the duty of the chief of police to report to the mayor of the city of Brookings at the end of each month the number of prisoners confined in the city jail, together with a statement of the allowance of credits as provided for in this ordinance. The chief of police shall have authority to release any person confined to the city jail upon the expiration of his term of sentence as provided herein.

Section 7. [Severability clause]

ORDER AND PEACE

Section 8. [Repealed by Ordinance No. 79-O-323]

Section 9. [Repealed by Ordinance No. 79-O-323]

Section 10. Examination of premises of pawnbroker, junk shop or secondhand dealer. The chief of police may empower any member of the Brookings Police Department to examine the books of any pawnbroker, or his business premises, or the business of any junk shop, keeper, or dealer in secondhand merchandise, or intelligence office keeper, and such member of the force so authorized shall be allowed to examine any property purporting to be pawned, pledged, or deposited in the possession of whomever such property may be; but no such property shall be taken from the possessor thereof without due process or authority of law.

Section 11. [Repealed by Ordinance No. 79-O-323]

Section 12. Unauthorized discharge of firearms within the city limits prohibited. The term "firearm" as used in this section shall mean any pistol, revolver, gun, rifle, cannon, artillery piece, or other ordnance which acts by the force of gunpowder or other explosive, including any instrument or device designed to propel any missile by the use of jet or rocket propulsion.

It shall be unlawful for any unauthorized person to fire or discharge any firearm within the limits of the city of Brookings. The prohibition contained herein shall not apply to any federal, state, county, or local government employee having authority to, or required by his employment or office to carry or use firearms; to any person having a valid permit issued by competent authority to carry or use firearms; or to any person lawfully defending his life or property, or the life or property of another, from any person engaged in the commission of a felony, or attempting the commission of a felony.

It shall be unlawful for any person to shoot a bow and arrow in the hunting of animals within the city of Brookings or to carry a bow and arrow within the city with the intent to use such instruments for hunting within the city. [As added by Ordinance No. 86-O-408]

Section 13. Air guns prohibited. The term "air gun" as used in this section shall mean any small gun or rifle capable of discharging a leaden or metallic bullet, or any pellet capable of injuring persons or property by means of a spring or air pressure.

A. It shall be unlawful for any minor in the city of Brookings to have in his possession, carry, or discharge any air gun.

B. It shall be unlawful for any minor or adult person to discharge any air gun within the limits of the city of Brookings.

C. It shall be unlawful for any parent or guardian of any minor to permit such minor to carry or discharge any air gun in the city of Brookings.

Section 14. [Repealed by Ordinance No. 79-O-323]

Section 15. Weapons.

A. Seizure of weapons. It shall be the duty of every police officer to seize and take possession of any dangerous or deadly weapon being carried or used in an unlawful manner or for an unlawful purpose by any person. The police officer taking possession of any such dangerous or deadly weapon shall immediately turn the same over to the chief of police, who shall hold it subject to disposal as hereinafter provided.

B. Disposition of seized weapons. If any person from whom any dangerous or deadly weapon is taken, as provided in (A), shall within 90 days make satisfactory showing to the judge of the municipal court that said dangerous or deadly weapon was being lawfully carried or used, said judge shall issue an order to the chief of police to restore such

dangerous or deadly weapon to said person, and thereupon it shall be the duty of the chief of police to comply with said order. If the person from whom any such dangerous or deadly weapon is taken as provided herein shall fail to make such satisfactory showing to the judge of the municipal court within the time provided above, then such dangerous or deadly weapon shall be, and the same hereby is declared to be confiscated; and all such confiscated weapons shall be kept and disposed of by the chief of police in any manner as he may hereafter be directed by the council.

Section 16. [Repealed by Ordinance No. 79-O-323]

Section 17. [Repealed by Ordinance No. 79-O-323]

Section 18. Climbing on autos. It shall be unlawful for any person, except a peace officer, without the consent of the owner or person lawfully in charge of any motor vehicle, to climb upon or into such motor vehicle, whether the same be at rest or in motion; or, while such motor vehicle is at rest or unattended, attempt to manipulate any of the levers, the starting crank, or other device, brakes, or mechanism, or to set said vehicle in motion, or to remove therefrom any article or thing whatsoever.

Section 19. Vagrancy. It shall be unlawful for any person to be or become a vagrant. The following persons are declared to be vagrants:

A. Any idle or dissolute person without visible lawful means of living, or a lawful occupation, who has an ability to work but who does not seek employment, or refuses to labor when employment is offered.

B. Any person who, being in or upon any public way or place within the corporate limits of the city of Brookings, shall in any manner, or by any means, method, or device whatsoever, beg, or solicit, or accept alms or charity; or any vendor of merchandise or entertainment, or personal services who, without a valid license or permit so to do, shall sell, or solicity, or offer or expose for sale or exchange, or as a gift, any article, or entertainment, or service, or anything whatsoever, as an inducement to the giving of alms for charity; or any person who with intent to defraud, shall make, or draw, or utter, or deliver any check, draft, or oder for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering, or delivering that the make or drawer has not sufficient funds in or credited with such bank or other depository, for the payment of such check, draft, or order in full upon its presentation.

C. Any person who habitually roams about from place to place without any lawful business.

D. Any person having no lawful occupation who habitually loiters around any moorage, bus depot, banking institution, place of amusement, public cardroom, public billiard room, beer tavern, soft drink establishment, street corner, or crowded thoroughfare.

E. Any person who wanders about the streets at late or unusual hours of the night, without any visible means of lawful business.

F. Any person who, without permission of the owner or of the person in the lawful possession, lodges in any barn, shed, shop, outhouse, vessel, or other place which is not designed or intended for lodging purposes.

G. Any person commonly known as a panderer or pimp.

H. Any person who frequents or who stays in or about a house of ill fame.

I. Any person who is a habitual user of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, cannabis indica (marijuana), cannabis sativa (marijuana), sometimes known as "Indian hemp", or chloral hydrate, or any of the salts, derivatives, or compounds of the foregoing substances or any preparation or compound contained in or containing any of the foregoing substances or their salts, derivatives, or compounds.

J. Every person who is not enrolled as a student or who is not employed by the public or private school who, without a lawful purpose therefore, willfully loiters about any public or private school building, or the public premises adjacent thereto. [As added by Ordinance No. 66-O-184]

Section 20. Minors selling or serving spiritous, vinous, or malt liquors. It shall be unlawful for any person to permit or employ any person under 21 years of age to sell or to serve spiritous, vinous, or malt liquors in any place where such liquors are to be drunk on the premises, and it shall be unlawful for any person under 21 years of age to sell or serve spiritous, vinous, or malt liquors in any place where such liquors are to be drunk on teh premises.

Section 21. Serving wine or beer to persons seated in automobiles. It shall be unlawful for any person lawfully possessed of a retail beer license to serve wine or beer for immediate consumption to a person or persons seated in automobiles.

Section 22. [Repealed by Ordinance No. 55-O-070]

Section 23. [Repealed by Ordinance No. 79-O-323]

Section 24. Right of city officers and employees to enter buildings. Any duly authorized officer or employee of the city of Brookings may enter any building during business hours for the purposes of inspection, or of enforcing any ordinance, when such inspection or enforcement is in the line of his duty; and it shall be unlawful for any person to refuse admission to any such officer or employee, or to obstruct him in the performance of his duty.

Section 25. [Repealed by Ordinance No. 79-O-323]

Section 26. False fire alarm forbidden. It shall be unlawful for any person to give or cause to be given an alarm of fire without having reasonable grounds for giving such alarm.

Section 27. [Repealed by Ordinance No. 79-O-323]

Section 28. Using premises to promote crime. It shall be unlawful for any person to make use of any premises as a place for planning or promoting crime, vandalism, or violating any city ordinance. It shall be unlawful for any person having the possession and control of any premises to allow such premises to be used as a rendezvous or congregating place for planning or promoting any such thing.

DRUGS AND NARCOTICS

Section 29. Peddling of medicines. It shall be unlawful for any person to hawk or peddle any salve, liniment, drug, or medicine on the streets.

Section 30. Free distribution of sample medicines. It shall be unlawful for any person to distribute on the streets, or from house to house, or from place to place, within said city, free samples of any medicine or tablet or medical preparation.

Section 31. [Repealed by Ordinance No. 79-O-323]

Section 32. [Repealed by Ordinance No. 79-O-323]

Section 33. [Repealed by Ordinance No. 79-O-323]

Section 34. Possession as evidence. Possession of any of such drugs, or of any salt or derivative of said drugs, or any preparation containing said drugs, shall be prima facie evidence of a violation of this ordinance.

Section 35. Unlawful use. It shall be unlawful for any person to permit to be administered to him/her, and it shall be unlawful for any person to administer to another, any drug, narcotic, or any salt or derivative of any drug or narcotic, or any preparation containing any of said drugs or narcotics, unless the person administering the same be a regularly licensed and practicing physician, dentist, or a nurse in the performance of duties under the direction of a physician or dentist.

Section 36. [Repealed by Ordinance No. 79-O-323]

Section 37. Opium layouts. It shall be unlawful for any person to sell, give, or furnish to another or to have in his possession any opium pipe or layout used in smoking opium, or to permit another to use any such opium pipe or smoking layout.

Section 38. Disposition of fine and utensils. The municipal judge, upon a conviction under the provisions of this part of Ordinance No. 51-O-013, shall cause to be paid to the person giving information leading to such convictions one-third of the fine collected; and any pipes, layouts, hypodermic syringes, or other utensils used in smoking opium, or administering morphine or cocaine, and captured by the police, shall be destroyed upon the order of the municipal judge.

Section 39. Bargaining for or buying opium. It shall be unlawful for any person to bargain for or purchase any opium, morphine, eng-she (cooked opium), cocaine, heroin, chloral hydrate, cannabis indica (marijuana), cannabis sativa (marijuana), or any salt or derivative of any of them, to be smoked, used or administered on the premises, and it shall be unlawful for any person to purchase or offer to purchase any opium, morphine, eng-she (cooked opium), cocaine, heroin, chloral hydrate, cannabis indica (marijuana), cannabis sativa (marijuana), or any salt or derivative of any of them, or any hypodermic syringe, except upon a written prescription of a licensed physician, dated upon the date of said purchase, except as otherwise provided in this article.

Section 40. Smoking opium. It shall be unlawful for any person to smoke opium in any house or place or, without lawful business, to be in any house or place where opium is being smoked.

Section 41. Exceptions. This chapter shall not apply to the purchase, sale or possession of any narcotic or hypodermic needle or hypodermic syringe by regular licensed dealers in drugs and medicines in pursuance of ordinary trade between one dealer and another or to regularly licensed physicians, dentists and veterinarians, and it shall not be necessary in the first instance for the city of Brookings to allege or prove that the party charged did not have legal authority to sell, deliver or furnish such narcotics or was within any of the exceptions provided by this ordinance.

WOMEN AND MINOR CHILDREN

Section 42. Mashing. It shall be unlawful, insolently, or without cause, to accost a female or commit the act commonly known as mashing.

Section 43. [Repealed by Ordinance No. 79-O-323]

Section 44. Use of tobacco by minors. It shall be unlawful for any person under the age of 18 years to smoke, chew or in any manner use or have in his possession, any cigar, cigarette or tobacco in any form whatsoever, in any public highway, street, alley, place, park, square or resort including and public school grounds or premises.

Section 45. Unlawful to permit minor to play certain games. It shall be unlawful for any owner, lessee, manager, or employee of any establishment to permit any person under 21 years of age to play any game of chance and/or game of skill by the use of any mechanical machine or device, located in such establishment, whether a fee is charged for permission to play such device or mechanical machine or not.

Section 46. Minors, purchase of property from. It shall be unlawful for any person to purchase any property or article of value from any minor, or to have any dealing respecting the title of any property in the possession of any minor without the written consent of the parent or guardian of such minor.

Section 47. Causing minors to become delinquent or dependent. It shall be unlawful for any person to do willfully any act which causes or tends to cause any minor child to become dependent or delinquent, as such dependency or delinquency is or may be defined by the laws of the state of Oregon.

Section 48. Serving alcoholic beverage to minors prohibited. It shall be unlawful for any person to sell, give, barter, trade, furnish or serve to any minor any alcoholic beverage. This shall not be construed as prohibiting a parent or other responsible relative of a minor from giving such minor alcoholic beverages and permitting him/her to consume the same within the home of such parent or other responsible relative of the minor, or at such other private place not in view of the public where the parent or other responsible relative is present. Except as provided in this section, no minor shall purchase, acquire, receive or have in his/her possession any alcoholic beverage containing more than one-half of one percent of alcohol by volume. [As amended by Ordinance No. 58-O-112]

Section 49. [Repealed by Ordinance No. 79-O-323]

Section 50. Children on street at night.

A. It shall be unlawful for any child under the age of 18 years to be in, or remain in or upon any street, alley, park, or other public place between the hours of 10:30 p.m. and 6:00 a.m. during every month of the year, unless such child is accompanied by a parent, guardian or other proper companion of the age of 21 years, or more specifically chosen by the parent or guardian to escort the child on the occasion in question, or by a person over 21 years of age having the care and custody of such child, or unless such child is then engaged in an employment or in night school, or going to or from an employment or night school which makes it necessary to be in or upon such street, alley, park, or other public place during the nighttime between such specified hours. Any child under the age of 18 years employed shall obtain from the employer, and the employer shall issue to such child employed, a card showing such employment. A child failing to carry and produce such card shall not be deemed to be within the protection of this section of this ordinance.

B. It shall be unlawful for any parent or guardian, or the person having the care or custody of any child under the age of 18 years to permit, or by inefficient control to allow such child to be in or remain in or upon any street, alley, park, or other public place between the hours hereinabove set forth in subsection A, above, of this section contrary to the provisions of this section. Proof that such child was on any street, alley, park or other public place at a time prohibited shall, prima facie, be sufficient evidence to sustain conviction of a violation of this section.

C. All police and other peace officers are authorized to arrest any child violating any of the provisions of this section, and for the first violation to take or send such child home and notify the parent, guardian, custodian, or person in control or charge of such child of the violation; or may, if such officer finds the child is beyond the power of the parent or person having care or custody to exercise efficient control, surrender said child to any court having care or custody to exercise efficient control, surrender said child to any court having jurisdiction over juveniles in the county of Curry, state of Oregon, to be dealt with by said court. In case any child under the age of 18 years shall again violate any of the provisions of this section, such child may be apprehended as a juvenile delinquent and offender may be brought before any court having jurisdiction over juveniles in the county of Curry, state of Oregon, to be dealt with accordingly by such court.

PUBLIC MORALS AND DECENCY

Section 51. Exhibiting crippled, deformed or diseased person or animal. It shall be unlawful for any person to exhibit, or cause to be exhibited, any crippled, maimed, deformed or diseased person, animal, or fowl upon the streets or in any shop window bordering on any street, or in any house or place visible from the street, or in any house or public place.

Section 52. [Repealed by Ordinance No. 79-O-323]

Section 53. [Repealed by Ordinance No. 79-O-323]

Section 54. [Repealed by Ordinance No. 79-O-323]

Section 55. Women on streets at night. It shall be unlawful for any woman to roam about the streets at night and accost men on the public streets.

Section 56. Immoral woman. It shall be unlawful for any woman to be or become an immoral woman. An immoral woman for the purpose of this ordinance is any woman who offers herself to any man for immoral purposes, or any woman who permits herself to be so offered, or any woman who offers or consents to lewdly consort with any man for or without price.

Section 57. [Repealed by Ordinance No. 79-O-323]

Section 58. [Repealed by Ordinance No. 79-O-323]

Section 59. [Repealed by Ordinance No. 79-O-323]

Section 60. [Repealed by Ordinance No. 79-O-323]

Section 61. [Repealed by Ordinance No. 79-O-323]

Section 62. Public notice of same. It shall be unlawful for any person to publish or cause to be published in any newspaper or magazine under the head of personal or otherwise, or publish or circulate in any form or manner any advertisement or notice, the substance or effect of which is that any person desires to meet or to make the acquaintance of or to correspond with another person of the opposite sex, with matrimony as the object, or that such person desires a companion of the opposite sex.

Section 63. [Repealed by Ordinance No. 79-O-323]

Section 64. Indecent exposure. It shall be unlawful for any person willfully and lewdly to 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, or to make any other exhibition of himself to public view such as is offensive to decency or is adapted to excite vicious or lewd thoughts or acts.

GAMBLING

Section 65. [Repealed by Ordinance No. 74-O-252]

Section 66. [Repealed by Ordinance No. 74-O-252]

Section 66A. Gambling not allowed. No person shall participate in, operate or assist in operating any gambling game or activity, including a lottery. [As added by Ordinance No. 74-O-252]

Section 66B. Definition of gambling. The term "gambling" shall mean any contest, game, gaming scheme, gaming device or machine played for anything of value in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein. [As added by Ordinance No. 74-O-252]

Section 66C. Gambling not to include social games. The term "gambling" shall not include social games. Social games mean:

A. A game other than a lottery between players in a private home where no house player, house bank or house odds exist, and there is no house income from the operation of the social game; and

B. Games other than a lottery, between players in a private business, private club, or place of public accommodation where no house player, house bank or house odds exist, and there is no house income from the operation of the social game.

[Section 66C as added by Ordinance No. 74-O-252]

Section 67. Money slot machines. It shall be unlawful for any person to set up, keep, or have in possession, or to manufacture, sell, or distribute any nickel-in-the-slot or other money slot machine or similar device adapted, devised, or designed for the purpose of playing any games of chance for money or property. It shall be unlawful for any person to have in possession any operating part capable of being assembled or used in any such machine or device.

Section 68. Slot machines, solicitation. It shall be unlawful for any person to request or solicit another person to permit, authorize, or allow the former to place, install, or furnish to the latter person, or in or on any premises under the control of the latter person any nickel-in-the-slot or other money slot machine or similar device adapted, devised, or designed for the purpose of playing any games of chance for money or property, or disposing of or distributing any money, merchandise, article or thing by chance.

Section 69. Keeping any place for gambling. It shall be unlawful for any person to open, set up, or keep any house, shop, or place resorted to for the purpose of gambling, or to permit or suffer any person in any house, shop, or place under his control or care, to play at any game for anything of value, whether the same be played for money, checks, credits, or any other representative of value.

Section 70. Gambling paraphernalia. It shall be unlawful for any person to have in his possession any property, instrumentality, or device designed or peculiarly adapted for use in any gambling game. Any such property, instrumentality, or device is hereby declared to be a nuisance; and it shall be the duty of any police officer to seize any such gambling paraphernalia and forthwith to deliver the same into the custody of the municipal judge. Upon the conviction of any person violating the provisions of this section, it shall be the duty of the municipal judge to order any gambling paraphernalia so taken from such person to be confiscated and destroyed.

Section 71. Pool selling and bookmaking. It shall be unlawful for any person to conduct any bookmaking establishment, or to sell pools or tickets, or to gamble in any manner whatsoever, upon animal races conducted either within or without the corporate limits of the city of Brookings. This section shall not apply to pari-mutuel betting taking place at the track or at race meets conducted under the supervision of the Oregon Racing Commission.

Section 72. Occult arts. It shall be unlawful for any person to engage in the practice of fortunetelling, astrology, phrenology, palmistry, clairvoyance, mesmerism, or spiritualism, or to conduct any spiritualistic readings or exhibitions of any such character for hire or profit; provided, however, that this section shall not be deemed to prohibit any person from conducting or carrying on any of the above mentioned arts if duly licensed so to do under any of the ordinances of the city of Brookings.

PROTECTION OF PUBLIC INTEREST

Section 73. Female Dogs Not to be on Streets, etc., at Certain Times. No slut or female dog in time of heat shall be permitted to run or be upon any public street or alley, or other public place, whether licensed or not.

Section 74. Unlawful to Poison Dogs. It shall be unlawful for any person, with intent to kill or injure any dog or dogs, to put out or place, where it is likely to be eaten by a dog or dogs, any meat or other dog food containing, poison, ground glass, or other substance likely to kill or seriously injure a dog.

Section 75. Driver Injuring Dog to Stop. It shall be unlawful for the driver of any motor vehicle involved in injury or death to a dog upon a street or highway in the city of Brookings to fail immediately to stop such vehicle at the scene of such accident, or as close thereto as possible, to take reasonable steps to locate the owner of the dog so injured or killed and render such aid to the said dog as shall be reasonable under the circumstances, to remove such injured or dead dog to the curb, or away from the main traveled portion of the highway, and to leave his/her name and address and the registration number of the motor vehicle he is driving with such owner, if found.

Section 76. Animal Fights. It shall be unlawful for any person, wantonly or for the amusement of himself/herself or others, or for gain, to cause any bull, bear, cock, dog, or other animal to be fought, chased, worried, or injured by any man or animal. It shall be unlawful to permit any of said acts to be done on any premises, or to aid, abet, or to be present at such fighting, chasing, worrying, or injuring of such animal as a spectator.

Section 77. [Repealed by Ordinance No. 79-O-323]

Section 78. [Repealed by Ordinance No. 79-O-323]

Section 79. [Repealed by Ordinance No. 86-O-406]

Section 80. Innkeepers, defrauding of. It shall be unlawful for any person to obtain, with intent to defraud, food, lodging, or other accommodations at any hotel, apartment house, boarding house, tourist camp, or restaurant. It shall be unlawful for any person who, after having obtained such food, lodging or other accommodations at any hotel, apartment house, boarding house, or tourist camp, surreptitiously to remove his baggage and clothing from such hotel, apartment house, board house, or tourist camp without first paying or tendering payment for such food, lodging, or other accommodations.

Section 81. [Repealed by Ordinance No. 86-O-406]

Section 82. Religious Assemblies, Disturbing. It shall be unlawful for any person to disturb or disquiet any congregation or assembly met for religious worship or for any other lawful purpose by making loud and unnecessary noises, or by rude and indecent behavior or profane language within any place of assembly, or so near to the same as to disturb the order and solemnity of the meeting.

Section 83. Public records, taking or retention. It shall be unlawful for any person to take or remove any paper, document, or personal property owned by the city unless the permission of the legal custodian thereof is first obtained; and no person shall keep or retain any such paper, document, or other personal property after demand for the return thereof has been made by the legal custodian.

Section 84. Plants, destruction. It shall be unlawful for any person maliciously or wantonly to cut down, destroy, or injure any flower, bush, shrub, or tree standing or growing upon the property of another.

Section 85. Posted Notices, defacement. It shall be unlawful for any person willfully to deface or tear down any official notice or bulletin posted in conformity with law.

Section 86. Marking or painting upon streets or sidewalks. It shall be unlawful for any person willfully to mark or paint upon any street, avenue, alley, or sidewalk within the city (except markings placed upon the streets, avenues, and alleys or sidewalks for purposes of traffic regulations by employees of the city, or as are authorized by the council, are not included within this provision); provided, however, that the commissioner of police of the city may grant the right to place markings of washable material upon the sidewalks under such terms and conditions as he/she shall describe.

Section 87. [Repealed by Ordinance No. 79-O-323]

Section 88. [Repealed by Ordinance No. 79-O-323]

Section 89. [Repealed by Ordinance No. 79-O-323]

Section 90. Liquor, delivery to prisoners. It shall be unlawful for any person to deliver, by any method whatsoever, any intoxicating liquor or narcotic drug to any person confined in the city jail or to attempt to convey or deliver to any such person any article without permission and consent of the officer in charge.

Section 91. Offenses, attempt to commit. Any person who shall attempt to commit any of the offenses mentioned in this code, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

Section 92. Complaint filed by private party. The municipal judge shall have the right in his/her sole discretion to require that any private individual who shall sign a complaint against any person for a violation of any of the provisions of this code, post a cash bond in the sum of not less than \$10.00 nor more than \$25.00 to assure the appearance of any such private prosecutor at the time set for the hearing of any such case before the municipal judge; and if any such private prosecutor shall be required to post bond as herein provided, and shall fail to appear at the time appointed therefor, such cash bond may, in the discretion of the municipal judge, be forfeited to the city of Brookings.

Section 93. Exhaust pipe gas. It shall be unlawful for any person to cause the gas emanating from the exhaust pipe of any motor vehicle to be ignited or combusted by any gadget, fuse, spark, or any other means whatsoever.

PREVENTION OF UNNECESSARY NOISES

Section 94. [Repealed by Ordinance No. 86-O-406]

Section 95. [Repealed by Ordinance No. 86-O-406]

PROTECTION AGAINST PERSONAL INJURIES AND INCONVENIENCE

Section 96. Waste Material. It shall be unlawful for any person to throw into or deposit upon any street, sidewalk, or public place any junk, ashes, paper, leaves, dirt, rubbish, garbage, refuse, filth, litter, or waste material, except at such dumping places or in such receptacles as may be designated by the department of public works, or throw into or upon any street, sidewalk, or public place any glass, crockery, nails, or other things whereby the feet of persons or animals may be injured.

Section 97. Broken glass. It shall be unlawful for any person directly or indirectly responsible for broken glass of any kind being upon any sidewalk or pavement, or upon any unimproved street or public place in the city of Brookings to fail, refuse, or neglect to remove such broken glass immediately. Such failure, refusal, or neglect shall be deemed a violation of this code.

Section 98. Protection against spilling. It shall be unlawful for any person to transport earth, sand, gravel, sawdust, stone, rock, rails, timber, or lumber upon any

vehicle without suitable protection so as to effectually prevent the spilling or depositing or scattering of such materials upon any street, or in the air.

Section 99. Earth from abutting property falling into street. Any earth, debris, or other material which caves or falls into or upon any street or sidewalk from any adjacent or abutting real property is a nuisance, and the owner or occupant of such real property shall remove forthwith said earth, debris, or material. It shall be unlawful for any owner or occupant of any real property to permit such earth, debris, or other material to remain upon any street or sidewalk.

Section 100. Obstruction by Pedestrians. It shall be unlawful for any person to stand upon any street or sidewalk so as to obstruct the same, or to hinder, interfere with, obstruct, or inconvenience the passage of any vehicle or pedestrian, or any traffic thereon.

PREVENTION OF PERSONAL INJURY

Section 101. Blasting without Permit Prohibited. It shall be unlawful, without first having received a permit from the city engineer, to explode, or cause to be exploded, any gunpowder, dynamite, giant powder, gun cotton, or other explosive for the purpose of blasting out rock, gravel, earth, or other substance within the corporate limits of the city of Brookings.

Section 102. [Emergency clause]

Section 103. [Repealed by Ordinance No. 86-O-406]

Section 104. Card games. No person may engage or participate in any type of card game in a public place between 1:00 a.m. and 8:00 a.m. The owner or manager of a card table may not permit his facilities to be used by a person to engage or participate in playing card games in a public place between 1:00 a.m. and 8:00 a.m. [As added by Ordinance No. 60-O-150]

Section 105. [Repealed by Ordinance No. 79-O-323]

Section 106. [Repealed by Ordinance No. 79-O-323]

Section 107. Detention and interrogation.

A. A peace officer, merchant, or merchant's employee who has reasonable cause for believing a person has committed the offense of shoplifting under Oregon State Statute 164.015 hereof may detain and interrogate such person in regard thereto and in a reasonable manner and for a reasonable time.

B. Where a peace officer, merchant, or merchant's employee with reasonable cause for believing that a person has committed the offense of shoplifting as defined under Oregon State Statute 164.015, detains and interrogates him in regard thereto, and such person thereafter brings against the peace officer, merchant, or merchant's employee a

civil or criminal action for slander, false arrest, false imprisonment, assault, battery, or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time.

[Section 107 as added by Ordinance No. 66-O-184]

[Effective November 27, 1951]